

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 6TH DAY OF JULY, 2009**

CALL TO ORDER-Mayor Gerald W. Lindsey called the regular meeting to order on Monday, July 06, 2009 at 7:00 p.m.

ROLL CALL-Mayor Lindsey announced all Council members are present.

PRESENT

Mayor Gerald W. Lindsey
Vice Mayor Larry Schultz
Councilman Elwood A. Johnson
Councilman Jimmy L. Norris
Councilwoman Monika Cronberg
Councilman Stephen Klump
Councilman Christopher Donahue

STAFF

City Manager Pat McCourt
City Counsel Patrick Moran
City Clerk Cristina G. Whelan, CMC
Public Safety Director Jake Weaver
Library Director Tom Miner
Finance Director Ruth Graham-Absent
Public Services & Works Director Dave Bonner

PLEDGE OF ALLEGIANCE TO THE FLAG-Mayor Lindsey

CALL TO THE PUBLIC

Ms. Delcie Schultz addressed the Mayor and Council regarding Historical District signs which should be placed at the ends of Railroad Park and Grant Street. Ms. Schultz said she has asked the City several times to move the signs. She asked if she could get on the agenda to get the signs moved before Rex Allen Days this year.

Ms. Kathy Klump announced the 10th Anniversary of the Chiricahua Museum on July 16th. Invited all to come at 11:00 a.m. on Saturday, July 18th to see their progress made and there will be goodies to eat. Ms. Klump also invited all present to come see the progress and encouraged all to attend.

DECLARATION ON CONFLICT OF INTEREST

Councilman Klump declared a future conflict of interest regarding Ordinance NS295 to rezone Parcel Number 203-27-002A from RR-1 to I-2. There was no further response from the Council members or staff.

ADOPTION OF THE AGENDA

MOTION: Councilman Johnson moved to adopt the agenda as presented.

SECONDED: Councilwoman Cronberg seconded the motion. **CARRIED.**

PUBLIC HEARINGS, PETITIONS AND COMMUNICATIONS

PROCLAMATION: The Mayor read and declared the **58th Annual Rex Allen Days- "Cowboy Through It All"** beginning Thursday, October 1, through Sunday, October 4, 2009.

Communications: Mayor read the First Reading of Ordinance NS295 Amending Title 17, Zoning, of the Willcox Municipal Code in Accordance With Section 17.92.230 to Rezone A Portion Of Parcel Number 203-27-002A From RR-1 (Recreational Residential) To I-2, (Industrial) As Depicted In The Property Diagram. Mayor announced it has gone before the Planning & Zoning Commission.

Public Hearing: The Mayor and Council will hold public hearings on (1) Monday, July 20, 2009 at 7:00 p.m., City Council Chambers, 300 W. Rex Allen Drive, regarding Ordinance NS295 Amending Title 17 "Zoning" Of The Willcox Municipal Code, In Accordance With Section 17.92.230 To Rezone A Portion Of Parcel Number 203-27-002A From RR-1 (Recreational Residential) To I-2, (Industrial) As Depicted In The Property Diagram; and

(2) Monday, July 20, 2009 and Monday, August 3, 2009 at 7:00 p.m., City Council Chambers, 300 W. Rex Allen Drive, regarding FY2009-2010 Budget.

All members of the public are invited to attend. For those persons wishing to comment and are unable to attend written comments will be accepted in the Office of the City Clerk until 4:00 p.m. the day of the public hearing.

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DISCUSSION/DECISION REGARDING THE REGULAR MEETING MINUTES OF JUNE 1, 2009 AND THE SPECIAL MEETING HELD ON MAY 27, 2009

MOTION: Councilman Johnson moved to approve the regular meeting minutes of June 1, 2009 and the special meeting held on May 27, 2009.

SECONDED: Councilman Norris seconded the motion. **CARRIED.**

PRESENTATION/DISCUSSION BY STACI SEYER, DICK & FRITSCHER DESIGN GROUP, ARCHITECT ON THE LIBRARY RENOVATIONS

Library Director Tom Miner introduced Vice President and Architect Staci Seyer, of Dick & Fritsche Design Group. Ms. Seyer explained the power point presentation on the update of the Library renovations. Documentation started from the adoption of the plan by the Mayor and Council in October 2008. On June 22, 2009, she met with Mr. Miner, City representative and PLAC members and Friends of the Library. A council member was also present and they all went through program and space program while adhering to the Mission Statement of the Library. The previous Council Chambers needs to be renovated to provide additional space for teens, children and meeting space.

Mayor Lindsey asked if any parking is proposed on the East side of the Library and Ms. Seyer replied only a few spaces are planned to the North. The Mayor said other parking is across the street at the old Police Department building lot. Councilman Johnson asked about handicap parking and Ms. Seyer explained that will be worked out with the new project. There are no barriers into that facility and Councilman Johnson said other than the street. Mayor Lindsey thinks there are a few spots there that can be made handicap parking and Ms. Seyer nodded her head in agreement. Library Director Miner stated staff will move their parking to the west side to free up the east side parking. Ms. Seyer stated they are on track for bid on the drawing by the end of July, barring Code review and bid process earliest occupy end of January 2010. In regards to budget they have not been hired to do cost estimate but are providing plans which outline along with the base bid construction package and extras will be add on and alternates. The Mayor and Council will be presented with the menu with items they can afford and hopefully bid process can say "yes to vestibule and staff restrooms." Councilman Johnson stated this sounds very nice and Mayor Lindsey thanked her for coming to do the presentation. Ms. Seyer said they will proceed with drawings.

PRESENTATION/DISCUSSION OF THE VISITOR CENTER BY THE EXECUTIVE DIRECTOR OF THE WILLCOX CHAMBER OF COMMERCE & AGRICULTURE KATHY SMITH

Ms. Smith reported she is here tonight to talk about the Willcox Visitor Center and Regional Marketing with Cochise County Tourism Council (CCTC). Included in Council members packet was the bound report. Overview estimated cost to run Visitor Center as partner with the City and put efforts into building a better Visitor Center. Every year cost increases and this year able to put in two full time employees compared to 1.5 last year. The busiest time is September-February, In July the U-Pick Season starts. The Visitor Center is open seven days a week. The report included Profit and Loss Statement which showed that the Bed Tax receipts were down during January-May 2009. Although it is down they do not feel down enough to be a real concern at this time. Chamber membership is down and that is a concern. As of May they are about \$1,800 down as far as income from last year. The State changed marketing from TEAM to ARRM (Arizona Rural & Regional Marketing) and Cochise County has been ahead of the game and was used as model for regional marketing and they are very proud of that. EZ Marketing stayed the same for publications. Top two publications are the Arizona Official State Visitor Guide and the Phoenix Official Visitor Guide (OVG). Also want to be included in the Canadian Traveler because of the number of Canadian travelers who come each year. Asked money from CCTC for Cochise Originals, a new program they are working on, and it should be available on DVD in every Visitor Center in Cochise County. The DVD tells everything to do in Cochise County. Up for the Governor's Award and will find out next week at the Governor's Conference. CCTC still does the *Land of Legends* and Cochise County maps which is very popular and asked for additional funding for *Legends* and is requesting funding for their web site development. It is very nice; the site is at cochisecounty.com. Also the Chamber is requesting funding for a Public Relations campaign for the Tourism Council. Total request is \$152,045.39, with about \$39,000 for Advertising, and CCTC responsible for additional \$36,000 for Luanne Mattson for PR Services or about half of the total budgeted cost of \$76,022.70.

Mayor and Council members thanked Ms. Smith and Councilwoman Cronberg said she really appreciates reports.

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DISCUSSION/DECISION REGARDING THE REQUEST FOR STREET CLOSURE BY THE WILLCOX CHAMBER OF COMMERCE & AGRICULTURE TO HOLD WESTERN HERITAGE DAY ON SATURDAY, JULY 18, 2009 FROM 6:00 A.M. UNTIL 5:00 P.M. FROM STEWART STREET TO MALEY ON RAILROAD AVENUE

MOTION: Councilman Johnson moved to approve the request for street closure by the Willcox Chamber of Commerce & Agriculture to hold Western Heritage Day on Saturday, July 18, 2009 from 6:00 a.m. until 5:00 p.m. from Stewart Street to Maley on Railroad Avenue.

SECONDED: Councilwoman Cronberg seconded the motion. **CARRIED.**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-43 APPROVING AND ADOPTING THE INTERGOVERNMENTAL AGREEMENTS [IGA] FOR DESIGNATION OF LAW ENFORCEMENT UNIT BETWEEN THE CITY OF WILLCOX, ON BEHALF OF THE WILLCOX DEPARTMENT OF PUBLIC SAFETY, [“DEPARTMENT”] AND THE WILLCOX UNIFIED SCHOOL DISTRICT NO: 13 [“DISTRICT”] AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND THE IGA AND DECLARING AN EMERGENCY TO EXIST.

MOTION: Councilman Johnson moved to approve Resolution No. 2009-43, as stated, relating to Designation of Law Enforcement Unit between the City, WDPS, and WUSD.

SECONDED: Vice Mayor Schultz seconded the motion. **DISCUSSION:** Mayor Lindsey asked City Manager McCourt the Resolution does not talk about expenses and asked are they shared and is this handled with another document. City Manager replied that is his understanding. **CARRIED.**

DISCUSSION/DECISION REGARDING LEASE AT STOUT’S CIDER MILL–FISH PONDS ON CIRCLE I ROAD

City Manager McCourt explained this lease was started with an agreement in 1981 between the City and Cochise Fish Farms to lease a piece of land located north of the Visitor Center. His understanding was that it was for the development of Fish Ponds and other commercial property. The Fish Ponds were developed but stopped operating after a large flood in 1983 and ceased all operations. The lease eventually was passed to Mr. Ron Stout and he has operated Stout’s Cider Mill and developed portion of property for that purpose. Lease expires in September 2011 and staff has started to work on this. City also interested in developing land in this lease under a separate lease with the Department of Agriculture to revive the Fish Ponds. The City Manager has talked with Mr. Stout and attorney on the future plans and desire. Or Mr. Stout could exercise to extend lease because there is option for two extensions. Mr. Stout has indicated that is not his first option. Another option is for the City to consider cutting out the piece of land that encompass his building and sell it to him. At this time staff is asking the Mayor and Council what to do and Mr. Stout is present tonight to answer any questions.

Vice Mayor Schultz asked what the legalities are if the City is being able to sell that property. Legal Counsel Patrick Moran explained that is something to research on the history of that property and talked about that with the City Manager before tonight’s meeting. Issues are looking at what portion Mr. Stout wants to purchase and if City desires easements. Right now we need to research whether or not feasible if look to selling it. If desire of the Mayor and Council is for Mr. Stout to purchase land then staff needs to look into that and come back to the Mayor and Council at a future time. Vice Mayor Schultz stated when City transfers ground it has to be put out to bid. Mr. Moran explained after it has been looked at and if “yes it can be done” in a feasible manner and make everyone happy then we will need to look at process to make it legal. Ground work needs to be done first if able to sell that land. Vice Mayor stated he is looking to proceed. City Manager McCourt stated he is not sure we want to cut a curved portion from a larger portion of land and if want staff to consider that it is up to the Mayor and Council. Mr. Stout has indicated to the City Manager that he is not interested in extending the lease.

Mayor Lindsey stated number of issues here which brings up original lease was with a fourth party and lease was assumed by third party. There were several problems with the lease even though sublease was approved by the Council at that time and included the total parcel. Mr. Stout has not been maintaining part of that parcel. At this point the City Manager is looking for direction from Mayor and Council to 1) look to sell to Mr. Stout; 2) whether the Mayor and Council are interested in splitting a portion proposes the ponds to go to which Mr. Stout has stated he has no desire to develop; and 3) whether lease is enforceable at the present time due to defaults that exists. The Mayor thinks we do not have desire to put Mr. Stout out of business and out of this building but there are other things that need to be decided and look into.

MOTION: Councilman Johnson moved to table and review documents presented tonight for future meeting and after further research bring to Mayor and Council.

SECONDED: Vice Mayor Schultz seconded the motion. **CARRIED.**

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DISCUSSION/DECISION REGARDING PERMITTING SEACAP TO USE THE SPACE IN THE BUILDING AT 101 S. RAILROAD AVENUE

MOTION: Councilman Johnson moved to approve permitting SEACAP to use the space in the building at 101 S. Railroad Avenue.

SECONDED: Councilwoman Cronberg seconded the motion. **DISCUSSION:** SEACAP Executive Director Librado Ramirez received fax from their liability insurance and original document has been received too. If everything approved need discussion later on the Attachment he has not seen but has reviewed some restrictions and overjoyed to move in before Mayor and Council change their mind (laughter). City Manager McCourt explained Attachment 2 is personal property that City does not have need and propose to list and both entities sign off on that until City is in need of it. Councilman Johnson suggested that people that sit there need to know history of Willcox and points of interest. Mr. Ramirez stated when the City Manager showed them the building wanted to move some things and they suggested why move them when they can be used by SEACAP until the City needs them. He thanked the Mayor and Council and reported that at the last meeting he had stated no one applied for job in Willcox and he is opening it up again the Weatherization position which pays \$30-\$40,000. It will be posted and really needs to employ someone from Willcox. They will have 5-crew members working in this office. Mayor Lindsey thanked him. **CARRIED.**

REPORTS BY THE CITY MANAGER PAT McCOURT

Consideration, discussion and/or decision regarding the following topics by the City Manager:

- **Upcoming event:** Cochise College & Willcox Unified School District ground breaking ceremony on Wednesday, July 8, 2009 at 9:30 a.m. 480 N. Bisbee Avenue.
- **Report on 4th of July Festivities** –Chief Jake Weaver, Public Safety Director- City Manager McCourt stated this is his first July 4 in Willcox. Other communities he has been involved with and funding for fire works and from his house he could see the fireworks display. His guest told stated what a good display and wonderful show it was. Around 9:00 p.m. he went downstairs because thought it was over and very surprised the Fire Department could do that with kind of show with the amount of donations raised by the community. His wife told him that he missed the second half. Great job Volunteer Fire Fighters! And gave special recognition to Chief Weaver. **APPLAUSE.** City Manager McCourt stated he does not know how he purchased the amount of fireworks and the Chief's program does not happen without donations from community, and staff. Chief Weaver thanked all and stated without the help and coordination from Assistant Fire Chief Patti Ackerson-Rodriguez who puts out the program. Appreciates generosity of the City and able to have a longer program because had more shots and had a very good time and looks forward to doing this again next year. Also thanked Bob Dahlstrom **APPLAUSE.** Chief stated there is no truth to rumor confiscated fireworks by patrol stopping persons coming into town. Mayor Lindsey stated it was a "Great Show."
- **Report on the completion of Chip Sealed Streets-** Dave Bonner, Public Services & Works Director, update in FY08-09. He reported on the chip sealed streets completed in FY08-09.
- **Report on Parks & Recreation Committee**-Pat McCourt, City Manager, reported on the vacancies and Parks & Recreation Committee continues to have vacancies. The vacancy has been advertised 4-weeks and there are 2-vacancies remaining (out-of-town citizens are acceptable). The City Manager asked the Mayor and Council to use influence in community to ask interested citizens if they would like to serve.
- **Report on Public Meeting** – Pat McCourt, City Manager, reported on the Airport Community Meeting on Thursday, July 9, 2009 from 7-9 p.m. at the Elk's, 247 E. Stewart Street to solicit input from community and share information they have gathered so far.
- **Report on Draft Policies Committee** -Pat McCourt, City Manager, policies on the web site for review and survey. As of last Thursday received 4-hits. Three (3) left comments good and even-handed and the fourth left no comment.
- **Speaking presentation on the first Tuesday, August 4th**– City Manager McCourt reported he is the speaker at the Chamber Luncheon on the first Tuesday in August or August 4th.
- **Report on the completion of Chip Sealed Streets** Dave Bonner, Public Services & Works Director, reported for the fiscal year 2008-2009 the Streets department along with all other sections of Public Services & Works have completed 9,250' of chip sealing projects. Starting with Jonnie Drive in July of 2008. In the spring of 2009, Wood Street from Haskell to Austin, Fremont from Haskell to Railroad, Jessie from Haskell to Railroad, Curtis from Wood to Jessie, Biddle from Wood to Jessie, Stewart from Haskell to Austin, Downen from Haskell to Arizona and Curtis from Downen to Arizona. These Streets all received a double chip seal.

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COMMENTS NOT FOR DISCUSSION FROM MAYOR AND COUNCIL MEMBERS.

Councilwoman Cronberg thanked Fire Department for a great 4th of July celebration!

Councilman Johnson echoed the same and stated they did a wonderful job.

Mayor Lindsey too echoed that and thought it was a great show. All comments he heard while there were that it was really good and appreciates the work that went into that and efforts the Chief's department did.

Vice Mayor Schultz reported the gunfighters came from California and our Fire Department show ranks as some of the best he has seen and said to the Chief to congratulate your staff.

Councilman Norris reported he was out-of-town and from everything he has heard he congratulated the Chief's department too. Directed his comment to Mr. Bonner and stated when he gets more money do some more streets and appreciates what has been done.

Councilman Klump agreed the streets are looking better. Thanked Chief for fireworks.

DISCUSSION/DECISION TO ENTER INTO AN EXECUTIVE SESSION A.R.S. §38-431.03A(1) DISCUSSION OR CONSIDERATION OF EMPLOYMENT, ASSIGNMENT, APPOINTMENT, PROMOTION, DEMOTION, DISMISSAL, SALARIES, DISCIPLINING OR RESIGNATION OF A PUBLIC OFFICER, APPOINTEE OR EMPLOYEE OF ANY PUBLIC BODY, EXCEPT THAT, WITH THE EXCEPTION OF SALARY DISCUSSIONS, AN OFFICER, APPOINTEE OR EMPLOYEE MAY DEMAND THAT SUCH DISCUSSION OR CONSIDERATION OCCUR AT A PUBLIC MEETING. THE PUBLIC BODY SHALL PROVIDE THE OFFICER, APPOINTEE OR EMPLOYEE WITH SUCH NOTICE OF THE EXECUTIVE SESSION AS IS APPROPRIATE BUT NOT LESS THAN TWENTY-FOUR HOURS FOR THE OFFICER, APPOINTEE OR EMPLOYEE TO DETERMINE WHETHER SUCH DISCUSSION OR CONSIDERATION SHOULD OCCUR AT A PUBLIC MEETING.

MOTION: Councilman Johnson moved to enter into ES ARS 38-431.03A(1), as stated, relating to City Manager 6-month evaluation.

SECONDED: Vice Mayor Schultz seconded the motion. **CARRIED.**

RECESS TO EXECUTIVE SESSION, IF APPROVED- 7:58 p.m.

RECONVENE FROM EXECUTIVE SESSION- 8:42 p.m.

DISCUSSION/DECISION REGARDING MATTERS DISCUSSED IN EXECUTIVE SESSION RELATING TO THE CITY MANAGER'S 6-MONTH EVALUATION

MOTION: Councilman Johnson moved to follow dictates of the City Manager Pat McCourt employment contract, good evaluation, compensate him according to contract and continue his employment with the City. **SECONDED:** Councilwoman Cronberg seconded the motion. **CARRIED.**

ADJOURN

There being no further business before the Mayor and Council, Mayor Lindsey adjourned the meeting at 8:45 p.m.

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of the City of Willcox held on the 6th day of July 2009. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 9th day of July 2009

/s/ Cristina G. Whelan, CMC
City Clerk Cristina G. Whelan, CMC

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PASSED, APPROVED AND ADOPTED this 20th day of JULY 2009.

/S/ GERALD W. LINDSEY
MAYOR GERALD W. LINDSEY

ATTEST:

/s/ Cristina G. Whelan, CMC
City Clerk Cristina G. Whelan, CMC