

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND  
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ  
HELD ON THIS 17<sup>TH</sup> DAY OF AUGUST, 2009**

**CALL TO ORDER**-Mayor Gerald W. Lindsey, called the regular meeting to order on Monday, August 17, 2009 at 7:00 p.m. He welcomed those present and said it was good to meet new citizens.

**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

**PLEDGE OF ALLEGIANCE TO THE FLAG**-Mayor Lindsey.

**CALL TO THE PUBLIC**

Mr. Phil Stratton addressed the Mayor and Council about the Senior Center. There are 2-good options to have a Senior Center right away. He encouraged the Council to act now. Either the Food Bank or the Hospital are options and the financial impact would be minimal. Mr. Stratton stated if the Mayor and Council don't do anything it will take a minimum of 5-10 years and the Council has been talking about this for 20 years.

Mr. Stratton also reported that with Food City closing he thinks Council and the City Manager need to take immediate action and go to the Trustees to reconsider or get rapid option going. Economic impact in this City would be devastating with sales tax loss. If not available people will drive to Benson or Safford and those communities are going to get the sales tax. He thanked Mayor and Council.

Mayor Lindsey announced a short break and invited everyone to go and see the new fire truck for a few minutes. He recessed the regular meeting at 7:06 p.m. Returned from viewing of the new Fire Truck and reconvened the meeting at 7:15 p.m. The \$125,000 for the fire truck was received from a grant from the Tohono O'odham Nation, Tucson. The Mayor stated we are very proud and thinks it will serve the community very well.

**DECLARATION ON CONFLICT OF INTEREST-**

Vice Mayor Schultz declared a Conflict of Interest on agenda item #17 relating to the Rex Allen Cowboy Museum request. There was no further response from the Mayor and 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**

**Communications:** Mayor Lindsey read the Second 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

(2) the Mayor read the Second 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;

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**Public Hearings:** The Mayor announced that 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, 116 E. Maley, Willcox, AZ 85643;

Mayor Lindsey opened the public hearing regarding the Liquor License Series #06 for the Rattlesnake Room at 7:20 p.m. and asked if anyone would like to comment. Councilman Johnson stated this is the start to recover some of the Sales Tax when Food City is gone. Mayor asked if there were any other comments. Ms. Dee Aiman asked: What is the Rattlesnake. A lady from the audience replied wine tasting room for the vineyards in our area and for tourist as well as regular bar. Mayor Lindsey asked if piano bar and she replied "absolutely." The Mayor again asked if there were any other questions or comments. Hearing no further comments Mayor Lindsey closed the public hearing at 7:22 p.m.

(2) 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.

Mayor Lindsey opened the public hearing regarding Ordinance NS296 Relating to the Privilege License Tax at 7:22 p.m. A woman stated she is new as Willcox citizen and asked what the amendments mean in layman's terms. City Manager Pat McCourt explained that in the State of Arizona cities have authority to levy sales tax or transaction privilege tax. The State and county also levy transaction privilege taxes. All the different cities had slight differences in the process. The State collects taxes for program cities, and it was making it difficult for those businesses with multiple locations to make their reports and pay accordingly. About 20 years ago merchants' lobbied the Legislature and the League of Arizona Cities & Towns came in and did a Model City Tax Code so that each participating city and town had the same levy. Every year the Legislature meets and makes minor changes some are taxable some are not and all members adjusted their Model City Tax Code. To keep it all the same they come to cities to modify and make some changes. Mayor Lindsey stated this gets us all back in line with the Model City Tax Code in the State of Arizona. Mr. Paul Sheats asked what some changes are and City Manager McCourt replied for example Sections 1-2-3 the penalty used to be Misdemeanor now they are a Petty Offense; any section invalid does not affect the entire code. Changes are minor which were made by the Legislature. The woman asked about excise tax on food. Councilman Johnson explained that sales tax for food sales in Willcox is 2%. For other types of sales, it's 6.1% for the state and county levies, and 3% is for City of Willcox totaling 9.1%.

Mayor asked if any other comments, and again asked any other comments closed 7:27 p.m.

(3) 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.

Mayor Lindsey opened the public hearing regarding Ordinance NS297 Relating to Taxation at 7:28 p.m. The Mayor asked if there were any comments. Councilwoman Cronberg stated in the interest of the public present to explain this. City Manager McCourt explained that the Willcox primary property tax levy is slightly below the maximum which can be levied. For 2010 Willcox can levy a primary tax of \$66,080. In addition, we have a secondary property tax which pays the debt service on debt approved by a vote of the public. Eventually the debt will be paid and the secondary tax will go away. For 2010 the sum of \$153,046 is being levied. Residents will pay more than that because there are other entities that are levying a tax such as the School, County and Hospital. When property owners get their tax bill from the County all the taxes are included. Mr. Sheats asked what the impact to a property owner with a \$100,000 assessed valuation; a taxpayer will pay \$94.46 in taxes to the City. Mr. Sheats thanked him very much for the explanation.

Mayor Lindsey asked if there were any other comments or questions. Again he asked for additional comments, hearing none the Mayor closed the public hearing at 7:33 p.m.

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**Public Hearings in September:** The Mayor and Council will hold a public hearing at the Special Meeting on Tuesday, September 8, 2009 at 7:00 p.m., City Council Chambers, 300 W. Rex Allen Drive regarding the Application for New Series #12 (Restaurant) Liquor License Limited Liability Co., for Debra Rae Atwood, Saxon Steakhouse, 308 S. Haskell Avenue; and

(5) Public hearing on Monday, September 21, 2009 at 7:00 p.m., City Council Chambers, 300 W. Rex Allen Drive on the proposed increase In Wastewater System Rates and Charges.

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.

**DISCUSSION/DECISION REGARDING THE SPECIAL AND REGULAR MEETING MINUTES HELD ON AUGUST 3, 2009**

**MOTION:** Councilman Johnson moved to approve the minutes presented with a correction to page 2 relating to Resolution No. 2009-45 changing the name "Mayor Leighton" to "Mayor Lindsey." Mayor Lindsey also requested that the special meeting Roll Call change to reflect that Councilwoman Cronberg arrived at 6:50 p.m. and remove her name from absent to the time arrived. **SECONDED:** Councilwoman Cronberg seconded the motion with the corrections. **CARRIED.**

**DISCUSSION/DECISION REGARDING APPLICATION FOR PERSON TRANSFER, INDIVIDUAL, LIQUOR LICENSE SERIES #06 RATTLESNAKE ROOM, EDDIE ANDRE MCINTYRE, 116 E. MALEY, WILLCOX, AZ 85643**

**MOTION:** Councilman Johnson moved to approve the Application for Person Transfer, Individual, Liquor License Series #06 Rattlesnake Room, Eddie Andre McIntyre, 116 E. Maley, Willcox, AZ  
**SECONDED:** Vice Mayor Schultz and Councilwoman Cronberg seconded the motion. **DISCUSSION:** Councilman Johnson asked if they have anticipated date to open and a lady replied "not at this time but foresee the middle of October." Councilman Johnson stated for them to try to open the week of Rex Allen Days when we have "lots of thirsty people in town." **CARRIED.**

**DISCUSSION/DECISION REGARDING 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.**

**MOTION:** Councilman Johnson moved to approve Ordinance NS296, as stated, relating to adopting "The 2009 Amendments to the Tax Code of the City of Willcox. **SECONDED:** Councilman Norris seconded the motion. **CARRIED.**

**DISCUSSION/DECISION REGARDING 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.**

**MOTION:** Councilwoman Cronberg moved to approve Ordinance NS297, as stated, relating to Primary and Secondary Property Tax Levies Subject to Taxation within the City of Willcox, as presented.  
**SECONDED:** Councilman Johnson seconded the motion. **DISCUSSION:** Councilman Norris asked if we know of any reassessments. City Manager McCourt replied he does not know if that has been done. Mayor Lindsey stated about 80% of the property values assessed in Willcox were increased for 2010. Some not too much of an increase and there were increases with property owners he works with and some did protest and some were successful. **CARRIED.**

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**DISCUSSION/DECISION REGARDING REQUEST TO HAVE THE SECOND ANNUAL WILLCOX WINE AND ART FESTIVAL IN RAILROAD PARK ON OCTOBER 17 and 18, 2009**

**MOTION:** Councilman Johnson moved to approve to have the 2<sup>nd</sup> Annual Willcox Wine & Art Festival in Railroad Park on October 17 and 18, 2009.

**SECONDED:** Councilwoman Cronberg seconded the motion. **DISCUSSION:** Councilman Johnson stated the first was a success and second will be even bigger. Mr. Rod Keeling said eight wineries will participate; last year there were five. Mayor Lindsey asked if the City will provide refuse service and clean up; that was not included in the City's recommendation to Council. Mr. Keeling asked if it was a requirement from Public Safety to provide off duty officers or emergency medical technicians, or if the City would provide them. The trash pickup was taken care of last year with one extra trash can at the park. Public Works Director Dave Bonner explained that they are going to work with Mr. Keeling to determine what they will need. Mr. Keeling said that last year Public Works came by Saturday evening or early Sunday morning for trash pickup. Mr. Keeling stated they will provide toilets and fencing and all the setup. The Public Safety requirements and the one time trash pick up worked well last year. Public Safety Director Chief Jake Weaver stated they have no requirements for additional patrol during the Wine Tasting and requirement for that is less stringent. Mr. Keeling said that last year they hired private security. Councilwoman Cronberg said protocol heard very successful last year and didn't hear of any problems. Mr. Keeling asked about the street closure it was included in the request and Mayor Lindsey replied that consideration was included in the paperwork. **CARRIED.**

**DISCUSSION/DECISION REGARDING APPOINTMENT TO FILL VACANCY ON THE LIBRARY ADVISORY COMMITTEE (Term expires 06-30-2012)**

**MOTION:** Councilman Johnson moved to appoint Jeffrey Shroyer to fill vacancy on the Library Advisory Committee.

**SECONDED:** Councilwoman Cronberg seconded the motion. **CARRIED.** Mayor Lindsey congratulated Jeffrey. **APPLAUSE!**

**DISCUSSION/DECISION REGARDING RAILROAD PARK STAKEHOLDERS REQUEST FOR USE OF UNION PACIFIC DONATION ON SPECIFIC PROJECTS AND STAFF TO PURSUE GRANTS FUNDING**

City Manager McCourt reported about a year and a half ago grant was received from Union Pacific for improvements of Railroad Park. It was started on and other events over took it and has been in hiatus until the City took it over. The grant does not have enough money to do all the items prioritized by the stakeholders but there is funding to complete the first 5-items. Councilman Johnson asked about Priority #1 if the City would say okay a licensed contractor is able to install electrical with all supplied needed purchased made by the City. City Manager replied he does not remember the exact costs although the money would be reserved and it would be permissible for a licensed volunteer to perform the work. Councilman Johnson said if volunteer would step forward to do it how soon could we start and get it ready for Rex Allen Days. Mr. McCourt replied stated staff would need to talk to that volunteer and get on the same wave length. Mr. Jose Pacheco, Pacheco Electric, LLC, addressed the Mayor and Council and stated he is a Licensed Electrician and would like to volunteer his services for the improvements on Railroad Park. City Manager McCourt asked Mr. Bonner to meet with him. Mr. Chuck Broeder asked if the City will be doing work on the other side of the railroad tracks which was supposed to be part of the plan. Councilman Johnson replied by reading the prioritized list in order of importance and more value on the dollar:

- |   |             |
|---|-------------|
| 1) Electrical improvements in Railroad Park,  | \$ 7,196.33 |
| 2) Increase the height and repaint the Gazebo,  | \$ 8,000.00 |
| 3) Placement of a drinking fountain in Railroad park,   | \$ 1,000.00 |
| 4) Perform repairs to the Mascot & Western Railcar including construction of a ramp and viewing area, | \$47,040.00 |
| 5) Construct a small play area (equipment to be donated by Steven Klump),                             | \$ 2,000.00 |
| 6) Mascot Shade Structure to protect Railcar,   | \$42,000.00 |
| 7) Duplicate fencing on east side of tracks,  | \$31,500.00 |
| 8) Graveling the area on the East side of tracks.   | \$ 8,000.30 |

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As a member Councilman Johnson thinks when we go out to bid hopefully local contractors will volunteer just like Mr. Pacheco did. Vice Mayor Schultz wants to try to get some of these listed, including the fencing, costs cut down and the bidders see if they can reduce these costs. City Manager replied we can always bid per requirement on City Procurement Policy. Mayor Lindsey thinks the Vice Mayor wants to see "a little arm twisting" to get volunteer labor and products and thinks all concur with that and get it done as soon as possible. The Vice Mayor added he thinks a lot of people in the City would step up if given opportunity. Councilman Johnson stated for those projects over \$10,000 get bids and if bid comes in lower then we can do more with that money.

**MOTION:** Mayor Lindsey moved to approve first 5-items on Railroad Park Stakeholders request for use of UP donation.

**SECONDED:** Councilman Johnson seconded the motion. **DISCUSSION:** Councilwoman Cronberg asked for time line and City Manager McCourt replied some items we can do very quickly and others will take more time. Electrician staff can show him materials and what is proposed although we do not have detail drawings on Mascot and will have to bid on that one. On the Gazebo we know what to do to raise that. Drinking Fountain will be ordered immediately if approved. Play area we need to meet with Parks and coordinate that and Councilman Klump is providing some of the play ground equipment and decide where it is going to be placed. Ms. Delcie Schultz stated the Gazebo has Historic Railroad Park sign painted on it and asked if that is going to be painted over or put back. City Manager McCourt replied we are not planning on painting over it or changing design we are only lifting it higher. **CARRIED.**

**DISCUSSION/DECISION REGARDING A CHANGE ORDER ON LINTEL AND PLASTER WORK ON THE 2009 COMMUNITY CENTER PROJECT**

Public Works Director Dave Bonner reported this change order has to do with renovation and as they got into the renovation of the plastering and exterior work found it needed more extensive work to be done. Ken Davis and Jamie Olding from BE (Building Excellence) Construction are here to help explain this. City Manager McCourt stated reality is cutting the allowance of \$47,000 we had thought was adequate to take care of deteriorated stucco work and did not know what we would find. Found extent of repair and now price tag is up to \$219,000 and staff has said we can not do that this is all we got. We have to cut back to stay within budget and need to get additional grant funding to continue work on the restoration. Staff has done that and taking \$3,000 from other operational monies to do this and it won't be as pretty as we would like but it will preserve building until we can get some additional funding.

Mr. Davis explained that early in the project we were not able to define Lintel and plaster work due to several conditions. Lintels had cover plates and unable to explore and adobe underneath and they had to wait for contractor on board to expose that. Building Excellence did proper evaluation on Lintels and the adobe and plaster work. BE working with sub contractors and specialist they brought in. Originally set \$45,000 aside and hoped to cover this allowance and award the project to get the project rolling and they were able to do that. Recommendation received it came back at \$219,000 and can not do that because more than the original grant amount. They went back and reevaluated and what should be done and understand there should be a Phase 3 to the renovations on this project to bring cost down to \$77,000 of which allowance covers \$45,000 and also choosing not to paint the exterior at this time. All together the cost between the allowance and salvaging some of the cost of the paint it is \$50,000 of the \$77,000 that it was bid at.

Mayor Lindsey asked if majority of cost is on the outside of the old adobe wall and what is cost comparison between the two? Mr. Davis asked interior and exterior and Mayor asked for Lintel. Mr. Davis believes Lintel work came back at \$55,000 or \$25,000 on adobe restoration and plaster. Mr. Olding of BE Contractor explained in the \$53,000 lintel worse off and chose to do and abode work above those Lintels because some is going to corrode and deteriorate. The rest is abode work on the SE corner of the building under stage platform or 30 linear feet very severe. Adobe has deteriorated and breaking down and out of 20" wall only have 8" holding the structure up and needs to be replaced 2-3 places in that area. The last areas that they have removed plaster and any abode deteriorated replacing to get it back to a sound state. Instead of doing finished stucco just protective stucco layer until more money and looking at areas most critical at this point and taking care of that. Mayor said that was one of his concerns that we have the outside sealed so no more further damage to the adobe with water which causes more

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damage on adobe than anything else. Mr. Olding should come back with repairs in next year or 2-years and it will withstand up to that point.

Councilman Johnson said question he has under fiscal impact of the \$24,000 of project contingency is that City wide and if he was correct and what was budgeted. Mr. Bonner replied \$30,000 budget specifically under grounds for Community Center Project and \$6,000 has been used in other small change orders and the \$24,000 is the remaining for the use of this change order and the remaining under Operating and stated this is City money. Vice Mayor Schultz said the difference \$30,000 is approximate and Mr. Bonner agreed approximate. Councilman Norris stated that when we started renovation we did not have any idea or bids at that time. Mr. Davis replied they could not define the extent of the work and rather than try to explain to have all the lintels replaced at one time and have all the bids come in very high or choice not to put any of the lintel work into the project and put in later as change order and at that point not under competitive bid situation. They set up an allowance which hoped to cover the work and still include it in the project instead of creating a situation that project could be awarded. Council Norris said then at that time did not have bids only estimate and Mr. Davis replied he was correct. Mayor asked any other questions.

**MOTION:** Councilman Johnson moved to approve the change order on lintel and plaster work on the 2009 Community Center Project.

**SECONDED:** Vice Mayor Schultz seconded the motion. **DISCUSSION:** Councilman Norris asked about the paint work and asked if that was estimated at about \$500 and thought it was higher. Mr. Olding replied \$500 said its \$550 plaster work on stairwells that is a credit and once looked at the concrete walls of stairwells determined more structural repair work done before the plastering and not just do plaster work because it would peel off in few years and they are crediting that back until plaster work repairs can be done and do that in future phase. The painting portion credit should be about \$4,900. Mr. Davis thought initial discussion was total was \$12,000 and guessed \$8,000 getting back for exterior work and chosen to hold some of that in so that they can paint the lintels replacing and existing one so that they do not deteriorate over the next 1-2 years. And accounts for some of the difference they had guessed. Mr. Olding replacing the epoxy coat and paint and had to keep that to protect and permanent leave that portion in the project. Kathy Smith, Chamber of Commerce, asked when the completion date is. Mr. Olding said depends when he gets go ahead because standing still for a couple of week now. Interior work hoping to get done by Rex Allen Day's is their push. Exterior depending on tonight if get yes and will move forward and needs to talk to the sub contractor and look at schedule and have contract through end of October. Mayor Lindsey stated lets not have hoping and get interior completed and Mr. Olding said they will get the interior done. **CARRIED.**

**DISCUSSION/DECISION REGARDING CONTRACT AMENDMENT WITH AECOM FOR THE FORT GRANT ENHANCEMENT PROJECT**

City Manager McCourt stated the Mayor and Council approved the change order for the Environmental Study done. Finished preliminary Engineering drawings and this amendment is to get the final Engineering drawings done and we have paid for 94% of the grant monies and 5% is City matching. Once this is completed then we can go out to bid. Councilman Johnson asked if budgeted and staff replied in the affirmative

**MOTION:** Councilman Johnson moved to approve Contract Amendment with AECOM for the Fort Grant Enhancement Project.

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

**DISCUSSION/DECISION REGARDING REQUEST FROM THE REX ALLEN ARIZONA COWBOY MUSEUM, INC. FOR STREET CLOSURE OF RAILROAD AVENUE FROM STEWART STREET TO MALEY AND FROM MALEY TO GRANT ON OCTOBER 2 & 3, 2009**

**MOTION:** Councilman Johnson move to approve the request from the Rex Allen Arizona Cowboy Museum, Inc., for street closure of Railroad Avenue from Stewart Street to Maley and from Maley to Grant on October 2 & 3, 2009.

**SECONDED:** Councilwoman Cronberg seconded the motion. **VOTE: Ayes-**Mayor Lindsey, Council members Johnson, Norris, Cronberg, Klump and Donahue. **Nays -0-; Declared Conflict:** Vice Mayor Schultz. **CARRIED 6-0-1.**

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-45 APPROVING AND ADOPTING THE LEASE AGREEMENT RENEWAL BETWEEN THE CITY OF WILLCOX [“CITY”] AND ARIZONA DEPARTMENT OF**

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**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 (Item was tabled 08-03-2009)**

**MOTION:** Councilwoman Cronberg moved to approve Resolution No. 2009-45, as stated, relating to the ADPS Contract No. 98-206 for parcel of land at 1101 N. Circle I Road. (Item was tabled on 08-03-2009)

**SECONDED:** Councilman Donahue seconded the motion. **DISCUSSION:** Mayor Lindsey asked if staff has found information regarding the utilities. City Manager McCourt replied he placed a memorandum in the Council member mail boxes at City Hall on that and it traces the history of the City and ADPS. Our agreement indicates they get trash service provided by the City. The City pays half for the Visitor Center and the Chamber pays the other half. Furthermore they are tied into the septic system. Lease states utility although it does state water. If approved in this form staff will bill them for water which is minimal amount each month or \$17.07/month. Staff does not have any high hopes they will pay for it. If not paid then declare them in default of the agreement and cancel the agreement. This issues has been discussed on past agendas same as this year. In the past it was in addition to what was discussed and also discussed having that trailer there. ADPS operates under that trailer which provides higher level of security in area that is isolated.

Councilman Johnson asked if we get “\$300-\$400 in security” for Visitor Center, Stout’s, Holiday Inn Express and TA. Chief Weaver replied we cannot determine a dollar amount. Trailer parked there with 2-patrol cars visible 24-7 and 365 days a year he thinks would provide visual deterrent and could be valued at \$300-\$400 year. Councilman Norris just wants everybody to be treated the same and knows it’s minimal amount but if we give them water then we should give the same to others. We are giving them the land, half the trash pick up and it’s not just the money its preferential treatment that is not given to others. Councilwoman Cronberg stated she sees it as a trade for service and something we would not call for it. It is visual presence and if needed we can call them for assistance. If it does cost us a little she does not see the \$300 as major expense and we could pay more for that if they were not present. Vice Mayor Schultz also thinks presence is a deterrent and does not see it as loss. Give something and they are giving us something in return. If City were to put in security it will cost more than \$300. Looks at it as deterrent and would rather see them stay there than move. Mayor Lindsey stated if he understood this correctly and if approved the lease as is then we will collect water fees. City Manager replied the agreement says bill them for water. There has never been any action from the Mayor and Council to bill them although that has been in the contract since 1998. The Mayor asked if Council members wanted to amend the motion. Councilman Norris wants to bill them. Councilwoman Cronberg wants that clarified since they do not have the agreement in front of them to review. If not paying for the water council after council has set a precedent and she could not approve something like that. City Manager said as staff we will continue as status quo otherwise current agreement is to bill them. He does not think if they do not pay for bill then we will cut off the water. Councilwoman Cronberg thinks that is poor public relations if agreement is approved like that. City Attorney Hector Figueroa explained when the City renewed the contract he originally refused to sign Approved As To Form because of liability. However, it is reviewed and renewals were one page after that. This provision was not included in what he reviewed and any and all other provisions are in full force and effect. Once he reviewed the entire agreement he saw that clause. If it had been found before he would have brought it to them for amendment. Tonight the Mayor and Council if they wish to do so can approve the lease and direct staff and legal counsel to make amendment addressing that as separate issue. Or if not passed send ADPS amending that paragraph and bring it back at another meeting.

**MOTION:** Mayor Lindsey moved to table this item. Hearing no second the motion to table died.

**MOTION:** Councilwoman Cronberg moved to change the agreement and take out language regarding billing ADPS for water.

**SECONDED:** Councilman Johnson seconded the motion. **VOTE: Ayes:** Mayor Lindsey, Vice Mayor Schultz, Council members Johnson, Cronberg and Donahue. **Nays:** Councilmen Norris and Klump. **CARRIED 5-2.**

**VOTE ON ORIGINAL MOTION: CARRIED.**

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-50 ADOPTING THE BUDGET OF THE CITY OF WILLCOX FOR FISCAL YEAR 2009-2010 (Corrected Language)**

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**MOTION:** Councilman Donahue moved to approve Resolution No. 2009-50, as stated, to correct language in Resolution.

**SECONDED:** Councilwoman Cronberg seconded the motion. **DISCUSSION:** Councilman Johnson asked what was corrected and the City Attorney explained from previous Council meeting changed 'met' to 'would meet' and we also need to correct second WHEREAS to August 3, 2009 instead of August 17, 2009 and Councilwoman Cronberg stated incorporate that correction into motion. **CARRIED.**

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-52 APPROVING AND FORMING A PARTNERSHIP WITH THE U. S. CENSUS BUREAU "BUREAU" TO CONDUCT THE 2010 CENSUS, AUTHORIZING THE CITY STAFF TO PROVIDE STAFF TIME AND MINOR CASH EXPENDITURES IN FURTHERANCE OF THE CENSUS AND DECLARING AN EMERGENCY TO EXIST**

**MOTION:** Councilman Johnson moved to approve Resolution No. 2009-52, as stated, relating to a partnership with the U.S. Census Bureau to conduct the 2010 Census.

**SECONDED:** Vice Mayor Schultz seconded the motion. **DISCUSSION:** Councilman Norris asked what the estimated costs are. City Manager anticipates very minor, under \$1,000 and most costs will be for staff time to work with Census people. Mayor Lindsey stated the Census is very important to our City because funds from the State are based on population estimates. **CARRIED.**

**PRESENTATION OF THE CITY'S UNAUDITED FINANCIAL STATEMENTS FOR THE FISCAL YEAR 2008-2009 BY FINANCE DIRECTOR RUTH GRAHAM**

Finance Director Graham presented a Power Point presentation of the City's Unaudited Financial Statements for the FY 2008-2009. Discussion was held and staff will bring additional information to the next City Council meeting.

**REPORTS BY THE CITY MANAGER PAT McCOURT**

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

- **Report on Tennis Courts Lights**-Dave Bonner, Public Services & Works Director-City Manager McCourt reported this is moving along. Scheduled to pour cement for poles last week and that's the day it rained all night. It was poured today. Mayor Lindsey stated the School pushed us to get the Soccer Fields completed and the City got it done and asked what is happening. City Manager replied we got our part done in a timely manner and not sure what problems there are now. Mr. Bonner will check with the Schools.
- **Report on new lamping Baseball Fields**-Dave Bonner, PS&W Director-City Manager McCourt reported re-lamped the fields and those lamps out or dim were replaced and the lamps were realigned too. Sports Lighting was company working on that and we received break because they were here working on other things for the school. Councilman Johnson asked for cost and Mr. Bonner replied \$5,600 for Field #1 and #2 or 40 bulbs.
- **Report Library Closed half day and open later hours August 27, 2009**-Tom Miner, Library Director
- **Report on Voluntary Inspection performed by Southwest Risk**-Jeff Stoddard, Building Inspector-City Manager reported only one major hazard they "slapped our wrists" on. Mr. Stoddard stated there were 24 hazards reported and 18 were minor hazards. Major hazard was at the pool and that will be taken care of on our off season. Received good ratings on our monthly fire extinguisher inspection, batteries on smoke detectors, building evacuation map plans, and active Safety Meetings. They talked to several employees and they responded they were happy with our Safety Program.
- **Report on Quail Park Meeting**- Pat McCourt, City Manager, will be held on Tuesday, August 25, 2009 at 6:00 p.m. City Council Chambers, 300 W. Rex Allen Drive. Presenting the draft plan on how they feel Quail Park might be laid out and General Plan how to finance that layout.
- **Mayors/Managers Luncheon**-Pat McCourt, City Manager, and the City of Sierra Vista is hosting the luncheon on Thursday, August 20, 2009, RSVP due ASAP;
- **Experiment with service hours at City Hall** – on a trial basis the Finance Department will increase the time for people to pay their bills at City Hall. We are thin on staffing and are trying to get more Customer Service without adding staff. Finance Department has four (4) employees who would rotate



**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND  
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ  
HELD ON THIS 17<sup>TH</sup> DAY OF AUGUST, 2009**

working one week 7:00 a.m. - 3:30 p.m. and the next week work from 8:30 a.m. – 5:00 p.m., with the desk open until 4:45, for a total of 6.25 additional hours. This would give the customers additional time to come pay their bills at City Hall. Mayor Lindsey agrees instead of closing doors at 4:30 p.m. Ms. Graham is proposing a 90 day trial and survey to keep track on the number of customers who comes in during those extra hours. City Manager stated that if someone gets sick that would disrupt service since only have four people.

- **Senior Center-** City Manager stated both options mentioned by Mr. Stratton are not City owned property and staff is pressing HUD to try to get answer. Staff needs to get that resolved before we go down the road and do something and then find out we can't. Councilman Johnson asked for a work session once we get information and City Manager replied we can do that but we do not have answers.
- **Food City-**City Manager McCourt stated he does not have an answer on that.
- **September-**Pat McCourt, City Manager is on vacation from September 4-18, 2009. Chief Weaver will act in his stead if needed for duties as City Manager.

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

Councilman Johnson concerned about the letter City recently sent regarding Business License requesting federal or state identification numbers. People have asked him what authority the City has to get this information since it was not on the original application and what authority is given from the federal and state levels. Ms. Graham replied this is part of Red Flag which was approved by the Mayor and Council and we are now required to get that information. Councilman Johnson asked what agency and Ms. Graham replied it is a Homeland Security requirement. Councilman Norris asked any additional money for roads?

**ADJOURN**

There being no further business before the Mayor and Council, Mayor Lindsey adjourned the meeting at 8:55 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 17<sup>th</sup> day of August, 2009. I further certify that the meeting was duly called and held, and that a quorum was present.

**Dated this 21<sup>st</sup> day of August, 2009**

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

**PASSED, APPROVED AND ADOPTED** this 8<sup>th</sup> day of September, 2009.

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

ATTEST:

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