

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THE 20TH DAY OF JULY, 2009**

CALL TO ORDER-Mayor Gerald W. Lindsey called the regular meeting to order at 7:00 p.m. on Monday, July 20, 2009.

ROLL CALL – All Council persons 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 Attorney Hector M. Figueroa
City Clerk Cristina G. Whelan, CMC
Library Director Tom Miner
Finance Director Ruth E. Graham
Public Services & Works Director Dave Bonner
Building Inspector Jeff Stoddard

PLEDGE OF ALLEGIANCE TO THE FLAG-Mayor Lindsey.

CALL TO THE PUBLIC- Mr. Phil Stratton addressed the Mayor and Council and stated before, during and after being on the Council it was his goal to see a Senior Center. Somehow it always gets missed up. Now with options that have recently been addressed there are two (2) options to convert a building into a Senior Center in very short time with the City not digging into their pockets. Mr. Stratton urged that this City Council “get off of your seats” and pick one and “get ‘er done! Thank You.”

DECLARATION ON CONFLICT OF INTEREST-

Councilman Klump declared a conflict of interest on agenda item #9 regarding Rezone request (by Willcox Livestock Auction, Sonny Shores, Jr.) and agenda item #14 relating to award the bid on demolition and removal of the old Police facility and previous communications tower (at 151 W. Maley).

Councilman Norris declared a conflict of interest on agenda #13 relating to the appointment of City Attorney (Hector M. Figueroa.)

ADOPTION OF THE AGENDA

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

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

PUBLIC HEARINGS, PETITIONS AND COMMUNICATIONS

Communications: Mayor Lindsey read the Second 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.

Public Hearing: The Mayor read and announced that 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 (1) 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.

(1) Mayor Lindsey opened the Public Hearing at 7:08 p.m. regarding Ordinance NS295. The Mayor asked if there were any comments on this parcel of land. Mayor Lindsey question is whether the City had received any comments from the neighbors concerning the rezoning. City Manager Pat McCourt said he had not received any and Building Inspector Jeff Stoddard said all the comments he received have been all positive. Again the Mayor asked if there were any comments. City Attorney Hector Figueroa stated that on this particular item he has represented Mr. Shores and his family before becoming City Attorney and disclosed to both parties and none have a problem.

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Hearing no further comments Mayor Lindsey closed the public hearing at 7:09 p.m.

(2) Mayor Lindsey opened the Public Hearing at 7:09 p.m. regarding FY2009-2010 Budget and asked if there were any comments from the public. He asked again if there were any comments and asked any comments from staff.

Hearing none the Mayor closed the public hearing at 7:10 p.m.

DISCUSSION/DECISION REGARDING THE REGULAR MEETING MINUTES OF JUNE 15, AND JULY 6, 2009 AND THE WORK SESSION MEETING HELD ON MAY 18, 2009

MOTION: Councilwoman Cronberg moved to approve the regular meeting minutes of June 15, 2009 and July 6, 2009, and the work session meeting held on May 18, 2009, as presented.

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

DISCUSSION/DECISION 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;

MOTION: Councilman Johnson moved to adopt Ordinance NS295, as stated, Amending Title 17 "Zoning" of the Willcox Municipal Code, to rezone a portion of Parcel No. 203-27-002A From RR-1 to I-2.

SECONDED: Councilwoman Cronberg seconded the motion. **CARRIED. 6-0-1** Declared Conflict of Interest by Councilman Klump.

DISCUSSION/DECISION REGARDING THE REQUESTS BY REX ALLEN DAYS, INC. FOR THE 58TH ANNUAL REX ALLEN DAYS PARADE STARTING WITH CARNIVAL AT KEILLER PARK, (NEW LOCATION WEST OF RAMADA AND EAST OF SOFTBALL FIELDS) ON TUESDAY, SEPTEMBER 29 THROUGH MONDAY, OCTOBER 5TH; STREET CLOSURES DESIGNATED FOR PARADE ON SATURDAY OCTOBER 3RD ; HOLD A COUNTRY FAIR AT KEILLER PARK WITH SETUP ON THURSDAY OCTOBER 1 AND EVENT OPENS FRIDAY, OCTOBER 2ND THROUGH SUNDAY, OCTOBER 3RD; THE ANNUAL AYSO CAR SHOW SATURDAY, OCTOBER 3RD ON THE SOCCER FIELDS; RODEO AT QUAIL PARK RODEO ARENA AND QUAIL PARK SOFTBALL FIELDS ON SATURDAY AND SUNDAY, OCTOBER 3RD & 4TH

MOTION: Councilman Johnson moved to approve the requests as stated for the 58th Annual Rex Allen Days activities beginning on Tuesday, September 29 through Monday, October 5, 2009..

SECONDED: Vice Mayor Schultz seconded the motion. **DISCUSSION:** Councilman Norris stated that there was a question about the paperwork for the last people that asked for use of the rodeo grounds, and he asked if Rex Allen Day's non-profit status is up to date. Mayor Lindsey replied he is "assuming" everyone looked at material to move the Carnival from Bisbee closer to the fields and thinks good move due to noise the generators make. **CARRIED.**

DISCUSSION/DECISION REGARDING TO AWARD THE BID FOR PUBLIC SERVICES & WORKS CONTRACT FOR UNIFORM SERVICE AND CLEANING MATERIALS

Mayor Lindsey asked City Manager McCourt to comment. The City Manager explained stated went out to bid and received bids that are fairly close bids. Staff recommends the second low bid due to past history with the low bidder. Vice Mayor Schultz asked if had to disclose who to award bid.

MOTION: Councilman Norris moved to award the bid for Public Services & Works Contract for Uniform Service and Cleaning to Materials Primer.

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

DISCUSSION/DECISION REGARDING PARTICIPATION IN THE STATE OF ARIZONA CENTENNIAL 2012

City Manager McCourt reported the State Centennial is February 12, 2012 and information was started a couple of years ago. In 2007 Ms. Delcie Schultz attended a meeting on this topic. Ms. Schultz, Ms. Kathy Smith, Chamber of Commerce and the City Manager went to attend a meeting in Bisbee and when they arrived the meeting time had been changed unbeknownst to him. Instead of waiting around Bisbee they came back. However, there is another meeting scheduled and asked the Mayor and Council how much does the City want to get involved and how much money and effort should staff spend on this. Councilwoman Cronberg said once the Council has idea what is being proposed then able to determine our level of involvement in participation and monetarily. It would be nice to know the options. The City Manager stated he does not want to drive all over the County and

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then not participate, although he would like to attend at least one meeting. The Mayor agreed and after meeting then the City Manager can give the Council an idea of what the County is proposing. Also the Council would then know what is going to be needed Employee and dollar wise. At this point the Mayor's recommendation is to do nothing until the City Manager attends meeting.

MOTION: Vice Mayor Schultz moved to table the decision on the City's participation in the State of Arizona Centennial 2012.

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

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-44 FOR THE PURPOSE OF RATIFYING AND APPROVING THE APPOINTMENT OF HECTOR M. FIGUEROA, ESQ. TO THE APPOINTED POSITION OF CITY ATTORNEY AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST

MOTION: Councilman Johnson moved to approve Resolution NO. 2009-44, as stated, for the purpose of ratifying and approving the appointment of Hector M. Figueroa, ESQ. to the appointed position of City Attorney.

SECONDED: Councilwoman Cronberg seconded the motion. **CARRIED 6-0-1** Declared Conflict of Interest by Councilman Norris.

DISCUSSION/DECISION REGARDING AWARD THE BID ON DEMOLITION AND REMOVAL OF OLD POLICE FACILITY AND PREVIOUS COMMUNICATIONS TOWER AT 151 W. MALEY

City Manager McCourt reported staff went out to bid on the demolition and removal of the old Police Facility and communications tower. Staff is trying to get that facility cleared to have additional parking for activities this fall, and use it as parking area. We are not retaining any of the materials from the communications tower that will be taken down. Five bids were received on the facility, and two bids on the removal of the tower. Lowest bidder on both is a member of our City Council.

Mayor Lindsey asked Public Services & Works Director Dave Bonner if the same company that installed the new tower had talked to them taking down the old tower. Mr. Bonner replied that it had been discussed but the removal was not included in their contract. Councilman Johnson asked "what is the rush?" It's costing us over \$24,000 and with the tight budget in these uncertain times could it wait. The City Manager responded staff wants to get events ready for the community this fall and stated "remember nothing goes smooth." Mr. Bonner added staff had asbestos and roof removed several weeks ago and it has rained since then. It is not very pleasant in that building and in the future it might mold. Councilwoman Cronberg commented that it is becoming a major eyesore in the community and an invitation to vandals. Building Inspector Stoddard stated with the upcoming remodeling project for our Library the area will be good for parking. Mr. John Cropper asked if the vegetation at the site would be removed. Mr. Bonner said it will be not be removed and will be incorporated into the parking area.

MOTION: Councilman Norris moved to award the bid on Demolition and Removal of the Old Police Facility and Communications Tower at 151 W. Maley to the lowest bidder (Mascot Homes & Construction, LLC)

SECONDED: Councilwoman Cronberg seconded the motion. **VOTE: Ayes-**Mayor Lindsey, Vice Mayor Schultz, Council members Norris, Cronberg and Donahue. **Nays-**Councilman Johnson. **CARRIED 5-1-1** Declared Conflict of Interest by Councilman Klump.

DISCUSSION/DECISION REGARDING AMENDMENT OF THE AECOM CONTRACT

MOTION: Councilman Johnson moved to approve the amendment of the AECOM Contract.

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

REPORTS BY THE CITY MANAGER PAT McCOURT

- **Report on Airport Public Meeting** – Pat McCourt, City Manager, reported on the Airport Community Meeting held on Monday, July 9, 2009 and about 50 people from the community were in attendance. Mr. Rod Keeling, Chairman, said the meeting was smooth and there were many points of view among those in attendance. Airport Ad Hoc Committee anticipates holding approximately two (2) more meetings before putting together a report to Mayor and Council to be presented in late September to make a recommendation.
- **Report on Senior Center Public Meeting** -Pat McCourt, City Manager, said a meeting was held on Monday, July 6, 2009. Many were in attendance and we had lots of participation. The City is trying not to spend the money but we will spend the money where it will be used most effectively for programs. Moving along very well and at about the same time frame as Airport will present recommendation to Mayor and Council.
- **Report on LGIP Lehmann Brothers Evaluation Adjustment**-Ruth Graham, Finance Director. City Manager McCourt reported the City keeps its money invested to earn income on monies that will be used for operations. Basic rules of investment are: 1.

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- Security, 2. Liquidity and 3. Return. As part of that we are members of the State's Local Government Investment Pool (LGIP). One benefit to membership is to make sure we follow all quirks in State Law. We did and so did the State Treasury except that the pool had invested in Lehman Bros and the firm went bankrupt. The City had some exposure. The State Treasurer is writing the value of their investment down to 14 cents on the dollar. The State has filed a claim, and there is a slight possibility of recovery. Recommendation is that we write it down although it will affect our Fund Balances in General Fund, Gas Fund, Water Fund and Firemen's Pension Fund. Chart provided to the Mayor and Council in their packets demonstrates that information.
- Councilman Johnson asked if a Council Resolution was needed for the write down. City Manager McCourt said it is kind of like a Bad Debt and he too thinks we should do Resolution for the write-off. Councilman Johnson said it is about \$49,000 tax dollars to write-off. City Manager explained if there is a good thing to say about this is that the interest we made is enough to offset this loss. Finance Director Graham added this represents about 84% of the interest earned in the last 12 months. Mayor Lindsey said his understanding the State will actively pursue the claim, and that whatever State recovers will trickle down. The City Manager stated that is correct. At this point, however, there is not a lot of hope. Staff will bring back this request for Mayor and Council action. Mayor Lindsey requested Point of Order and asked if they were able to make a decision tonight. City Attorney Figueroa explained that while staff reports say they are for "Consideration, Discussion and/or Decision" at this juncture it's more for information. The City Attorney stated the Mayor and Council do not have to make a decision tonight. City Manager said he just wanted to inform the Mayor and Council and ask if there were additional questions or information for staff to gather.
 - **Report on Historical District Signs-** Dave Bonner, Public Services & Works Director, City Manager McCourt reported at last meeting discussion held and Mr. Bonner has some pictures of the signs. Staff was told there were four signs but had only been able to locate three signs. The sign at the corner of Haskell and Stewart points to the Historical District. At Haskell and Grant a sign has blown down and staff will be putting it back up. Signs are mounted in prominent and visible locations. The staff is concerned that every time we put up a new signpost it needs to be taken care of and a weed eater used, and bringing it back for Mayor and Council for direction. Ms. Delcie Schultz, Rex Allen Museum, stated the signs are not located where they should be, and referred to when decided to get them and talked to the previous City Manager. She placed the blame on him that they were not done as they wanted. Discussion was for signs to be put up one at each corner of the Park facing Railroad Avenue with the third sign off of Grant. They went through the State for the brown signs about Downtown Historic District and another off of Rex Allen Drive and they were approved by the State. Sign on the back of the Stop Sign is not appropriate. Mayor Lindsey asked where she would post the signs and Ms. Schultz replied a few feet in from Maley facing Railroad Avenue and the same on Stewart. Ms. Schultz said to contact Jeff Stoddard about this too because he had ideas but didn't have time to do it. This has been an eighteen month project. Councilman Norris asked if there are any signs by the Interstate 10 exchange at Exit 340. Ms. Schultz replied on Rex Allen Drive at Bisbee they have a big "Welcome to Willcox" sign with information on the Museums, Visitor Center and Historic Railroad Avenue. Councilman Norris asked if State would approve signs at the other Exits and Ms. Schultz said if land owner would approve. Vice Mayor Schultz said most traveled would be Maley and Stewart and Mayor stated they are on Maley and Stewart. The Vice Mayor said the tourists and public need to see them coming from either direction. Councilwoman Cronberg thinks signs look as though they are an afterthought when placed on existing signposts. Ms. Schultz explained that people do not see the signs on Haskell if come off Maley. Signs should run parallel to Railroad Ave. Mayor Lindsey said they will discuss this further. City Manager McCourt asked if there is further direction or suggestions to staff. Councilman Norris suggested staff is to work with people involved.
 - **Report on Tennis Court Lights-**Dave Bonner, PS&W Director, the Tennis Courts will have a timer just like the one at the Basketball Courts. Working with SSVEC to bore the holes on the outside of the court and staff is tearing down fence on the two courts on the west side. Costs of electrical borne jointly by Schools and City for irrigation and lights. Anticipate done by the second week of August.
 - **Report on Golf Course Building-**Dave Bonner, PS&W Director, roof has been completed. Next is electrical service getting it updated and plan to eliminate one service out there. The amperage was too small on the service to the Golf Cart building. Working with John Peterson on how he wants electrical in Maintenance Shop.
 - **Report going out to bid on Police Vehicles-**Jake Weaver, Public Safety Director. City Manager reported Chief is in training and is not here tonight. The City has money to replace two vehicles. Staff will use the State bid and also plans to advertise with dealers. The request to purchase will be brought back to the Mayor and Council for final actions.
 - **Next Agenda Briefing July 30th has been cancelled-**Pat McCourt, City Manager, have been held in this room at 4:30 p.m. and has inadvertently scheduled 2-meetings during this time. He would like to change that briefing to Suite A from 4:00-5:00 p.m., because another meeting on Railroad Park starts at 5:00 p.m., if that is acceptable to the Mayor and Council he would like to change that.

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- **Report on surplus City lots proposed for future sale**-Pat McCourt, City Manager, looked at lots over town owned by the City and staff does not see any future needs for those lots. Would like to make 2-smaller into one bigger lot and would like to put them all up to sale. Opening of bids and if lots did not sell at that initial sale leave it open so that people can come in and place bids. Will come back to Mayor and Council for final disposition.
- **Stout's Cider Mill**- Brief discussion at last meeting for legal advice. Prior to next Mayor and Council meeting on August 3, 2009 staff plans to hold Executive Session with City Attorney.
- **Thank You Letter**- Old Cemetery person put up gate and did it very quickly and nice addition to help protect the Historic Cemetery.

COMMENTS NOT FOR DISCUSSION FROM MAYOR AND COUNCIL MEMBERS.

Mayor Lindsey acknowledged the weekend festivities held downtown. There were quite a few people for ribbon cutting at Marshall Bo and 10th Anniversary of the Historical Society (Chiricahua Regional Museum). He enjoyed the proceedings. Vice Mayor Schultz mentioned that the Marty Robbins Museum opened on Saturday, too, and is now open to the public. Plans are to hold a Grand Opening later.

The Vice Mayor directed a comment to the City Manager on a letter of response the Mayor sent. The recipient stated it was a very nice response and almost brought tears to his eyes. He was surprised that we did respond and the Vice Mayor appreciates that we did.

ADJOURN

There being no further business before the Mayor and Council, Mayor Lindsey adjourned the meeting at 7:53 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 20th day of July 2009. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 23rd day of July 2009

City Clerk Cristina G. Whelan, CMC

PASSED, APPROVED AND ADOPTED this ____ day of _____ 2009.

MAYOR GERALD W. LINDSEY

ATTEST:

City Clerk Cristina G. Whelan, CMC