

**CITY OF WILCOX
MAYOR AND CITY COUNCIL MEETING
AGENDA-Statement of Legal Actions**

Monday, August 3, 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. 2009-52

Ordinance NS298

1. **CALL TO ORDER**-Mayor Gerald W. Lindsey, called the regular meeting to order on Monday, August 3, 2009 at 7:02 p.m.
2. **ROLL CALL** Mayor announced all council persons are present.

PRESENT

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

STAFF

City Manager Pat McCourt
City Attorney Hector Figueroa
City Clerk Cristina G. Whelan, CMC
Public Safety Director Jake Weaver
Library Director Tom Miner
Finance Director Ruth Graham
Public Services & Works Director Dave Bonner
Code Enforcement Jeff Stoddard

3. **PLEDGE OF ALLEGIANCE TO THE FLAG**-Mayor Lindsey.
4. **CALL TO THE PUBLIC**-There was no response from the public present.
5. **DECLARATION ON CONFLICT OF INTEREST**-There was no response from the Mayor and Council members nor staff.
6. **ADOPTION OF THE AGENDA**-It was moved and seconded to remove agenda item #9 relating to direction to staff on Cochise Fish Farms/Stout's Cider Mill. **CARRIED.**

7. **PUBLIC HEARINGS, PETITIONS AND COMMUNICATIONS**

Communications: Mayor Lindsey read the First Reading of: (1) Ordinance NS296 Relating To The Privilege License Tax; Adopting "The 2009 Amendments To The Tax Code Of The City Of Willcox" By Reference; Establishing An Effective Date; Providing For Severability And Providing Penalties For Violations; and **Tab 1**

(2) The Mayor read the First Reading of Ordinance NS297 Relating To Taxation: Levying Separate Amounts to Be Raised For Primary and Secondary Property Tax Levies Upon Each One Hundred Dollars (\$100.00) Of The Assessed Valuation Of Property Subject To Taxation Within The City Of Willcox For The Fiscal Year Ending June 30, 2010 And Declaring An Emergency To Exist; **Tab 2**

Public Hearing: Mayor Lindsey announced that the Mayor and Council will hold public hearing on Monday, **August 3, 2009** at 7:00 p.m., City Council Chambers, 300 W. Rex Allen Drive, regarding FY2009-2010 Budget; and **Tab 3**

The Mayor and Council will hold 3-public hearings on Monday, August 17, 2009 at 7:00 p.m. City Council Chambers, 300 W. Rex Allen Drive, are regarding the following:

(1) Application for Person Transfer, Individual, Liquor License Series #06 Rattlesnake Room, Eddie Andre McIntyre, **Tab 4**
116 E. Maley, Willcox, AZ 85643; and

(2) Ordinance NS296 Relating To The Privilege License Tax; Adopting "The 2009 Amendments To The Tax Code **Tab 1**
Of The City Of Willcox" By Reference; Establishing An Effective Date; Providing For Severability And Providing Penalties For
Violations.

(3) Ordinance NS297 Relating To Taxation: Levying Separate Amounts To Be Raised For Primary And **Tab 2**
Secondary Property Tax Levies Upon Each One Hundred Dollars (\$100.00) Of The Assessed Valuation Of Property Subject
To Taxation Within The City Of Willcox For The Fiscal Year Ending June 30, 2010 And Declaring An Emergency To Exist.

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.

Mayor Lindsey opened the Public Hearing on the FY2009-2010 Budget at 7:08 p.m. The Mayor asked if anyone wanted to
address the Mayor and Council concerning the FY2009-2010 budget. Mayor Lindsey asked again if anyone would like to
comment. Hearing no comments from those present or staff Mayor Lindsey closed the public hearing at 7:09 p.m.

8. **DISCUSSION/DECISION REGARDING THE REGULAR MEETING MINUTES OF MAY 18, 2009 AND **Tab 5**
JULY 20, 2009**-It was moved and seconded to approve the regular meeting minutes of May 18, 2009 and July 20, 2009.
CARRIED.
9. ~~**DISCUSSION/DECISION REGARDING DIRECTION TO STAFF ON COCHISE FISH FARM/STOUT'S LEASE **Tab 6****~~
REMOVED FROM AGENDA BY MOTION!
10. **DISCUSSION/DECISION REGARDING A CHANGE OF MEETING DATE TO HOLD THE FIRST REGULAR **Tab 7**
MEETING IN SEPTEMBER ON TUESDAY, SEPTEMBER 8, 2009 DUE TO LABOR DAY HOLIDAY ON THE FIRST
MONDAY**-It was moved and seconded to change the meeting date to hold the first regular meeting in September on
Tuesday, September 8, 2009 due to Labor Day Holiday on the first Monday. **CARRIED.**
11. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-45 APPROVING AND ADOPTING THE **Tab 8**
LEASE AGREEMENT RENEWAL BETWEEN THE CITY OF WILLCOX ["CITY"] AND ARIZONA DEPARTMENT OF
PUBLIC SAFETY ["ADPS"] CONTRACT NO. 98-206 FOR PARCEL OF LAND AT 1101 N. CIRCLE I ROAD AND
AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND THE LEASE RENEWAL AND DECLARING AN
EMERGENCY TO EXIST. – It was moved and seconded to adopt Resolution No. 2009-45, as stated, relating to the ADPS
lease renewal at 1101 N. Circle I Road. **AMEND MOTION:** It was moved to give staff time to research costs for utilities that
the City pays on behalf of the State for the facility. Hearing no second to amend the motion City Attorney Figueroa said the
Mayor and Council can amend a motion but need second to vote. City Manager McCourt stated a motion to table is always in
order. It was moved and seconded to table this item. **CARRIED.****
12. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-46 TO RATIFY, APPROVE AND ADOPT **Tab 9**
THE CONTRACT AMENDMENT BETWEEN THE CITY OF WILLCOX ["CITY"] AND AECOM USA, INC. ("AECOM"),
TO COMPLETE THE FINAL SCOPING LETTER AND ENVIRONMENTAL CLEARANCE FOR THE FORT GRANT
CONNECTIVITY ENHANCEMENT PROJECT AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION
AND DECLARING AN EMERGENCY TO EXIST. –It was moved and seconded to adopt Resolution No. 2009-46, as stated,
relating to approve and adopt the Contract Amendment with AECOM USA, Inc. **CARRIED.****
13. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-47 APPROVING AND AUTHORIZING THE **Tab 10**
WRITE-DOWN ALLOCATION OF LEHMAN BROTHERS HOLDING INC. IN THE LOCAL GOVERNMENT INVESTMENT
POOL ("LGIP") FOR GAS FUND AND FIREMEN'S PENSION FUND HOLDINGS, AND AUTHORIZING THE MAYOR TO
EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST**-It was moved and seconded to adopt
Resolution No. 2009-47 ,as stated, relating to the Write-Down Allocation of Lehman Brothers Holding Inc. in the LGIP for Gas
Fund and Firemen's Pension Fund holdings. **CARRIED.**

- 14. DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-48 DECLARING AS A PUBLIC RECORD** Tab 11
THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED “THE 2009 AMENDMENTS TO THE TAX CODE OF THE CITY OF WILLCOX”. –It was moved and seconded to adopt Resolution No. 2009-48, as stated, relating to Public Record and filed with the City Clerk and entitled “The 2009 Amendments to the Tax Code of the City of Willcox.”
CARRIED.
- 15. DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-50 ADOPTING THE BUDGET OF THE** Tab 12
CITY OF WILLCOX FOR FISCAL YEAR 2009-2010 –It was moved and seconded to adopt Resolution No. 2009-50, as stated, relating to the adoption of the Budget for the City for FY2009-2010. **VOTE: Ayes-** Mayor Lindsey, Vice Mayor Schultz, Council members Cronberg, Klump and Donahue. **Nays:** Councilmen Johnson and Norris. **CARRIED 5-2.**
- 16. DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-51 APPROVING AND ADOPTING A NOTICE** Tab 13
OF INTENTION TO INCREASE RATES AND CHARGES OF THE WASTEWATER SYSTEM OF THE CITY OF WILLCOX.
 It was moved and seconded to adopt Resolution No. 2009-51, as stated, relating to Adopting Notice of Intention to Increase rates and charges of the Wastewater System of the City of Willcox. **CARRIED.**
- 17. REPORTS BY THE CITY MANAGER PAT McCOURT** Tab 14
 Consideration, discussion and/or decision regarding the following topics by the City Manager:
- **Report on speed bumps change to speed humps at North Fremont and Bisbee**–Dave Bonner, Public Services & Works Director–City Manager reported staff is working with the Schools and Public Works and Public Safety to change pick up points. Using N. Fremont and that is road for Park and Pool which in the past we have had problem with excessive speeds and speed bumps were put in. Changing to speed humps which are much longer and broader. Councilman Johnson asked what the cost is of that replacement and was it budgeted. Public Services & Works Director Dave Bonner replied it was not budgeted and the cost was about \$2,500 for the 3-additioanl speed humps. Mayor Lindsey’s concern east bound traffic across Bisbee and asked if there were any studies on the congestion making loop back onto Bisbee. We already have problem with that and asked if any thought was given to that? Public Safety Director Chief Jake Weaver replied that an official study was not conducted at that intersection. After years of concern the Department is aware of some congestion and there is no easy solution to that “traffic pile up.” Amount of pedestrian and amount back of traffic on Bisbee was a concern to the current School District. They wanted to explore another option and a much safer one. Mainly concern was the school busses stacked up on Bisbee and they were not able to get out. Hoping this route will alleviate that. Councilwoman Cronberg believes some of this is in response to the new construction for Cochise College and that is taking off part of the pattern to drop off kids and something had to be addressed. Mr. Bonner added traffic movement on Fremont with removal of the speed bumps and installation of the speed humps will be more effective. That change was completed last Friday.
 - **Report Airport Ad Hoc Committee anticipate recommendation to Mayor and Council 2nd Meeting in September**–Pat McCourt, City Manager–Public hearings held and preparing draft for consideration by the Mayor and Council and anticipates bringing that by the second meeting in September. Our local newspaper has done excellent coverage.
 - **Report from Railroad Park Ad Hoc Committee**–Pat McCourt, City Manager–This is stakeholders meeting and not Ad-Hoc use of \$75,000 grant Union Pacific awarded to the City. Anticipates before Mayor and Council for review at the next regularly scheduled meeting August 17, 2009.
 - **Request for Public Input**–Pat McCourt, City Manager, regarding Policy on Use of City Facilities will be held on Saturday, August 15, 2009 from 1:30-3:00 p.m. Elk’s Club, 247 E. Stewart. Written comments will be accepted until 4:00 p.m., Friday, August 14, 2009 in City Manager’s Office. Mr. McCourt also has a speaking engagement at the Chamber Luncheon tomorrow.
 - **Direction to staff regarding donation of a Globe File Cabinet**–Pat McCourt, City Manager, reported a gentleman approached him on a donation of a Globe File Cabinet used by the Railroad at the turn of the 20th Century. Donate to City and requested a tax receipt for that. The Cabinet is in keeping with our Railroad Heritage. Mr. McCourt concern was its condition and sent pictures which shows it is in good condition. With the Mayor and Council approval he will plan to proceed to get it delivered and add a small plaque so visitors can see what it is, where it came from and how it was acquired by the City. It is large and thinks we have enough room for it at the Depot. Councilman Norris thinks it would be good item and Mayor Lindsey said it would blend in with our Depot. Mr. McCourt added the gentleman said he will deliver it from beyond the Hooker Ranch and needs help to unload.
 - **City Manager Vacation**–Pat McCourt, City Manager–before joining City obligation was made and as of September 3-13, 2009 he will be gone.

18. COMMENTS NOT FOR DISCUSSION FROM MAYOR AND COUNCIL MEMBERS.

Mayor Lindsey commented he appreciates the micro phone being used by staff, although he still can not hear very well and thinks TV camera people will hear better and it was an improvement.

19. ADJOURN-7:43 p.m.

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.