

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

**Monday, December 7, 2009**

**7:00 p.m.**

**City Council Chambers**

**300 W. Rex Allen Drive**

**Willcox, AZ 85643**

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

**Resolution No. 2009-72 then 76  
Ordinance NS299**

1. **CALL TO ORDER**-Mayor Gerald W. Lindsey called the regular meeting to order on Monday, December 7, 2009 at 7:00 p.m. The Mayor welcomed all to the Council meeting this evening and knows some will be addressing them and it is good to have them here. At this time the Mayor had the City Clerk call the Roll.

2. **ROLL CALL**

**PRESENT**

Mayor Gerald W. Lindsey  
Vice Mayor Larry Schultz  
Councilman Elwood A. Johnson  
Councilwoman Monika Cronberg  
Councilman Jimmy Norris  
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  
Public Safety Director Jake Weaver  
Finance Director Ruth 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**-Ms. Ann Fisher made a presentation to the Council about the zoning to allow slaughterhouses in the City of Willcox. She lives one mile from the proposed slaughterhouse and is concerned about what it will do to our City and to the property values. Ms. Fisher does not see any value to the residents of the City except for a few low paid jobs because it is one of the most undesirable and controversial industries in the country. She contacted the City of Holbrook and they turned down Tri-Western. They determined there was little value for their City and it sounds like it was the same thing they are going to be doing here. It is her understanding that the product is brought in and sent out and there would be no sales tax paid. Most of workers would be brought in and not sure if they would have to live in the City itself. They tried the City of Snowflake and they also turned them down. Most of people she has talked to that are in favor because believe will bring jobs to Willcox. Documentary film Food Inc. featured the largest slaughterhouse in the county and it's located in the small economically depressed town of Tarhill, N.C. Initially some of the poor people there worked in the plant but they soon went through all the workers there and now have to recruit and bus them in from a 100 mile radius. This is one of the most dangerous jobs in America with many injuries to the workers. Most meat packing facilities become larger and larger because of the economies of scale, and she fears this could grow and become too large for Willcox. She is not an expert on this, just ordinary citizen, and does not see value of the City residents for this except for possible jobs. Ms. Fisher believes it will lower property values. She does not know if they have done more research and have more information but hopes before it is brought in they consider that they will carefully research whatever their claims are and whatever their promises and research this industry and this company. Mayor Lindsey stated he had explained to her they cannot make comment on Call to the Public and probably will receive response and thanked her for coming.

5. **DECLARATION ON CONFLICT OF INTEREST**-There was no response from the Mayor, 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**

**Tab 1**

**Public Hearings:** The Mayor and Council will hold two (2) public hearings on Monday, December 7, 2009, at 7:00 p.m., City Council Chambers, 300 W. Rex Allen Drive regarding:

(1) To gather citizen input on the use of the CDBG funds, Mayor Lindsey opened the public hearing at 7:08 p.m. Ms. Bonnie Williams, of the Southeastern Arizona Governments Organization (SEAGO), came to tell the public about Community Development Block Grants. The CDBG program is funded by HUD (Housing and Urban Development) and was started by President Ford in 1974. It has been a long lasting and well utilized grant program to build and improve communities. The use of funds must meet one of three national objectives: 1) primarily benefit low to moderate income people; 2) meet urgent needs; and/or 3) the elimination of slums and blight. Predominantly the number one usage is the national objective of benefiting low to moderate income people. The funds can be used to provide decent housing, suitable living environment and expand economic opportunity to persons of low to moderate income. Ms. Williams handed out a sheet with HUD classifications about income per family size; i.e. a family of 4 can make \$40,300 and still be eligible to benefit from these funds. The City of Willcox is classified as 52.9% low-mod income. It's unfortunate on one hand, although fortunate in another because it opens the gates for Willcox to do most anything with these funds with the exceptions of building a new City Hall, paying staff salaries, or other things generally required by the City to do as a government. There are two pots of money. One is the Regional Account on a bi-annual rotation. In 2010, the City of Willcox gets \$303,000 automatically so long as the City submits an eligible application. The other is a highly competitive grant called SSP (State Special Projects). SSP applications are due February 15, 2010 to the Arizona Department of Housing. Applications for the Regional Account grants are due May 1, 2010. SSP projects have to be shelf ready, and have environmental and design studies done. Staff thinks this year the City will try to apply to do things already bid out such as the Community Center for adobe and lenti repairs. The program is very competitive but it's worth a shot to complete the application. With funds from the Regional Account the City will be able to finish the other things such as the window replacement at the Community Center. At the last public hearing it was suggested that the funds could be used for street repairs or improvements to the wastewater treatment system. This evening gives the public another chance to suggest other ideas. Uses are very broad. Public facilities such as the Community Center, parks, streets and the pool have been done in the past. Housing can also be done and housing rehabilitation and home owners with low income can qualify. That does not have to be low-mod. Public Services can also help non-profits that help low-mod income people. The other is economic development job creation and retention but is rarely used under CDBG because of the burdensome reporting requirements. Ms. Williams stated she is available for questions and left business cards.

The public hearing was opened for more ideas on how to use the CDBG monies. Mr. Paul Sheats understood her to say it will help organizations that help the poor in community such as the non-profit Food Pantry. Ms. Williams agreed and said the City would need to have its ducks in a row and produce adequate paperwork to work with a non-profit. Mr. Sheats asked if funds could be used to move the Food Pantry closer to City and Ms. Williams replied the City could build a brand new Food Bank. What the City can't do is use the funds for operations, such as to buy food, although it can build the structure and buy the equipment. Mayor Lindsey asked if there were any other comments from the public or the Council. Hearing none, the Mayor closed the CDBG public hearing at 7:15 p.m.

(2) Application for Liquor License Interim Permit, Person Transfer, Corporation, Russell Anthony Scheid, Agent, **Tab 2** Willcox Hometown IGA., 900 W. Rex Allen Drive, Willcox, AZ. The Mayor announced that there has been a change of agent to Susanna Smyer. The City Clerk requested this item be considered at the December 21, 2009 meeting in order to obtain the necessary documents from the Arizona Department of Liquor Licenses and Control for Agent Change. The Mayor asked the City Attorney if he wished to comment. He did not, and the Mayor asked for motion to table the liquor license. It was moved and seconded to table the public hearing regarding the Willcox Hometown IGA. **CARRIED.**

**8. POWER POINT PRESENTATION BY PUBLIC SERVICES & WORKS UTILITIES SUPERVISOR JOHN BOWEN Tab 3 ON THE ANNUAL LIAISON GAS REPORT**

Mr. John Bowen announced a public hearing will be held December 15, 2009 to comply with Federal Pipeline Safety Regulation 192.615(c) on call to various other utilities on natural gas emergencies. The power point presentation made to the Mayor and Council and staff present will meet the requirements of this regulation. The information is shared with surrounding entities that could help us or we help them in case of a gas emergency. Mr. Bowen presented this to Southwest Gas and needs to meet with Benson and Safford to determine the resources each entity can provide in the case of an emergency. The Chain of Command is as follows: first report to utility worker in the field, then to Utility Supervisor. If it's necessary, notice will be given to the Public Services & Works Director and on up the Chain of Command to the City Manager. The priority is to protect life, then property. There are various types of natural gas emergencies; i.e. a vehicle runs over a gas meter. Other types of gas issues they deal with daily are odor complaints, carbon monoxide levels, high and low gas usage, and high or low gas pressures. The City has met with other agencies that can provide assistance, including the Willcox Volunteer Fire Department, Police Department, Streets Division, Parks & Facilities Maintenance, City Hall and Library.

Outside agencies attending the liaison meeting include the City of Benson, Southwest Gas, and the City of Safford that can provide materials and equipment, traffic control assistance/evacuations/translations from Border Patrol, Sheriff's Highway, Equipment & Traffic Control by ADOT, and Medical Assistance from NCCH, Healthcare Innovations Cochise County Health Department, Rural Fire Department and have used all in the past. City Utility crew will remain on site until safe even though it may have relinquished command to other division. Natural gas is odorless and the City adds Mercaptan giving it a "rotten egg" odor so that you know if there is a natural gas leak. What to do if smell gas: leave building, do not turn anything on or off but leave it as is. Do not pick up telephone or cell and contact City from neighbor's house. Meet utility technician outside the building and do not leave doors or windows open to vent the odor. Notice will be given when it's safe to return to the property. Crew has safety equipment to use. Leak outside contact City from remote location and keep everyone away until service man arrives. A utility technician will locate the potential leak. Personnel are well trained and protection of life and property is of immediate concern. Arizona Blue Stake Law requirements have been increased with a new law that is "putting some teeth into Blue Stake" and this is free service. Call before digging. Call two business days before diggings, and the markings are valid for 15 business days. If digging within 2' of marked lines, dig carefully with a shovel and not with power equipment. Watch out for overhead utility electrical lines, fire hydrants etc. The City has equipment with high water pressure to 'cut out' and check an area before digging. Mr. Bowen asked if there are any questions on the presentation or what they do as a utility. Thanked Mayor and Council for this opportunity and said the report will be presented at the Annual meeting here on December 15, 2009 at 10:00 a.m. Mayor Lindsey thanked him.

9. **DISCUSSION/DECISION REGARDING THE REGULAR MEETING MINUTES HELD ON NOVEMBER 16, 2009** Tab 4  
It was moved and seconded to adopt the regular meeting minutes held on November 16, 2009. **CARRIED.**
10. **DISCUSSION/DECISION REGARDING LIQUOR LICENSE INTERIM PERMIT, PERSON TRANSFER, CORPORATION, RUSSELL ANTHONY SCHEID, AGENT, WILLCOX HOMETOWN IGA, 900 W. REX ALLEN DRIVE** Tab 2  
It was moved and seconded to table this item until after the public hearing on December 21, 2009. **CARRIED.**
11. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-72 APPROVING AND AUTHORIZING THE SUBMISSION OF THE APPLICATION TO THE ARIZONA DEPARTMENT OF COMMERCE ENERGY OFFICE FOR FUNDING UNDER THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM AND DIRECTING CITY OFFICIALS TO SUBMIT APPLICATION DOCUMENTS AND DECLARING AN EMERGENCY TO EXIST.** Tab 5  
It was moved and seconded to adopt Resolution No. 2009-72, as stated, relating to submission of Application to the ADOC Energy Office for Funding under the Energy Efficiency and Conservation Block Grant Program, as presented. **CARRIED.**
12. **DISCUSSION/DECISION REGARDING APPROVAL OF FY 2008-09 AUDITED FINANCIAL STATEMENTS, AND FY 2008-09 ANNUAL EXPENDITURE LIMITATION REPORT.** Tab 6  
It was moved and seconded to approve the FY 2008-09 Audited Financial Statements and FY 2008-09 Annual Expenditure Limitation Report. **CARRIED.**
13. **DISCUSSION/DECISION REGARDING THE RECONCILIATION OF THE COST FOR COCHISE COUNTY JUSTICE OF THE PEACE COURT 4 TO OPERATE THE MAGISTRATE COURT FOR FISCAL YEAR 2008-2009.** Tab 7  
It was moved and seconded to approve the Reconciliation of the Cost for Cochise County Justice of the Peace Court 4 to operate the Magistrate Court for FY2008-2009. **CARRIED.**
14. **DISCUSSION/DECISION REGARDING PERMIT A VOLUNTARY PAYROLL DEDUCTION FOR UNITED WAY OF COCHISE COUNTY** Tab 8  
It was moved and seconded to permit a Voluntary Payroll Deduction for United Way of Cochise County. **CARRIED.**
15. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-73 APPROVING AND ADOPTING THE CONTRACT AGREEMENT BETWEEN THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA ["CITY"] AND WOODS CONSTRUCTION ["CONTRACTOR"] FOR THE PURPOSE OF CONTRACTING REMODELING WORK AT THE EXISTING LIBRARY BUILDING AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.** Tab 9  
It was moved and seconded to adopt Resolution No .2009-73, as stated relating to the contract agreement between the City and Woods Construction for remodeling work at the Library building. **CARRIED.**
16. **DISCUSSION/DECISION REGARDING CHAMBER OF COMMERCE & AGRICULTURE SINGLE BUSINESS** Tab 10

**PERMIT REQUEST FOR THE APPLE FESTIVAL DECEMBER 4-5, 2009.**

It was moved and seconded to approve the Chamber of Commerce & Agriculture a single business permit request for the Apple Festival held December 4-5, 2009. **CARRIED.**

**17. DISCUSSION/DECISION REGARDING CHAMBER OF COMMERCE & AGRICULTURE SINGLE BUSINESS PERMIT REQUEST FOR THE WINGS OVER WILLCOX FESTIVAL JANUARY 13-17, 2010. Tab 11**

It was moved and seconded to approve the Chamber of Commerce & Agriculture single business permit request for the Wings Over Willcox Festival January 13-17, 2010. **CARRIED.**

**18. DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-74 TO APPROVE AND ADOPT THE INTERGOVERNMENTAL AGREEMENTS [IGA] BETWEEN THE CITY OF WILLCOX [“CITY”] AND COCHISE COUNTY [“COUNTY”] FOR CERTAIN ELECTION SUPPLIES AND SERVICES FOR THE CITY’S UPCOMING 2010 CITY ELECTION AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST. Tab 12**

It was moved and seconded to adopt Resolution No. 2009-74, as stated, relating to the IGA with Cochise County for the 2010 elections. **CARRIED.**

**19. DISCUSSION/DECISION TO APPROVE RESOLUTION NO. 2009-75 APPROVING AND ESTABLISHING MEETING DATES WHEN A REGULAR COUNCIL MEETING DATE FALLS ON A LEGAL HOLIDAY OR AN ELECTION DAY, DIRECTING THE CITY CLERK TO IMPLEMENT THE AMENDED CITY COUNCIL PROCEDURES APPROVED HEREIN AND DECLARING AN EMERGENCY TO EXIST Tab 13**

It was moved and seconded to approve Resolution No. 2009-75, as stated, relating to establishing meeting dates when regular council meeting date falls on a legal holiday or an election day. **CARRIED.**

**20. REPORTS BY THE CITY MANAGER PAT McCOURT Tab 14**

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

- **Candidate Packets Due**- reminded those who wish to run for City Council for the Spring 2010 Election that election packets are due on or before December 9, 2009 at 5:00 p.m.
- **Financial Disclosure Statements Due**-On or before January 31, 2010 for the calendar year 2009 from each Council member through December 31, 2009, in the Office of the City Clerk.
- **Rotary** –the raffle to help benefit the 4<sup>th</sup> of July Fire Works is now upon us and tickets are for sale. As a member of Rotary he has some tickets if anyone is interested in purchasing them.

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

Councilman Donahue stated good audit due to direct result of staff and work they do and thanked them.

Councilwoman Cronberg echoed Councilman Donahue and thanked staff for all their hard work, consistency and knows they get brow beaten and considers that. Apple Festival held this past weekend was well attended. The lighted parade was also very nice and well attended and Councilwoman Cronberg said “Good Job!”

Councilman Johnson had no comment.

Mayor Lindsey said “ditto,” and added that the football team at the State Championship game played their hearts out and “came that close to winning.” He commended the residents of Willcox for their support, and does not think anyone was left in town that evening. There was tremendous support from Willcox and the surrounding area to help the team and show support for them, and he was very happy to see that kind of support for them.

Vice Mayor Schultz thank City Manager and his wife who provided vehicle for Rex Allen, Jr. and his wife when they attended the Apple Fest for the first time. He also thanked Michelle Mullins, and Monica and Jose Pacheco for the work they did at Railroad Park to get the electricity and decorations set up.

Councilman Norris said today is the day Pearl Harbor was attacked and the day that we all came together. He thanked all service people.

Councilman Johnson added that Willcox is about to lose our MVD (Motor Vehicle Division) office and asked about a letter of support from City and anyone in City to voice opinion. If the office is closed, we will have to go to Safford, Douglas or Sierra Vista. An MVD office is very crucial for Willcox. Councilman Norris said he will have petition ready the day after tomorrow. He has made some calls on the people we need to send it to.

**22. DISCUSSION/DECISION TO ENTER INTO AN EXECUTIVE SESSION PURSUANT TO ARIZONA REVISED Tab 15**

**§38-431.03A(7) - DISCUSSIONS OR CONSULTATIONS WITH DESIGNATED REPRESENTATIVES OF THE PUBLIC BODY IN ORDER TO CONSIDER ITS POSITION AND INSTRUCT ITS REPRESENTATIVES REGARDING NEGOTIATIONS FOR THE PURCHASE, SALE OR LEASE OF REAL PROPERTY.**

It was moved and seconded to enter into an Executive Session pursuant to A.R.S. §38-431.03A(7), as stated, relating to position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property. **CARRIED.**

**23. RECESS TO EXECUTIVE SESSION, IF APPROVED-8:34 p.m.**

**24. RECONVENE FROM EXECUTIVE SESSION-8:47 p.m.**

**25. DISCUSSION/DECISION REGARDING INSTRUCTION TO STAFF ON NEGOTIATIONS FOR THE PURCHASE, SALE OR LEASE OF REAL PROPERTY**

It was moved and seconded that no further action or discussion be held regarding property. **CARRIED.**

**26. ADJOURN-8:49 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.