

**CITY OF WILCOX**  
**MAYOR AND CITY COUNCIL MEETING**  
**AGENDA-Statement of Legal Actions**  
**Monday, August 17, 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. 2009-53**  
**Ordinance NS298**

1. **CALL TO ORDER**-Mayor Gerald W. Lindsey, called the regular meeting to order on Monday, August 17, 2009 at 7:00 p.m. Welcomed those present and good to meet new citizens.
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**-Phil Stratton, here to talk about the Senior Center. There are 2-good options to have a Senior Center right away. He encouraged the Council to plan and do something right now. Either the Food Bank or the Hospital and financial impact would be minimal if don't do anything a minimum 5-10 years and the Council has been talking about this 20 years ago. Mr. Stratton urged the Mayor and Council to take some action.

Mr. Stratton also reported with Food City closing he thinks the Mayor and Council and the City Manager need to take immediate action to the Trustees to reconsider or get rapid option going. Economic impact in this City would be devastating with Sales Tax loss and loss would not help to do some of the things the Mayor and Council want to do. If not they are going to make the people drive to Benson or Safford and they are going to get the Sales Tax. Mr. Stratton thinks needs to be done posthaste. He thanked Mayor and Council.

Mayor Lindsey announced a short break at this time 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'odum Nation, Tucson. The Mayor stated we are very proud and thinks it will serve the community very well.

Mayor Lindsey asked if anyone else wished to comment. There was no further response.

5. **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.

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

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

**Communications:** Mayor Lindsey read the Second Reading of: (1) Ordinance NS296 Relating To The Privilege **Tab 1** 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 **Tab 2** 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;

**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, **Tab 3** 116 E. Maley, Willcox, AZ 85643;

Mayor Lindsey opened the public hearing 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 **Tab 1** 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 at 7:22 p.m. and asked if anyone would like to comment. A lady from the audience stated she is new as Willcox citizen and asked what the Tax Law in layman terms is and stated she is not sure it will effect them and asked for explanation. City Manager Pat McCourt explained within the State of Arizona the City's have authority to levy sales tax or Privilege Tax and the State of Arizona also levies a Privilege Tax. All the different cities had slight changes on what they needed to charge for the levying tax and for the State. The State collects our taxes 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 for each City and Town in the State so that all had the same levy. Every year the Legislature meets and makes minor changes some are tax 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 used to be Misdemeanor now they are a Petty Offense; any section invalid does not affect the entire code. Changes are minor made by the Legislature. They lady said she was shocked with Food and Excise Sales Tax or 11% Sales Tax and asked if right. Councilman Johnson explained it is 6.1% State and County and 3% is for City of Willcox totaling 9.1%.

Mayor Lindsey asked if there were any other comments, and again he asked if there were any other comments, hearing none he closed the public hearing at 7:27 p.m.

(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.

Mayor Lindsey opened the public hearing 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 what this is. In Willcox our tax is slightly below what can be levied in Property Tax. We collect for 2010 total Primary Tax \$66,080. That is not all the tax people will pay because there are other entities that are levying such as School, County, Hospital. In addition we have a Secondary Tax which is taxes that

have gone to the vote of the public and they approved those taxes and that is in addition to Primary Tax and eventually the Secondary Tax will go away. Our City has some for Bond payments and the Secondary Property Tax is \$153,046 levied. That goes directly to pay those instruments that the public has agreed to by vote. When property owners get their tax bill they are all put together in one bill from the County. Mr. Sheats asked what is \$100 Assessed Valuation and what does it equal down to homeowner. Asked if the Council is voting for that and all Council members responded "No!" The City Manager stated he does not have an example and Finance Director Ruth Graham mentioned to him Assessed Value of the house is not the same as the market value. For example if the Assessed Value was \$100,000 you would pay \$94.00 in tax. 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.

**Public Hearings in September:** The Mayor and Council will hold a public hearing at the Special Meeting on **Tab 4** 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 **Tab 5** 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.

8. **DISCUSSION/DECISION REGARDING THE SPECIAL AND REGULAR MEETING MINUTES HELD ON** **Tab 6**  
**AUGUST 3, 2009** - It was moved and seconded to approve the minutes of the special and regular meeting minutes held on August 3, 2009 with one change on page 2 regarding Resolution NO. 2009-45 change "Mayor Leighton to Mayor Lindsey" and Mayor Lindsey correction on the special meeting to change Councilwoman Cronberg arrived at 6:50 p.m. and move from absent to time arrived. **CARRIED.**
9. **DISCUSSION/DECISION REGARDING APPLICATION FOR PERSON TRANSFER, INDIVIDUAL, LIQUOR** **Tab 3**  
**LICENSE SERIES #06 RATTLESNAKE ROOM, EDDIE ANDRE MCINTYRE, 116 E. MALEY, WILLCOX, AZ 85643**  
It was moved and seconded to approve the Application for Person Transfer, Individual, Liquor License Series #06 Rattlesnake Room, Eddie Andre McIntyre, 116 E. Maley, Willcox, AZ. **CARRIED.**
10. **DISCUSSION/DECISION REGARDING ORDINANCE NS296 RELATING TO THE PRIVILEGE LICENSE TAX;** **Tab 1**  
**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.**  
It was moved and seconded to approve Ordinance NS296, as stated, relating to adopting "The 2009 Amendments to the Tax Code of the City of Willcox. **CARRIED.**
11. **DISCUSSION/DECISION REGARDING ORDINANCE NS297 RELATING TO TAXATION: LEVYING** **Tab 2**  
**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.**  
It was moved and seconded to approve Ordinance NS297, as stated, relating to Primary and Secondary Property Tax Levies Subject to Taxation within the City of Willcox, as presented. **CARRIED.**
12. **DISCUSSION/DECISION REGARDING REQUEST TO HAVE THE SECOND ANNUAL WILLCOX WINE AND** **Tab 7**  
**ART FESTIVAL IN RAILROAD PARK ON OCTOBER 17 & 18, 2009**  
It was moved and seconded to approve to have the 2<sup>nd</sup> Annual Willcox Wine & Art Festival in Railroad Park on October 17 & 18, 2009. **CARRIED.**
13. **DISCUSSION/DECISION REGARDING APPOINTMENT TO FILL VACANCY ON THE LIBRARY ADVISORY** **Tab 8**  
**COMMITTEE (Term expires 06-30-2012)**

It was moved and seconded to appoint Jeffrey Shroyer to fill vacancy on the Library Advisory Committee. **CARRIED.**  
**APPLAUSE.**

14. **DISCUSSION/DECISION REGARDING RAILROAD PARK STAKEHOLDERS REQUEST FOR USE OF UNION PACIFIC DONATION ON SPECIFIC PROJECTS AND STAFF TO PURSUE GRANTS FUNDING** Tab 9  
It was moved and seconded to approve the first five (5) prioritized project items listed by the Railroad Park Stakeholders for use of Union Pacific donation. **CARRIED.**
15. **DISCUSSION/DECISION REGARDING A CHANGE ORDER ON LINTEL AND PLASTER WORK ON THE 2009 COMMUNITY CENTER PROJECT** Tab 10  
It was moved and seconded to approve the change order on lintel and plaster work on the 2009 Community Center Project. **CARRIED.**
16. **DISCUSSION/DECISION REGARDING CONTRACT AMENDMENT WITH AECOM FOR THE FORT GRANT ENHANCEMENT PROJECT** Tab 11  
It was moved and seconded to approve Contract Amendment with AECOM for the Ft Grant Enhancement Project. **CARRIED.**
17. **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** Tab 12  
It was moved and seconded 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. **CARRIED 6-0-1 Declared Conflict of Interest:** Vice Mayor Schultz.
18. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-45 APPROVING AND ADOPTING THE 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 (Item was tabled 08-03-2009)** Tab 13  
It was moved and seconded 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. **CARRIED.**  
It was moved and seconded to take out the language for billing for water from the agreement. **CARRIED 5-2 Nays:** Councilmen Norris and Klump.
19. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-50 ADOPTING THE BUDGET OF THE CITY OF WILLCOX FOR FISCAL YEAR 2009-2010 (Corrected Language)** Tab 14  
It was moved and seconded to approve Resolution No. 2009-50, as stated, to correct language and incorporate into the motion correction to change 2<sup>nd</sup> Whereas from August 17 to August 3, 2009. **CARRIED.**
20. **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** Tab 15  
It was moved and seconded to approve Resolution No. 2009-52, as stated, relating to a partnership with the U.S. Census Bureau to conduct the 2010 Census. **CARRIED.**
21. **PRESENTATION OF THE CITY'S UNAUDITED FINANCIAL STATEMENTS FOR THE FISCAL YEAR 2008-2009 BY FINANCE DIRECTOR RUTH GRAHAM** Tab 16  
Finance Director Graham presented a Power Point presentation of the City's Unaudited Financial Statements for the FY 2008-2009. Staff will bring additional information to the next City Council meeting.
22. **REPORTS BY THE CITY MANAGER PAT McCOURT** Tab 17  
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-(Item not mentioned.)
- **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 City Hall** – on a trial basis increase time for people to pay bills. We are "pretty thin" on our staff and trying to get more Customer Service. Finance Department has four (4) employees who would rotate working one week 7:00 a.m. - 3:30 p.m. and the next week work from 8:30 a.m. - 4:45 p.m. for a total of 6.25 additional hours open. 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 4-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 continues 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 if need for City Manager Chief Weaver will be his stead.

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

Councilman Johnson concerned about the letter City recently sent regarding Business License requesting transaction numbers or Federal ID 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? (No response.)

**24. ADJOURN-8:55 p.m.**

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**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.