

CITY OF WILLCOX
MAYOR AND CITY COUNCIL MEETING
AGENDA-Statement of Legal Actions
Monday, January 4, 2010
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. 2010-04
Ordinance NS299

1. **CALL TO ORDER**-Mayor Gerald W. Lindsey called the regular meeting to order on Monday, January 4, 2010 at 7:19 p.m. and welcomed most back from the work session to the council meeting.

2. **ROLL CALL**

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 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**-Mayor Lindsey stated he had several persons wishing to speak and stated the speakers are strictly limited to 3-minutes. Ms. Lineva Donahue, NCCH, handed the Mayor and Council a letter regarding agenda item #10 LTAF II funds. Ms. Donahue will comment during the agenda item.

Mr. Kevin Stamback stated his questions were answered at the work session.

Ms. Laura Ann Bethel reiterated that no one from the City, County or Tri-Western has contacted them with any questions or answers. She is a neighbor whose front door is 300' from the proposed site. She realizes that their property is zoned industrial, but gets no discount from the County on property tax. Ms. Bethel asked that if Mayor and Council choose to put this to a vote tonight they will think beyond the present. Apparently many years ago there were Council members who thought it best not to have a slaughterhouse within the City limits.

Mr. Don Ulses, 1541 Jonnie Drive, asked if questions about environmental concerns had been answered. The property was a John Deere dealership and then an Apple Plant. Mr. Ulses asked if an environmental study was done. He questioned if Mayor and Council are looking at this from an objective viewpoint and believes those questions need to be answered before next step. He was in environmental business for many years and does not want that to get lost in the shuffle.

Robin Grimes, 1492 W. Iron Rose Road, lives about 2.5 miles from the proposed site and is outside the city limits. Robin and her husband, Steven Grimes, have lived in Willcox most of their lives. Both are children of farmers and her father had cattle in Texas before coming to Arizona, and they are friends of the Agriculture Industry. As property owners and residents they have concerns about the proposed facility and its effects on our community. Thanked Mayor and Council for allowing her to speak and knows they have been given the job of bringing businesses to Willcox. Ms. Grimes knows it is hard to please everybody and what it looks like from the petitions they have received it is pretty close to a 50-50 split of for and against. At the work session most of her concerns were addressed but she has a concern about liability. Has the Council and its legal counsel

considered what liability it might have either as a unit or individually if a decision is made that might create a negative impact on property values in and around the community? How does bringing in this industry going to affect the City's ability to bring other business? Would a sofa factory want to move in next door to slaughterhouse? Citizens want the community to grow and have industry, but not anything and everything. Tri-Western is supposed to have state of the art operation and equipment but that's hard to believe when they are trying to remodel a run down building. Most contractors will tell you new construction is less costly and more efficient to achieve objectives.

Steve Denny, 1404 W. Quail Run Lane, stated he is in support of a slaughter plant or packing house. It is a great opportunity for Willcox and Cochise County. Having been in business a very long time, he's found that whatever expenditures in the City and County make they will get multiple of 7 times that as the economic impact. That will add up to lots of dollars for outside vendors, and locally they will need emergency items for fabrication, electrical and, in case of accidents, the hospital. Mr. Denny encouraged the Mayor and Council to vote for this although he would like to see the City explore the Airport area. It's been offered to the City, been tabled, and it could be situation that would appease more people than current site. He, too, agreed that it is more advantageous to start with a new building than re-fabricate an old building.

Phillip Klump stated everyone has heard what he wanted to say at the work session and thanked Mayor and Council.

Bill Holloway addressed the Mayor and Council, staff and interested parties and said as a 35 year resident of the City of Willcox he is speaking today in support of Resolution No. 2010-01 Approving and Authorizing Tri-Western Meat Packing to establish and operate a business pursuant to City Codes. Reading a written statement to the Mayor and Council he referred to the five conditions in the City's Resolution related to plant operations in addition to a multitude of State and Federal guidelines required of this business. Mr. Holloway supports this Resolution because the City Council and staff have done their due diligence in this matter. Questions raised by the Council were answered to their satisfaction. Two weeks ago the Council waffled on the economic development initiative by listening to a vocal mini-minority. The new proposed location is a better property use with infrastructure already in place; the City would have had to provide it at the other location. The new location is in an Industrial Zone adjacent to an Auto Recycling Yard. This location is much less intrusive to residential dwellings than the other site. If a County resident has chosen to locate two homes in an Industrial Zone that does not mean this Council is un-neighborly by making a positive economic choice. The City Council has indicated to City staff, the WREDA organization and the City's population in general that they are interested in economic development. "Tonight's decision is a litmus test of those words. Or will your actions belie them?" Other prospective small business owners will take note of this vote. Mr. Walker and Tri-Western have been very forthcoming regarding their interest in Willcox, will commit large sums of money to this project, have answered openly any questions brought to their attention and have invited members of the community to visit an existing plant. Tri-Western has jumped through multiple hoops and agreed to the conditions in this Resolution. Contrary to rumors circulating through town this week, Tri-Western has not been given any breaks of any kind to entice them to come to Willcox and no zoning changes were made. Tri-Western will have a positive economic impact on this City through property and other taxes, payroll spent in the community and other related business activities they may under take or that may come to the community as the result of the establishment of this business. It is in the short and long term interest of the City of Willcox that the message be delivered tonight is that Willcox is interested in Economic Development that fits the Willcox culture and that our City Council has the vision to pursue positive ramifications of a "yes vote" in this Resolution. It would be nice that the first resolution of new decade would move forward. **APPLAUSE.**

Anne Fisher said that getting jobs to town really isn't free and this will have an impact to the community. She did not know until tonight that they were having hogs as well as beef. Ms. Fisher asked the Mayor and Council to really think about this. This is a long term decision that will affect our town for years to come and she does not think it has to be decided tonight. She asked if the Council has contacted any other communities that have a slaughterhouse and what the impact on the community has been.

5. **DECLARATION ON CONFLICT OF INTEREST**-Councilman Donahue declared conflict of interest on Agenda #10 regarding the LTAF II funding.
6. **ADOPTION OF THE AGENDA**-It was moved and seconded to adopt the agenda as presented. **DISCUSSION:** City Clerk Whelan requested the minutes not be considered until the next meeting. Mayor Lindsey replied he will do that during the item. **CARRIED.**
7. **PUBLIC HEARINGS, PETITIONS AND COMMUNICATIONS**

Tab 1

Public Hearing: The Mayor and Council will hold a public hearing on Tuesday, January 19, 2009 at 7:00 p.m., City Council Chambers, 300 W. Rex Allen Drive, due to Monday is a Holiday, regarding Use of CDBG Funds.

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 REGULAR MEETING MINUTES HELD ON DECEMBER 21, 2009** Tab 2
It was moved and seconded to table the adoption of the December 21, 2009 minutes until the next meeting to be held on January 19, 2010. **CARRIED.**

9. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-01 APPROVING AND AUTHORIZING TRI-WESTERN MEAT PACKING COMPANY TO ESTABLISH AND OPERATE ITS BUSINESS PURSUANT TO CITY CODE, TITLE 5, CHAPTER 1, SECTION 5-1-5; SETTING FORTH EXPRESS CONDITIONS AND DECLARING AN EMERGENCY TO EXIST.** Tab 3

It was moved and seconded to approve Resolution No. 2010-01, as stated, relating to the proposed Tri-Western Meat Packing Company. **VOTE BY SHOW OF HANDS: Ayes-**Mayor Lindsey, Vice Mayor Schultz, Council members Johnson, Cronberg, Klump and Donahue. **Nays-**Councilman Norris. **CARRIED 6-1.**

10. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-02 APPROVING THE DISTRIBUTION OF ARIZONA DEPARTMENT OF TRANSPORTATION [“LTAF II”] GRANT FUNDS TO SELECTED RECIPIENTS FOR THE PURPOSE OF FUNDING SPECIFIC PROJECTS AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST** Tab 4

It was moved and seconded to approve Resolution No. 2010-02, as stated, relating to LTAF II Grant Funds for selected recipients for the purpose of funding specific projects. **CARRIED 6-0-1.** Councilman Donahue declared conflict.

11. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-03 APPROVING THAT PORTION OF THE PURCHASES THROUGH MEMBERS OF ITS GOVERNING BODY** Tab 5

It was moved and seconded to approve Resolution No. 2010-03, as stated, relating to purchases through members of its Governing Body. **CARRIED.**

12. **DISCUSSION REGARDING ONGOING ATTORNEY SERVICES BY MILLER, BALIS AND O’NEIL FOR ISSUES REGARDING EL PASO NATURAL GAS AND THE GAS UTILITY** Tab 6

Ms. Ruth Graham, Finance Director, reported that John Gregg has been the City’s Gas Attorney since 1990 and has the longest institutional knowledge of the City’s gas system. Mr. Gregg has been very responsive to staff questions. Councilman Johnson asked if this item was budgeted or if removed as part of cut backs from City Manager’s line items. Ms. Graham replied it is budgeted in Gas Utilities and the monies have not been cut from the budget. Councilman Norris asked if we go out to bid for these services. City Attorney Hector Figueroa explained that pursuant to the City’s Procurement Policy any amount less than \$25,000 does not require a bid process or come back to the Mayor and Council for approval. As City Attorney he recommended to staff that the Mayor and Council be apprised of it because the City Attorney has to approve the contract. Review has been done and it is called “Letter of Engagement to Provide Services.” This Attorney only deals with gas services. Mayor Lindsey added they deal with other gas utilities issues as well.

13. **REPORTS BY THE CITY MANAGER PAT McCOURT** Tab 7

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

- **Financial Disclosure for Council due January 31, 2010 for 2009**-City Manager. Disclosure documents to be returned to the City Clerk’s office.
- **Reminder of change of date for 2nd meeting in January due to Holiday**-City Manager. As authorized by Resolution No. 2009-75, due to the Martin Luther King Holiday on January 18th the next meeting will be held on Tuesday, January 19, 2010 at 7:00 p.m.
- **Invited everyone to participate in Wings Over Willcox** –City Manager reported it is taking place prior to the next Council meeting and hopes everyone enjoys the activities.
- **Rotary Tickets for Fireworks**- the City Manager still has tickets for sale to help fund the 4th of July Fireworks.

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

Councilman Klump stated he is impressed with the Mayor and Council for its vote for progress and stated it has been lacking in many past councils since he has been a citizen of Willcox and paying attention.

Councilman Norris thanked everyone at the meetings and would like to see that much participation at every Council meeting. Those that came tonight represent people that voted for them and they appreciate the views on both sides of the fence.

Mayor Lindsey stated he appreciates those that have come forward tonight. It was a tough decision that had to be made and he appreciates all being here and welcomes them to return to another Council meeting.

Councilman Johnson said he echoed remarks made. Thanked everyone that got involved, took time, research, information, letters, plane flights, and to help influence or help the Council of the City of Willcox to move forward. Tough decision and it was a hard decision to make because it is a part of agricultural history. Looking forward to a better 2010, asked staff to start preparation into the next budget with small work sessions. We need to look at that sooner rather than later.

Councilwoman Cronberg echoed sentiments shared. Thanked community at large because besides being the City of Willcox we are the area. Hopes they all had a chance to share their concerns and knows that their concerns were not taken lightly. The Councilwoman did extensive research. It is hard to decide when you know the people or individuals affected. Decisions they make are not always popular with everyone and understand they cannot do what will make everybody happy. Thanked all who shared their thoughts and hopes in the long run we will see good effects as Councilman Klump said.

Councilman Donahue said they have responsibility to community and everything will be done just as they heard it tonight. Invited all comments and concerns and will deal with that very seriously. Appreciates all comments made.

15. ADJOURN-8:02 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.