

CITY OF WILCOX
MAYOR AND CITY COUNCIL MEETING
AGENDA-Statement of Legal Actions
Monday, July 20, 2009

7:00 p.m.

City Council Chambers

NOTE NEW LOCATION: 300 W. Rex Allen Drive
Willcox, AZ

(Mayor or Designee will read only **BOLD** print of each agenda item,
except for Public Hearings, Petitions and Communications.)

Resolution No. 2009-45
Ordinance NS296

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

3. **PLEDGE OF ALLEGIANCE TO THE FLAG**-Mayor Lindsey.
4. **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.”
5. **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.)

6. **ADOPTION OF THE AGENDA**-It was moved and seconded to adopt the agenda. **CARRIED.**

7. **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.

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.

**8. DISCUSSION/DECISION REGARDING THE REGULAR MEETING MINUTES OF JUNE 15, AND JULY 6, 2009 Tab 3
AND THE WORK SESSION MEETING HELD ON MAY 18, 2009**

It was moved and seconded 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. **CARRIED.**

**9. DISCUSSION/DECISION REGARDING ORDINANCE NS295 AMENDING TITLE 17 "ZONING" OF THE Tab 1
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;**

It was moved and seconded 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. **CARRIED. 6-0-1** Declared Conflict of Interest by Councilman Klump.

**10. DISCUSSION/DECISION REGARDING THE REQUESTS BY REX ALLEN DAYS, INC. FOR THE 58TH ANNUAL Tab 4
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 4TH; 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**

It was moved and seconded to approve the requests as stated for the 58th Annual Rex Allen Days activities beginning on Tuesday, September 29 through Monday, October 5, 2009. **CARRIED.**

**11. DISCUSSION/DECISION REGARDING TO AWARD THE BID FOR PUBLIC SERVICES & WORKS Tab 5
CONTRACT FOR UNIFORM SERVICE AND CLEANING MATERIALS**

It was moved and seconded to award the bid for Public Services & Works Contract for Uniform Service and Cleaning Materials. **CARRIED.**

12. DISCUSSION/DECISION REGARDING PARTICIPATION IN THE STATE OF ARIZONA CENTENNIAL 2012 Tab 6

It was moved and seconded to table the City's participation in the State of Arizona Centennial 2012, until the City Manager has opportunity to attend the next meeting. **CARRIED.**

**13. DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-44 FOR THE PURPOSE OF RATIFYING Tab 7
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

It was moved and seconded 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. **CARRIED 6-0-1** Declared Conflict of Interest by Councilman Norris.

14. DISCUSSION/DECISION REGARDING AWARD THE BID ON DEMOLITION AND REMOVAL OF OLD OLD POLICE FACILITY AND PREVIOUS COMMUNICATIONS TOWER AT 151 W. MALEY **Tab 8**

It was moved and seconded to award the bid on Demolition and Removal of the Old Police Facility and Communications Tower at 151 W. Maley to the lowest bidder. **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.

15. DISCUSSION/DECISION REGARDING AMENDMENT OF THE AECOM CONTRACT **Tab 9**

It was moved and seconded to approve the amendment of the AECOM Contract. **CARRIED.**

16. REPORTS BY THE CITY MANAGER PAT McCOURT **Tab 10**

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

- **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. 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 effect 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 and chance for recovery at a future date but staff does not think that is very good.
Councilman Johnson asked if a Resolution 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 as a 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 and at this point there is not a lot of hope. Staff will bring back this request for Mayor and Council action. Mayor Lindsey requested Point of Order if able to make decision tonight. City Attorney Figueroa explained that staff has put things down for Consideration, Discussion and/or Decision and at this juncture more for information. The City Attorney stated the Mayor and Council do not have to make a decision even though it says so. 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 3-signs referring to when decided to get them she talked to the previous City

Manager and blame is on him 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 any signs by 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 tourist and public need to see them coming from either direction. Councilwoman Cronberg thinks signs are an afterthought if placed on existing signs. 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. They had too small amperage on Golf Cart building. Working with John Peterson on how he wants electrical on 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.
- **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.

17. 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). Enjoyed that proceeding. Vice Mayor Schultz mentioned Marty Robbins Museum was opened on Saturday too and is now open to the public. Plans are to hold a Grand Opening later. The Vice Mayor directed his comment to the City Manager on a letter or response the Mayor sent. The recipient stated it was very nice and almost brought tears to his eyes. He was surprised that we did respond and the Vice Mayor appreciates that we did.

18. ADJOURN-7:53 p.m.

Misc. Tab:

NOTE: People with disabilities may request reasonable accommodations. Requests must be made 48 hours prior to the meeting by contacting City Hall at 384-4271 during regular business hours 8:00 a.m. to 4:30 p.m., Monday through Friday.