

CITY OF WILLCOX
MAYOR AND CITY COUNCIL
AGENDA –Statement of Legal Actions
Monday, March 05, 2012
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. 2012-15
Ordinance NS311

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1. **CALL TO ORDER**-Vice Mayor Monika Cronberg on behalf of Mayor Gerald W. Lindsey called the regular meeting to order on Monday, March 5, 2012 at 7:00 p.m. and thanked all for being here and appreciated.
2. **ROLL CALL**-City Clerk, Cristina Garcia Whelan, CMC, called the roll:

PRESENT

Mayor Gerald W. Lindsey
Vice Mayor Monika Cronberg
Councilman Elwood A. Johnson
Councilman Stephen Klump
Councilman Christopher Donahue
Councilman Bob Irvin

STAFF

City Manager Pat McCourt
City Clerk Cristina Garcia Whelan, CMC
Library Director Tom Miner
Public Safety Director Jake Weaver
Finance Director Ruth Graham
Public Services & Works Director Dave Bonner
Development Services Jeff Stoddard

ABSENT

Councilman Bill Holloway

3. **PLEDGE OF ALLEGIANCE TO THE FLAG**-Vice Mayor Cronberg.

4. **CALL TO THE PUBLIC**

Ms. Shirley Ortega, Dean of Students at Willcox High School (WHS), wanted to address the Mayor and Council and the public present regarding Public Safety in Willcox. At the High School had incident last Thurs and wanted to publicly comment Chief Weaver and his officers and how they handled the situation. Within 3-minutes of a 9-1-1 call they were already in pursuit of person that was the suspect and within 8-minutes they had him in custody. They spend considerable amount of time looking to make sure he was the only person that was threatening our students. To Chief Weaver and to the other Officers wanted to say a "Public Thank You! for what they do." We need them! Knows in budgetary times it can be sometimes difficult you have to balance lots of things. As somebody that works with teenagers and children Ms. Ortega asked Mayor and Council to consider when do make all difficult budgetary choices they do need our Public Safety Officers, they do tremendous job for us and they saved lives on Thursday. They have helped the School with other tragic events that happened. As consider things fill all positions that need to be filled and provide as much as you can for these Public Safety Officers. There is not very many of them and they are doing a very fine job. Thanked Chief Weaver and Officers and for Mayor and Council time. Vice Mayor Cronberg thanked her. **APPLAUSE!**

Ms. Doris Jones, Principal of WHS and has been a High School Administrator for 13 years in two (2) different States, one County in Utah, that she worked with the Sheriff's Department, the Navajo Police, the FBI, and two (2) counties in Arizona plus our local Department of Public Safety. One thing Ms. Jones would like the Mayor and Council to know is how well trained and superior our Officers are to other small town Police Departments. They are trained in such things as how to

deal with active shooters, they have made sure on times that it is available and that she has had extra training in such details that they can bring back to the school and create a safer environment. They are some of the highest trained, most efficient officers that she has ever seen not only for small community like ours and also for any community. She would put them up against anyone that she knows and has family an Uncle that was Sheriff and in-laws Highway Patrol; and they are very finely trained. They have SWAT Training and Active Shooter Training and knows that some of these extra thing that they do seems to be costly, however, we had an active shooter at the School and because of their quick response that things were taken care of quickly. It could have been something that could have turned bad quickly but instead they were able to have the perpetrator in custody within a very short time of 8-minutes. They are to be highly commended. Ms. Jones was at the District Office and was a little bit out of the loop and would have preferred to be more in the loop but if it means the safety of the children she would rather not have all the information she needs to know and know that our Officers are doing their job in protecting our community, our children, our schools and the individuals in it. She for one would appreciate if the Mayor and Council would consider these types of events and the events such as the School burning last year when also the Department of Public Safety was involved in that. We are a small community, we are not faceless people, this is community where we know our children and we know individuals and everyone counts. Appreciates what Council does and wants to commend Police Department and ask for their continued support when they consider the budgetary needs of our Community. She thanked them very much. **APPLAUSE!**

Mr. Rob Jones, Special Ed Director at Willcox School District, wanted to add on to what has been said already. The Police Department in Willcox was very decisive when this shooting occurred. They locked the schools immediately before even before some of the School Administrators knew what was going on they took the action and protected our students and staff. It was utterly fantastic. Thanked Chief and all his men on fantastic job they did. It was just amazing on what happened. This is a man that fought the fire at the High School about a year ago and he was there 18 hours fighting that fire and shows the kind of character that he has and concern he has for our community. He deserves the best and deserves a full staff Police Force. Thanked Mayor and Council for their time tonight. **APPLAUSE!**

Chase Childers, student of Willcox Middle School, and wanted to say Thanks to the Police Department and everyone that showed up there and not sure who all showed up. And just wanted to say Thanks for getting everyone out of there before anything else could happen. Thank You! **APPLAUSE!**

Vice Mayor stated we have several Officers present both men and women and she too Thanked them for everything they do every single day and appreciates it.

5. **DECLARATION ON CONFLICT OF INTEREST**_-There was no response from Mayor and Council members or staff.

6. **ADOPTION OF THE AGENDA**-It was moved and seconded to adopt the agenda to remove items #10 and #17-20 relating to Executive Session, at this time. **CARRIED.**

7. **CONSENT AGENDA**

Items that are considered to be routine by the City Council will be enacted by one motion **without** discussion. The consent agenda is a timesaving device and Council members have received documentation on these items for their review prior to the open meeting. Any Councilmember may remove any item from the consent agenda for discussion and a separate vote as deemed necessary. The public may view the documentation relating to the consent agenda 24 hours prior to the meeting at the City Clerk's Office, 101 S. Railroad Avenue, Suite B, Willcox, AZ from 8:30 a.m. to 4:30 p.m. or at the Elsie S. Hogan Library, 100 N. Curtis Avenue during normal working hours Monday-Saturday.

7A. **THE MINUTES OF THE REGULAR MEETING OF FEBRUARY 20, 2012**

Tab 1

It was moved and seconded to adopt the Consent Agenda item as presented. **CARRIED.**

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

COMMUNICATIONS: Vice Mayor Cronberg announced there are three (3) candidates running for the March 13, 2012 Primary Election. Candidates are: Earl B. Goolsby, Elwood "Woody" Johnson and William "Bill" Nigh. Polls open at 6:00 a.m. to 7:00 p.m., City Council Chambers, 300 W. Rex Allen Drive. There are no Write In Candidates for the Primary Election.

9. **DISCUSSION/DECISION REGARDING THE REQUEST WAIVING THE REQUIREMENTS FOR INSURANCE AND OTHER FEES FOR THE USE OF THE BALL FIELDS**-It was moved and seconded to approve for discussion the request waiving the requirement for insurance and other fees for the use of the ball fields. **Vote-Ayes:** Councilman Klump. **Nays-**

Mayor Lindsey, Vice Mayor Cronberg, Councilmen Johnson, Donahue and Irvin. **ABSENT**-Councilman Holloway.

MOTION NOT CARRIED: 1-5-1.

It was moved and seconded to approve the request waiver requirements providing that South West Risk authorizes us to accept waiver of liability. **CARRIED.**

Removed by motion from agenda.

~~10. DISCUSSION/DECISION REGARDING DONATION OF LAND TO THE CITY OF WILLCOX~~ ~~Tab 3~~

11. DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-11 APPROVING THE SERVICE CONTRACT FOR PURCHASE OF RECREATIONAL AND EDUCATIONAL SERVICES [“SERVICE CONTRACT”] BETWEEN THE CITY OF WILLCOX [CITY] AND WILLCOX AGAINST SUBSTANCE ABUSE [“WASA”] AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION, THE SERVICE CONTRACT AND DECLARING AN EMERGENCY TO EXIST-It was moved and seconded to approve Resolution NO. 2012- 11, as stated, regarding the renewal of the WASA contract. **CARRIED.** Tab 4

12. DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-12 APPROVING AND AUTHORIZING THE CITY TO DRAFT A MEMORANDUM OF UNDERSTANDING (“MOU”) WITH THE WILLCOX CHAMBER OF COMMERCE AND AGRICULTURE, A NON-PROFIT CORPORATION, [“CHAMBER”] AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST-It was moved and seconded to approve Resolution NO. 2012-12 as stated, regarding the MOU with the Chamber. **CARRIED.** Tab 5

13. DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-13 APPROVING AND ADOPTING SUBGRANTEE AGREEMENT 11-AZDOHS-OPSG-888434-01 WITH THE ARIZONA DEPARTMENT OF HOMELAND SECURITY UNDER OPERATION STONE GARDEN [“OSG”] ON BEHALF OF THE WILLCOX DEPARTMENT OF PUBLIC SAFETY [“WDPS”] FOR THE PURPOSE OF RECEIVING AWARD FUNDS FOR COLLABORATIVE LAW ENFORCEMENT ACTIVITIES AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST-It was moved and seconded to approve Resolution No. 2012-13, as stated, relating to Subgrantee Agreement 11-AZDOHS-OPSG-888434-01 with the Arizona Department of Homeland Security Under Operation Stone Garden. **CARRIED.** Tab 6

14. DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-14 APPROVING AND ADOPTING REVISIONS TO SECTION 209 (SALARY ADMINISTRATION) OF THE WILLCOX EMPLOYEE HANDBOOK FOR THE PURPOSE OF ALLOWING GREATER FLEXIBILITY IN THE ADMINISTRATION OF THE WORK LOAD; REPEALING THE FORMER SECTION 209 IN ITS ENTIRETY; ADOPTING THE REVISED PERSONNEL POLICY; ESTABLISHING THE EFFECTIVE DATE AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST-It was moved and seconded to approve Resolution NO. 2012-14, as presented relating to Revisions to Section 209 (Salary Administration) of the Willcox Employee Handbook. **CARRIED.** Tab 7

15. REPORTS BY THE CITY MANAGER PAT MCCOURT Tab 8

Consideration, discussion, and/or decision regarding the following topics by the City Manager- Absent and Mr. Bonner read the following:

- **Report on City Election** – Primary Election to be held on Tuesday, March 13, 2012.
- **Business After Hours**-with the Chamber Indy Motor Sports, West Airport Road, Tuesday, March 13, 2012 from 5:00p.m-7:00 p.m.
- **Friends of WASA Night**-invitations being sent for the event to be held on Thursday, March 15, 2012 from 6:30 p.m. at the High School/Middle School Cafeteria!
- **First Things First** –In conjunction with **Give Kids a Smile Day**, to help raise awareness of oral health, children’s safety and learn about services and programs available in our community. On Saturday, March 17, 2012 from 10 a.m. to 2 p.m. at 480 N. Bisbee Avenue, Gym.
- **Annual League of Arizona Cities & Towns**- Save the date for the 2012 League Annual Conference. It will be held August 28-31, 2012 at the Hyatt Regency Scottsdale at Gainey Ranch. More information to follow as it comes in. It is up to M&C if ready to attend and not sure if staff will be going this year.
- **Reminder Work Sessions**-on off regular meeting nights will be held at 6:30 p.m. instead of 6:00 p.m.
- **Date for rate hearing on the Gas Fund**-next is day before election and can not use the room. A date needs to be set for the rate hearing on the Gas Fund. MC need to find date following week. DB on the 19th would be water because Gas needs more time. MC wants to revisit that at another time. Mr. McCourt has suggested Saturday. No work session next week. The following week is the 26th and could be held at that time and probably have to shift. RI may have to take 2-mtgs to cover that one. MC agreed and probably easier to process information.

- **Budget Revised Calendar**-the Calendar has been revised as of 02-29-2012 please review dates.
- **Library Report**- Tore library last week and this week putting it back together as part of the carpet replacement. Thanked DB and his crew in getting it done. It was very intense week and half and hopes to move in Thursday.
- **May 24th Nat'l Weather service**- how to recognize systems.

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

Mayor Lindsey said #1 it is good to be with you tonight. His mouth is cooked from radiation and does not talk very well. He thinks the hard part is behind him. The results were good from Chemo and did have a problem with the mass that was in his sinus going up to cranial nerves, and, therefore, had 10 days of radiation and if ever wonder what it would feel like to put your mouth in microwave he thinks he knows. It is good to be here and he really intended to be here at the last meeting and he just couldn't quite make it and was under radiation. Prognosis looks good.

The Mayor also reported we had the Marty Robbins Tribute Saturday night, it was a very good program and did not see very many locals and had lots of people from out of town. It was very well run and thought they did a tremendous job of presenting the show. Not to take any of the thunder from Chief Weaver but actually to add his thunder a little bit we also had other law enforcement that was involved in that procedure and it is through the training and through the cooperation Chief Weaver has with the other law enforcement agencies that that was possible and we certainly salute you for that effort.

Councilman Johnson stated it is good to see "Sam" here. Does his heart well and lost his sister to cancer end of July and watched what she went through and it was tough. It is good to see Sam sitting here makes him feel good. To Chief stated our Police Force is one of the best and his biggest thing is we need to be sure they are staffed. Received calls prior to this incident called him and questioned the actually staffing of our police force. We lost another officer to the County and we have one officer in training and another new officer on the force and we are missing a Detective and really understaffed. What we need in Willcox we need to look at that for budget session and thanked Chief for what he has done.

Councilman Irvin said he will echo what everybody has said and excellent job the Willcox Police Department has done and it is also nice to have the Mayor back.

Councilman Donahue also echoed same sentiment and thinks it was well handled and really proud of the Police Department for executing that as well as they did. It is really a testament to our size to have such a professional force and they(Council members) are going to do their best to knock off waiver of fees to make sure they have ammunition for their guns.

Vice Mayor Cronberg echoed all of the above and very happy to have the Mayor sitting here this evening and also thanked our Department of Public Safety, both our Law Enforcement, Fire Department for the work they have done recently. There was a fire behind Soto Street a week ago Wednesday and that too was handled very well. Said she was "especially proud to say that these are our people" and they take good care of us and really glad that we have you, ?and appreciative of the jobs they do on so many ways, on so many occasions with professionalism and concern for the people that you serve. Thank You So Very Much!

The following were removed from the agenda by motion.

~~17. DISCUSSION/DECISION ENTER INTO AN EXECUTIVE SESSION PURSUANT TO ARIZONA REVISED Tab 9 STATUTES §38-431.03A(3) DISCUSSION OR CONSULTATION FOR LEGAL ADVICE WITH THE ATTORNEY OR ATTORNEYS OF THE PUBLIC BODY~~

~~18. RECESS TO EXECUTIVE SESSION, IF APPROVED~~

~~19. RECONVENE FROM EXECUTIVE SESSION~~

~~20. DISCUSSION/DECISION/DIRECTION TO STAFF REGARDING MATTERS DISCUSSED IN EXECUTIVE SESSION~~

21. ADJOURN-8:00 p.m.

NOTE: Documentation (if any) for items listed on the Agenda is available for public inspection, a minimum of 24 hours prior to the Council Meeting, at any time during regular business hours in the Office of the City Clerk, 101 S. Railroad Avenue, Suite B, or the Elsie S. Hogan Community Library during regular business hours Monday-Saturday and on the City's website www.cityofwillcox.org.

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.