

**CITY OF WILLCOX
MAYOR AND CITY COUNCIL MEETING**

AGENDA-Statement of Legal Actions

Monday, March 1, 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. 2010-19
Ordinance NS299**

1. **CALL TO ORDER**-Mayor Gerald W. Lindsey called the regular meeting to order on Monday, March 01, 2010 at 7:00 p.m. Glad to see people here and pleasure to have them here.
2. **ROLL CALL**-City Clerk Cristina G. Whelan called the roll.

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
Building Inspector Jeff Stoddard

3. **PLEDGE OF ALLEGIANCE TO THE FLAG**-Mayor Lindsey.
4. **CALL TO THE PUBLIC**- Mr. William Holloway addressed the Mayor and Council regarding the generic request for the fees to be waived for the Community Center. The idea of waiving the fees is not specific on tonight's agenda item #9. Over the past 4-months it seems the Mayor and Council have waived fees and in some cases the waiving of fees is for a good purpose and the activity that is going on has a direct impact on the City of Willcox. People coming in, staying in hotels and spending money for meals and that is valid. Also resources we are using as a City that we are not getting reimbursed for including wear and tear on facilities, including payment of our staff who in fact do work when some of these activities are going on. The City continues to pay them and not reimbursed by people that are using them. Wants the Mayor and Council to look closing at the idea of fees and waiving of fees or insists the people cover the City's costs for certain things.
5. **DECLARATION ON CONFLICT OF INTEREST**- Councilman Donahue declared Conflict of Interest on item #10 regarding the request to waive fees for Northern Cochise Community Center. 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. **PRESENTATION BY DR. MARK FREDRICKSON, UNIVERSITY OF ARIZONA, SCHOOL OF ARCHITECTURE, Tab 1 ON A MASTER PLAN IMPLEMENTATION**
Dr. Mark Fredrickson, Professor of Data at the University of Arizona, College of Architecture, reported on a Master Plan Implementation that they do throughout Arizona, Central America, Latin America and Middle East. Doing Master Planning in small revitalization throughout the State and have done 10-12 small towns including Benson, Show Low, Springerville to name a few. Four (4) of those won Master Plan of the Year Awards. Dr. Fredrickson handed out sample Master Plans and stated

that Springerville had lots of historic structures. Other handouts were projects they did in Show Low Civic Center, Street Restoration & Urban Design, and Small Town Revitalization for Pinetop in downtown, town square and new developments. Some end projects expected to see if did work here in Willcox. Raised on ranch in Sonoita and understands small town life, and the charm of it. Students are graduates they work with and he has found graduates are graduating way too green and they need to be out working on the field with real projects and budgets. His company has grown unexpectedly and this summer doing work in Jerusalem and working with United Nations on that project.

Dr. Fredrickson has had his eye on Willcox for a long time and found it is similar to Springerville downtown, main street, railroad and it is very interesting. They come in to a small town, send out teams to do intensive research, photograph, interview business owners, interview key decision persons including the Mayor and Council, survey's, interview High School students, and case study analysis done in other towns projects and build off. They look at present studies done and build on good ideas. Study literature review and theory and from that get pieces of ideas or design implications. A presentation on option range concepts with Mayor and Council and solicit opinion on different ideas. In Show Low the Mayor and Council had different stakeholders invited to small meetings, interview and part of planning process. Usually they do that. Show Low recognized that development was coming and trying to prepare for that instead of becoming victims. Willcox could have similar expectations as Show Low and it is better to be ready, Master Plan, strategies and so on prior to developers coming in instead of doing things hodge-podge. If the Mayor and Council wants more items to review he has a website of the Tejido Group and all projects are in this web site. These students are amazing, winning awards against professional firms and very proud of them.

Vice Mayor Schultz asked how long to complete project and Dr. Frederickson replied usually about 15 weeks and first 3-4 weeks is analysis. Then next 3-4 weeks is concept generation with public presentation and go back one more synthesis, another presentation and then execute document. The Vice Mayor stated they work with module versus phases. Dr. Frederickson said they have had good concept working with modules for 20 years with phase project do this 1st year and this 2nd year and so on. With phase projects something is going to go wrong, interest, grants or grant does not come in. They develop projects small i.e. main street, town square, housing, bike trails, and these are little packages which sit on the shelf with specific instructions. Council and townspeople pull one off the shelf and, therefore, have a much more flexible strategy.

Mayor Lindsey asked what the cost would be for putting together a plan. Dr. Frederickson said one thing promise is a good deal. A lot will be near \$100,000 range. Pinetop done in the summer was about \$41,000 so there is a range. During year could be done in studio classes and in the summer the price increases. Money used is for scholarships etc. Project in Mexico was about \$3,000 and therefore lots of flexibility.

Councilman Johnson asked if modular for entire City i.e. Rex Allen Drive how would they put that together to pull out in the future. Dr. Frederickson explained he is an architect and landscape architect. That is revitalization tool in small towns all kinds of stuff going on. Landscape architecture is very inexpensive to get the ball rolling and needs to do more research for Willcox. Look at open space and possibilities for connecting one mode of development with linear parks. Councilman Johnson asked if in his experience were grants able to be used. Dr. Frederickson replied that the book enables you to go out for grants, state and federal funding and in the application the City states we have a vision for the future here it is and now help us. Plays well with State and Federal agencies because have developed a sound master plan and everyone has signed off on it. Clarkdale received two (2) \$800,000 grants and Show Low Main Street received over \$1M in grants. Good grant writing skills is beneficial. Also document used to entice developers with incentives or disincentives and City more in control.

Councilman Norris asked when walked into other towns and then walking to Willcox what is our potential. Dr. Frederickson said this is a sweet little place and does want to keep it authentic. Still have charming little town, open spaces and people living and talking and interacting in a great little town. The City has this neat little park and train coming through town.

Councilman Johnson asked if he could get back to staff with an estimated cost. Dr. Frederickson asked if the City wants an estimate during semester or summer. Councilman Johnson said probably during semester would be less expensive especially while doing budget right now. Dr. Frederickson asked the Mayor and Council to write up a drawing what areas for them to look at or the entire town to give him little idea of scope to do. Probably won't take project unless see revitalization on number of levels and dimensions. Look to get businesses growing, social activities to be able to interact and for children to be proud. Think of measure of its towns health, how many come back to raise children, jobs, good education, and another is way define beautiful town it is easy to put geranium in pots and wrought iron but what is beautiful is where crime is low, friends,

good families, all infrastructure streets is good and that is how they define beautiful. Councilman Johnson stated the quality of life. Dr. Frederickson was thanked by the Mayor and Council members on his presentation.

8. **DISCUSSION/DECISION REGARDING THE MINUTES OF THE REGULAR MEETINGS HELD ON FEBRUARY 1 and 15, 2010 AND THE WORK SESSION HELD ON FEBRUARY 15, 2010** Tab 2
-It was moved and seconded to adopt the minutes of the regular meetings held on February 1 and 15, 2009, and the work session held on February 15, 2010. **CARRIED.**
9. **DISCUSSION/DECISION REGARDING THE REQUEST FROM MELINDA ROETHLE FOR THE FEES TO BE WAIVED FOR THE COMMUNITY CENTER (Item was tabled on February 15, 2010)** Tab 3
-It was moved and seconded to approve with stipulation that Melinda Roethle takes care of the Community Center and leaves it in same order they found it. **AMEND MOTION:** Councilman Klump moved and seconded to amend motion to pay half the rate \$110 which is basically donating for the event. **VOTE: AMENDMENT 7-0. CARRIED. ORIGINAL MOTION: 7-Nays. MOTION DENIED.**
10. **DISCUSSION/DECISION REGARDING WAIVER OF BUILDING PERMITS FEES, SEWER CONNECTION FEES, GAS AND WATER METER FEES FOR THE SENIOR CENTER MODULAR BUILDING AT NORTHERN COCHISE COMMUNITY HOSPITAL (NCCH)** Tab 4
-It was moved and seconded to approve the waiver of building permits fees, sewer connection fees, gas and water meter fees for the Senior Center Modular building at NCCH. **DISCUSSION:** After discussion with Council members and staff it was moved and seconded to table this item and directed staff to bring an agreement. **VOTE: Ayes-**Mayor Lindsey, Vice Mayor Schultz, Council members Johnson, Cronberg, Norris and Klump. **Nays-** none. **Abstained:** Councilman Donahue. **CARRIED. 6-0-1.**
11. **DISCUSSION/DECISION REGARDING REQUEST FROM THE CHAMBER OF COMMERCE FOR WAIVER OF FEES OF THE COMMUNITY CENTER FOR THE CITY COUNCIL CANDIDATE FORUM HELD ON FEBRUARY 23, 2010** Tab 5
-It was moved and seconded to approve the request from the Chamber of Commerce for waiver of fees of the Community Center for the City Council Candidate Forum held on February 23, 2010. **CARRIED.**
12. **DISCUSSION/DIRECTION TO STAFF REGARDING SECTION 303 OF THE EMPLOYEE HANDBOOK SPECIFICALLY WORKING PRIOR TO OR AFTER A HOLIDAY** Tab 6
-After discussion by Council members and staff the Mayor directed staff to bring this issue back for a vote on a future agenda.
13. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-16 RATIFYING, APPROVING AND AUTHORIZING THE SUBMITTAL OF A FUNDING REQUEST TO THE OFFICE OF CONGRESSWOMAN GABRIELLE GIFFORDS FOR FY 2010-2011 FEDERAL APPROPRIATIONS FOR THE PURCHASE OF A QUINT FIRE TRUCK, RATIFYING THE SUBMITTAL BY CITY STAFF AND DECLARING AN EMERGENCY TO EXIST.** Tab 7
-It was moved and seconded to approve Resolution No. 2010-16, as stated relating to ratifying, approving and authorizing the submittal of funding to the Office of Congresswoman Giffords for FY 2010-2011 Federal Appropriations request to purchase a Quint Fire Truck. **CARRIED.**
14. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-17 APPROVING AND AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE USDA RURAL DEVELOPMENT AGENCY [“RDA”] FOR THE PURPOSE OF APPLYING FOR FUNDS UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT [“ARRA”] TO BE USED FOR PUBLIC LIBRARY IMPROVEMENTS, AUTHORIZING AND DIRECTING CITY STAFF TO SUBMIT SAID APPLICATION AND DECLARING AN EMERGENCY TO EXIST.** Tab 8
-It was moved and seconded to adopt Resolution No. 2010-17, as stated relating to the submission of an application to USDA RDA for the purpose to apply for funds under the ARRA to be used for Public Library Improvements. **CARRIED.**
15. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-18 APPROVING AND AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE ARIZONA STATE LIBRARY, ARCHIVES, AND PUBLIC RECORDS AGENCY FOR THE PURPOSE OF APPLYING FOR FUNDS THROUGH THE INSTITUTE OF MUSEUM AND LIBRARY SERVICES [“IMLS”] UNDER THE CATEGORY OF “CENTENNIAL EXPERIENCE” TO BE USED FOR PUBLIC LIBRARY PROJECT, AUTHORIZING AND DIRECTING CITY STAFF TO SUBMIT SAID APPLICATION AND DECLARING AN EMERGENCY TO EXIST.** Tab 9
-It was moved and seconded to approve Resolution NO. 2010-18, as stated relating to the

submission of an application to Arizona State Library for the purpose of applying for funds through IMLS under the category of "Centennial Experience". **CARRIED.**

16. DISCUSSION/DIRECTION TO STAFF ON NEGOTIATIONS WITH ARIZONA DEPARTMENT OF TRANSPORTATION (ADOT) MOTOR VEHICLE DIVISION (MVD)- Staff is looking for direction on negotiations with ADOT-MVD and also looking into requirements for Third Party Administrator. On Wednesday the City Manager, Mayor, Vice Mayor and Councilman Norris will be attending a meeting with ADOT-MVD and will have more information. After discussion by the Council members and staff the direction to staff is to look at other options and need to continue to encourage a Third Party. **Tab 10**

17. DISCUSSION/DECISION REGARDING PERMISSION FOR A CIRCUS IN THE CITY LIMITS **Tab 11**
It was moved and seconded to approve the permission for a Circus in the City limits. **CARRIED.**

18. REPORTS BY THE CITY MANAGER PAT McCOURT **Tab 12**
Consideration, discussion and/or decision regarding the following topics by the City Manager:

- **Update on Railroad Park Improvements-**Pat McCourt, City Manager, update on Railroad Park Improvements the site laid out, the sprinklers relocated and project is underway again. During the Park improvements it was discussed a fence along the drainage ditch as part of the swing set installation. Also drinking fountain approved by the Mayor and Council and will be placed at the corner of Stewart and Railroad Avenue. Vice Mayor Schultz asked if fence required and City Manager replied it was discussed as safety to separate the children on the swing and the ditch. Staff does not know if there is a State Law requirement. The Vice Mayor asked what kind of fence thinking of safety kids able to sit on it or climb on it. Public Services & Works Director Dave Bonner explained the fence concern is depth of ditch with a 36" culvert. Originally proposed a galvanized chain link and found vinyl coated black which adds some cost to the fencing or \$1,600 total. Esthetically would look better and match the fence in the back which is black.
- **Budget Work Session-** Pat McCourt, City Manager, Budget work session has been scheduled for Monday, March 15, 2010 at 6:00 p.m. presentation by staff on Contracting City Personnel Services by a third party to find way to reduce cost to City for providing services.
- **Update on Utility Delinquent process-** Pat McCourt, City Manager or Finance Director Ruth Graham, the City will no longer issue door knockers to delinquent utility customers. Cut backs made in staff and holding vacant that position and vacancy came out of Development Services. That individual went around hanging door knockers on customers before cut offs. It took about 1.5 days to do that. It is not a requirement to hang door knockers and has that has been a courtesy the City has been providing and we no longer have person to do that.
- **Report on NCCH Golf Tourney-** Pat McCourt, City Manager, invitation to participate in the NCCH Golf Tournament, staff requesting direction. Last two (2) years City has paid and in the budget we do have \$280 under miscellaneous line item. If Mayor and Council wish to build a team the cost is \$240.00 on the 15th of May. Mayor Lindsey suggested sponsoring a hole which is cheaper. Councilwoman Cronberg stated we support the tournament and the reasons behind it and if it was done in the past we should do it again and that is direction to staff.
- **Work Session on WasteWater Treatment Plant Operations-**Pat McCourt, City Manager a work session on the WWTP Operations with the septic haulers has been set for Wednesday, March 3, 2010 at 6:00 p.m., City Council Chambers.
- **Bomb Scare at NCCH-**City Manger reported very well handled. Chief Weaver bomb threat last week. Evacuations not made due to circumstances, NCCH staff checked areas for suspicious items and went off very smoothly. No suspicious devices were found, think it was a hoax. The Chief thanked Mr. Donahue and the rest of NCCH staff. Mayor Lindsey asked if any thought to lay-offs and Chief replied "no comment."
- **\$30,000 grant from State Library-** City Manager has been told we were not going to get that grant and now being told we are.

City Attorney Figueroa stated let the record reflect that Councilman Donahue abstained from any discussion on the NCCH bomb threat.

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

Councilman Norris reported that a situation was raised and he bid on property outside of town and awarded. He and his wife talked about it and thought to resell and then they closed on it last week and decided to go. Requested that his name be removed from voting roll and will no longer be seeking re-election and asked for his name to be removed from election. .

Appreciates everything everyone has done and it has been honor to serve the City and citizens these past six (6) years. Will take about 2-3 months to move and will finish serving his term through the end of May. Thanks!
Mayor Lindsey stated he regrets Councilman Norris dilemma he is in and pleasure working with him on the Council and looked to him for direction. Hates to see that happen but understands and also stated he appreciates the council forums that have been held and everyone represented very well and everyone very civil and everyone talking to each other and good experience.

Councilman Johnson requested as start budget process to start with binder on budget to insert items as they come up. Marty Robbins is this weekend, Friday and Saturday and the concert show is on Saturday night and participate!

20. DISCUSSION/DECISION TO ENTER INTO AN EXECUTIVE SESSION PURSUANT TO ARIZONA REVISED STATUTES §38.431.03(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 AND ARIZONA REVISED STATUTES §38.431.03(3) DISCUSSION OR CONSULTATION FOR LEGAL ADVICE WITH THE ATTORNEY OR ATTORNEYS OF THE PUBLIC BODY-It was moved and seconded to enter into an Executive Session pursuant to ARS §38.431.03(7) and (3), as stated regarding sale of City property and consultation for legal advice with the attorney of the public body. **CARRIED.**

21. RECESS TO EXECUTIVE SESSION, IF APPROVED-8:31 p.m.

22. RECONVENE FROM EXECUTIVE SESSION-9:00 p.m.

23. DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-15 APPROVING AND AUTHORIZING THE SALE AND DISPOSITION OF CITY REAL PROPERTY AND THE PUBLISHING OF AN INVITATION FOR BIDS AS PROVIDED BY A.R.S. §§ 9-402 AND 39-204 AND DECLARING AN EMERGENCY TO EXIST-It was moved and seconded to direct staff to proceed with preparing documents appropriate to accomplishing the bid process for the lots in question. **CARRIED.**

24. ADJOURN.-9:01 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.