

**CITY OF WILLCOX  
MAYOR AND CITY COUNCIL MEETING  
AGENDA-STATEMENT OF LEGAL ACTIONS**

**Monday, March 15, 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 15, 2010 at 7:00 p.m.
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**-There was no response from the public present.
5. **DECLARATION ON CONFLICT OF INTEREST**-Councilman Donahue declared conflict on agenda item #11 regarding the request to waive fees by NCCH for the Senior Center.
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 Hearing:** Mayor Lindsey announced that the Mayor and Council will hold a public hearing on Monday, April 5, 2010 at 7:00 p.m., City Council Chambers, 300 W. Rex Allen Drive, regarding New Liquor License, RRS, LLC, Ricardo Romero-El Ranchero 2 at 308 S. Haskell Avenue, Willcox, AZ.

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/PRESENTATION BY MELISSA AVANT ON *FIRST THINGS FIRST***

**Tab 2**

Ms. Avant, presented a power point on *First Things First* and explained the program with Cochise regional Partnership Council and Proposition 203 which passed by 52% and it was the 2<sup>nd</sup> highest amount of money ever raised by a ballot initiative. The Governance is a 13 member board and locally Ms. Mary Sue Houser of Willcox is on the Board for Child Care. Ms. Jane Strain, Chair, At Large, explained the program receives its funding from the Tobacco Tax. The Governor in the May 2010 Ballot has proposed a 1% Tax Increase and if it is not approved by the voters *First Things First* will lose its funding as of December 2010. There are other programs for the children and families to keep families working with a safe place to leave their children. Their Vision is "All Arizona children birth through age five are afforded opportunities to achieve their maximum

potential to success in school and life. The Mission is “To increase the quality of, and access to, early childhood development and health systems, that ensure a child entering school comes healthy and ready to succeed.”

- 9. PRESENTATION/DIRECTION TO STAFF REGARDING THE INFILL INCENTIVE PROGRAM** **Tab 3**  
City Manager explained how the Infill Incentive Program is part of the City’s Master Plan. Reference was made to the Municipal Code and Arizona Revised Statutes. After discussion suggestion was made to hold a joint work session on this issue with the Planning & Zoning Commission and the Mayor and Council members.
- 10. DISCUSSION/DECISION REGARDING THE MINUTES OF THE WORK SESSION MEETING HELD ON MARCH 1, 2010 AND THE SPECIAL MEETING HELD ON MARCH 3, 2010** **Tab 4**  
-It was moved and seconded to adopt the work session meeting held on March 1, 2010 and the Special Meeting held on March 3, 2010. **CARRIED.**
- 11. DISCUSSION/DECISION REGARDING WAIVER OF FEES FOR HOSPITAL BUILDING–SENIOR CENTER** **Tab 5**  
It was moved and seconded to approve the waiver of fees for Hospital Building-Senior Center. **VOTE: Ayes:** Mayor Lindsey, ice Mayor Schultz, Council members Johnson, Norris, Cronberg and Klump **Nays-None. Abstained:** Councilman Donahue. **CARRIED 6-0-1.**
- 12. DISCUSSION/DECISION REGARDING THE REQUEST BY THE ART LEAGUE OF WILLCOX FOR WAIVER OF RENTAL FEE AT THE COMMUNITY CENTER FOR THE 27<sup>TH</sup> ANNUAL ANN WADE BOYD FINE ART & PHOTOGRAPHY SHOW ON APRIL 19–25, 2010** **Tab 6**  
-It was moved and seconded to approve the request by the Art League of Willcox for waiver of fees at the Community Center for the 27<sup>th</sup> Annual Ann Wade Boyd Fine Art & Photography Show on April 19-25, 2010. **CARRIED.**
- 13. DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-26 APPROVING AND ADOPTING THE LEASE AGREEMENT BETWEEN THE CITY OF WILLCOX [“LANDLORD”] AND BOBBY JOE WOOD [“TENANT”] FOR THE PURPOSE OF LEASING CITY OWNED PROPERTY FOR A BILLBOARD SPACE, AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND THE AGREEMENT AND DECLARING AN EMERGENCY TO EXIST.** **Tab 7**  
-It was moved and seconded to adopt Resolution No. 2010-26, as stated, relating to the lease agreement between the City and Bobby Joe Wood for the purpose of leasing City owned property for a billboard space. **CARRIED.**
- 14. DISCUSSION/DECISION REGARDING WILLCOX RANCH RODEO ASSOCIATION/JACK KORTSEN REQUEST TO WAIVE REQUIREMENT FOR ALL VENDORS TO HAVE INDIVIDUAL PERMITS** **Tab 8**  
-It was moved and seconded to approve the Willcox Ranch Rodeo Association/Jack Kortsen request to waive requirement for all vendors to have individual permits. **CARRIED.**
- (skipped #15 and Tab 9)
- 16. DISCUSSION/UPDATE ON THE NEGOTIATIONS WITH ARIZONA DEPARTMENT OF TRANSPORTATION (ADOT) MOTOR VEHICLE DIVISION (MVD)** **Tab 10**  
– City Manager McCourt reported he has included a staff report in the Council members’ packet. The City Manager and the Mayor, Vice Mayor and Councilman Norris attend meeting with ADOT on March 3<sup>rd</sup>. Staff received three (3) assurances from ADOT (1) MVD office in Willcox will continue to operate 2-days a week until Third Party administration. (2) Even if lease runs out they will see if they can continue month-to-month. Since City Manager wrote staffs report they have done that. (3) Discussion held on issuing or renewal of Driver Licenses and the major area of concern we have is with our elderly population. MVD said only two (2) Third Party vendors in State that do that and we assured them we would be the third and basically assured us they want to do that. Most of that is staffing with couple tiers of service and training required for each tier. If Third Party able to hire former MVD employees process would be quicker and if not will need longer training. If longer training is needed MVD will continue to send someone to Willcox on a limited basis to take care of Driver Licenses. Staff indicated to ADOT that there is space in this building (300 W. Rex Allen Drive) and after meeting they thought it was very successful. Today City Manager McCourt heard from ADOT that the Third Party Administration plan has been approved and moving forward. The City Manager thanked Mayor, Vice Mayor and Councilman Norris for coming to that meeting.

17. **DISCUSSION/DECISION REGARDING POWER GENERATOR FOR POTABLE WATER WELL #3** Tab 11  
It was moved and seconded to approve the Power Generator for Potable Water Well #3. **VOTE: Ayes-Mayor Lindsey, Vice Mayor Schultz, Council members Norris, Cronberg, Klump and Donahue. NAYS-Councilman Johnson. CARRIED 6-1.**
18. **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.-** Tab 12  
It was moved and seconded to adopt Resolution NO. 2010-15, as stated relating to the Sale of City of Willcox Property. **CARRIED.**
19. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-19 APPROVING AND AUTHORIZING THE PURCHASE OF NATURAL GAS ON A FORWARD PRICING CONTRACT BASIS AND ON THE SPOT MARKET UNDER THE BASE CONTRACT BETWEEN THE CITY AND BP ENERGY COMPANY [“BP”], AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST –** Tab 13  
It was moved and seconded to adopt Resolution NO. 2010-19, as stated relating to ongoing natural gas purchases from BP Energy, Inc. for the City’s Gas Utility. **CARRIED.**
20. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-20 FOR THE PURPOSE OF APPROVING AND ADOPTING THE REVISION TO SECTION 303 [HOLIDAYS] OF THE WILLCOX EMPLOYEE HANDBOOK, ESTABLISHING THE EFFECTIVE DATE AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST. –** Tab 14  
It was moved and seconded to adopt Resolution No. 2010-20, as stated relating to Section 303 of the Employee Handbook specifically working prior to or after a Holiday. **VOTE: Ayes-Mayor Lindsey, Vice Mayor Schultz, Council members Norris, Cronberg, Klump and Donahue. NAYS-Councilman Johnson. CARRIED 6-1.**
21. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-21 APPROVING AND AUTHORIZING THE CITY’S PARTICIPATION IN THE CERTIFICATE OF DEPOSIT ACCOUNT REGISTRY SERVICE (“CDARS”) AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST-** Tab 15  
It was moved and seconded to adopt Resolution NO. 2010-21, as stated, relating to the City’s participation in the CDARS investment program. **CARRIED.**
22. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-22 APPROVING AND ACCEPTING THE STATE GRANTS-IN-AID GRANT FROM THE ARIZONA STATE LIBRARY, ARCHIVES, AND PUBLIC RECORDS AGENCY TO BE USED FOR PUBLIC LIBRARY IMPROVEMENTS, AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT DOCUMENTS AND DECLARING AN EMERGENCY TO EXIST.-** Tab 16  
It was moved and seconded to adopt Resolution No. 2010-22, as stated, relating to approving and accepting the State Grants-In-Aid Grant to be used for the Public Library Improvements. **CARRIED.**
23. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-23 APPROVING AND AUTHORIZING CHANGE ORDER #3 FOR PUBLIC LIBRARY IMPROVEMENTS UNDER THE WOODS CONTRACT; THE REDISTRIBUTION OF OTHER ALLOCATED FUNDS; AND AUTHORIZING THE MAYOR TO EXECUTE THE CHANGE ORDER DOCUMENTS AND DECLARING AN EMERGENCY TO EXIST.-** Tab 17  
It was moved and seconded to adopt Resolution No. 2010-23, as stated relating to Change Order #3 on the Library Renovation Project. **CARRIED.**
24. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-24 DECLARING AND ADOPTING THE RESULTS OF THE PRIMARY ELECTION HELD ON MARCH 9, 2010-** Tab 18  
It was moved and seconded to adopt Resolution No. 2010-24, as stated relating to Canvas the Primary Election results. **CARRIED.** City Clerk Whelan congratulated and presented Certificates of Election to Monika Cronberg, William “Bill” Holloway, Robert “Bob” Irvin and Gerald W. Lindsey. **APPLAUSE!**
25. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-25 APPROVING AND ADOPTING THE COURT CONSOLIDATION AGREEMENT BETWEEN THE CITY OF WILLCOX [“CITY”] AND COCHISE COUNTY [“COUNTY”] FOR THE PURPOSE OF CONTINUING THE CONSOLIDATED COURT FOR FY 2010- 2011, AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND THE AGREEMENT AND DECLARING AN EMERGENCY TO EXIST.** Tab 19  
It was moved and seconded to adopt Resolution No. 2010-26, as stated, relating to the Court consolidation Agreement between the City and Cochise County. **CARRIED.**

**26. DISCUSSION/DECISION REGARDING TEMPORARY EXTENSION OF THE BILLBOARD AGREEMENT WITH CLEAR CHANNEL-It was moved and seconded to approve the temporary extension of the Billboard Agreement with Clear Channel. CARRIED. Tab 20**

**27. REPORTS BY THE CITY MANAGER PAT McCOURT Tab 21**

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

- **Budget work session Monday April 5<sup>th</sup>** –City Manager plans to have first draft of budget put together with walk through to show format, how numbers fit together and where different items fit and topic is not for decision.
- **Draft Use Facility Agreement**-City Manager reported that at the last meeting question was asked on the draft Use Facility Agreement and a copy was included in packet to review and where staff is to go forward.
- **City Manager Out of State**- City Manager McCourt’s wife invited to attend training in Chattanooga, Tn and she asked him to go with her. Corrected dates will be brought forward at the next meeting because could conflict with the Thursday before the Council meeting briefing of the agenda with the interested public and Council members.
- **Report on the Ft. Grant Enhancement**-Dave Bonner, Public Services & Works Director reported on the Ft. Grant Enhancement
- **Budget Work Session**- Pat McCourt, City Manager, Budget work session has been scheduled for Monday, April 5, 2010 at 6:00 p.m. on the Preliminary Budget.
- **Report on Draft Use Facilities Agreement**-Pat McCourt, City Manager, reports on draft Use Facilities Agreement

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

Councilman Donahue wanted to give congratulations to the newly elected council members and returning council members. Congratulations!

Councilwoman Cronberg wanted to say Thank You! to those that came to vote. Hopes voices will not be silent and that the Council keeps hearing from the people.

Mayor Lindsey stated he appreciates those that took part in the election process. Election was well staged, forums helped to get message out to voters, if they came to forums and appreciates that. Expressed his appreciation for the Marty Robbins activities last week and thought the Stage Show was exceptionally good this year and said if you missed it you missed a great show!

Councilman Norris said Congratulations! to Council and pretty quick the newly elected will be taking over and looking for great things.

Councilman Klump said Congratulations!

**29. ADJOURN-8:30 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.