

7-10-14

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND  
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ  
HELD ON THIS 4<sup>th</sup> DAY OF SEPTEMBER, 2014**

**CALL TO ORDER** - Mayor Bob Irvin called the meeting to order at 6:30 p.m.

**ROLL CALL** - City Clerk Virginia A. Mefford called the roll.

**PRESENT**

Mayor Robert A. Irvin  
Vice Mayor Bill Holloway  
Councilman Elwood A. Johnson  
Councilman Gerald W. Lindsey  
Councilwoman Monika Cronberg  
Councilman Earl Goolsby  
Councilman William "Bill" Nigh

**STAFF**

City Manager Ted Soltis  
City Clerk Virginia Mefford  
City Attorney Ann P. Roberts  
Finance Director Crystal Hadfield  
Police Chief Glenn Childers  
Library Director Tom Miner  
Public Works Director Kevin Hagerich  
Development Services Jeff Stoddard

**ABSENT** - Vice Mayor Bill Holloway - Resigned as of August 30, 2014

**PLEDGE OF ALLEGIANCE TO THE FLAG** - Led by Mayor Irvin

**CALL TO THE PUBLIC**

Cindy Traylor spoke regarding the Chamber Agreement. Although she lives outside of the city limits, she expressed concern over the Wings Over Willcox and the Chamber turn of events. She requested the Council look into the Chamber. Steve Marlatt also expressed concern over the Chamber Agreement. Since the City donates bed tax money to the Chamber, he felt it should be subject to City Council management. He wanted to ensure that open meeting laws are being met and other financial records are available to the City. LaDonna Burgess thanked the Mayor and Council for all they do for WASA and expressed appreciation for the money the City donates.

**DECLARATION ON CONFLICT OF INTEREST** - None declared

**ADOPTION OF THE AGENDA**

**MOTION:** Councilmember Cronberg made a motion to adopt the agenda as presented.

**SECONDED:** Councilmember Goolsby seconded the motion.

**MOTION CARRIED**

**APPROVAL OF MINUTES OF THE REGULAR MEETING OF August 7, 2014.**

**MOTION:** Councilmember Cronberg made a motion to approve the minutes.

**SECONDED:** Councilmember Goolsby seconded the motion.

**MOTION CARRIED**

**REX ALLEN DAYS INC. REQUEST TO CLOSE STREETS FOR A PARADE TO BE HELD ON OCTOBER 4 FROM 6:00 A.M. TO 1:00 P.M.**

**MOTION:** Councilmember Cronberg made a motion to approve the Rex Allen Days, Inc. request to close streets for a parade to be held on October 4<sup>th</sup> from 6:00 a.m. to 1:00 p.m.

**SECONDED:** Councilmember Lindsey seconded the motion.

**DISCUSSION:** Councilmember Johnson asked whether the new curbing put in by ADOT will allow a semi to turn the corner during the parade. Mr. Hagerich indicated that there is plenty of room.

**MOTION CARRIED**

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**WILLCOX WINE COUNTRY FESTIVAL REQUEST FOR WINE VENDOR LIQUOR LICENSE APPLICATION APPROVAL FOR OCTOBER 18 & 19, 2014**

**MOTION:** Councilmember Johnson made a motion to approve the Willcox Wine Country Festival request for wine vendor liquor license application approval for October 18 & 19, 2014.

**SECONDED:** Councilmember Cronberg seconded the motion.

**MOTION CARRIED**

**WILLCOX WINE COUNTRY FESTIVAL REQUEST FOR STREET CLOSURE FOR RAILROAD AVE. BETWEEN STEWART ST. AND MALEY ST. ON OCTOBER 18 & 19 FROM 7:00 A.M. TO 6:00 P.M.**

**MOTION:** Councilmember Johnson made a motion to approve the Willcox Wine Country Festival request for street closure for Railroad Ave. between Stewart St. and Maley St. on October 18 & 19 from 7:00 a.m. to 6:00 p.m.

**SECONDED:** Councilmember Cronberg seconded the motion.

**MOTION CARRIED**

**WILLCOX WINE COUNTRY FESTIVAL REQUEST FOR A GLASS CONTAINER WAIVER FOR RAILROAD PARK**

**MOTION:** Councilmember Johnson made a motion to approve the Willcox Wine Country Festival request for a glass container waiver for Railroad Park.

**SECONDED:** Councilmember Cronberg seconded the motion.

**MOTION CARRIED**

**RESOLUTION 2014-14 - A RESOLUTION APPROVING AND AUTHORIZING THE RENEWAL AND EXTENSION OF THE USE, MAINTENANCE AND STIPEND AGREEMENT BETWEEN THE CITY OF WILLCOX ["CITY"] AND THE WILLCOX CHAMBER OF COMMERCE AND AGRICULTURE ["CHAMBER"]**

**MOTION:** Councilmember Lindsey made a motion to approve Resolution 2014-14.

**SECONDED:** Councilmember Goosby seconded the motion.

**DISCUSSION:** A discussion took place between councilmembers and members of the audience. Concerns were expressed over the conflict between the Chamber and former WOW committee members. It was Council's hope that some resolution could be reached, but that it was a Chamber issue. Chamber Director Baker assured Council that WOW will take place this year. It was agreed that the Chamber would present quarterly reports to the City and the City would provide 45%, rather than 50%, of the bed tax to the Chamber. City Manager Soltis stated he would change: 3.k. to present "quarterly reports with financials." and he would add "o. "To pay all utilities."

**MOTION CARRIED**

**RESOLUTION 2014-15 - A RESOLUTION APPROVING AND AUTHORIZING THE WRITE-OFF OF TERMINATED UTILITY ACCOUNTS THAT HAVE BECOME NON-COLLECTIBLE**

**MOTION:** Councilmember Johnson made a motion to approve Resolution 2014-15.

**SECONDED:** Councilmember Cronberg seconded the motion.

**MOTION CARRIED**

**RESOLUTION 2014-16 - A RESOLUTION APPROVING AND ADOPTING THE INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN THE CITY OF WILLCOX [CITY] AND THE WILLCOX UNIFIED SCHOOL DISTRICT #13 [SCHOOL] FOR THE PURPOSE OF IMPLEMENTING A SCHOOL SAFETY PROGRAM**

**MOTION:** Councilmember Lindsey made a motion to approve Resolution 2014-16.

**SECONDED:** Councilmember Johnson seconded the motion.

**DISCUSSION:** Chief Childers gave a presentation on the history of the School Resource Officer (SRO). It was started with a grant. When the grant ended, the City split the cost with the school. He introduced officer Lacey who is the SRO and gave a brief bio. He stated that everyone benefits having a SRO at the school. Councilmember Goosby stated officer Lacey is a "gem" and Willcox Schools is blessed to have her.

**MOTION CARRIED**

**RESOLUTION 2014-18 - A RESOLUTION DECLARING AND ADOPTING THE RESULTS OF THE PRIMARY ELECTION HELD ON AUGUST 26, 2014**

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**MOTION:** Councilmember Cronberg made a motion to approve Resolution 2014-18.

**SECONDED:** Councilmember Goosby seconded the motion.

**MOTION CARRIED**

**APPOINT PHILIPPE G LEROY TO THE PLANNING AND ZONING COMMISSION FOR A FOUR YEAR TERM**

**MOTION:** Councilmember Cronberg made a motion to approve the appointment of Philippe G. Leroy to the Planning and Zoning Commission for a four-year term.

**SECONDED:** Councilmember Lindsey seconded the motion.

**DISCUSSION:** Mr. Leroy stated it is an honor to serve.

**MOTION CARRIED**

**APPOINT DELAH AIMAN TO THE LIBRARY ADVISORY COMMITTEE**

**MOTION:** Councilmember Cronberg made a motion to approve the appointment of Delah Aiman to the Library Advisory Committee.

**SECONDED:** Councilmember Johnson seconded the motion.

**MOTION CARRIED**

**APPOINT JAMES SIX TO THE LIBRARY ADVISORY COMMITTEE**

**MOTION:** Councilmember Cronberg made a motion to approve the appointment of James Six to the Library Advisory Committee.

**SECONDED:** Councilmember Lindsey seconded the motion.

**MOTION CARRIED**

**APPOINT A COUNCILMEMBER TO FILL THE REMAINING TERM OF THE VACATED SEAT**

**MOTION:** Councilmember Lindsey made a motion to approve the resignation of Councilman Holloway and to appoint Tim Bowlby to fill the remaining term of the vacated seat.

**SECONDED:** Councilmember Johnson seconded the motion.

**DISCUSSION:** Councilmember Cronberg asked if the Council has to formally accept Councilmember Holloway's resignation before someone is appointed in his place. City Attorney Roberts stated it's the pleasure of the Council as there is no statutory regulation regarding this. Mayor Irvin directed staff to put the swearing in at the next meeting and the election of the new vice-mayor.

**MOTION CARRIED**

**CITY MANAGER'S REPORT**

He attended the Planning and Zoning Commission meeting and they approved the Citizen Review process; it will be presented to Council for approval at the next meeting.

Staff is working on updating animal control and reviewing the penalty clauses in Title 5.

Staff is also working on the parks and public facility fee schedule and once it is ready it will be presented to Council.

The Willcox Flyer Bike Ride race this past weekend was a success. He thanked everyone who made it a success. He also noted that Councilmember Cronberg and Chief Childers, and his children, were participants.

Chief Childers updated the Council about a structural fire that occurred a couple weeks ago and wanted Council to know what a great job the fire department did. The fire fighters also responded to an accident that occurred on the highway. It did not fair as well as there were three deaths, but they did a great job handling this tragic accident.

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

Councilmember Nigh stated he attended the League of Cities and Towns.

Councilmember Johnson noted that the vehicle that was purchased is in route and should be in next week.

Councilmember Lindsey reminded everyone that he will be attending the SEAGO meeting tomorrow. The City is in line for a CDBG grant and needs to be thinking about possible projects.

Councilmember Cronberg thanked everyone for their input.

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**ADJOURN**

With no further business before the Mayor and Council, the meeting was adjourned at 7:40 p.m. by Mayor Irvin.

**CERTIFICATION**

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of the City of Willcox held on the 4<sup>th</sup> day of September, 2014. I further certify that the meeting was duly called and held, and that a quorum was present.

**Dated this 4<sup>th</sup> day of September 2014**

  
\_\_\_\_\_  
City Clerk Virginia Mefford

**PASSED, APPROVED AND ADOPTED** this 18<sup>th</sup> day of September, 2014.

\_\_\_\_\_  
Mayor Robert A. Irvin

ATTEST:

\_\_\_\_\_  
City Clerk Virginia A. Mefford

CITY OF WILLCOX  
Request for Council Action

Agenda Item: 8  
Tab Number: 2

**Meeting Date:**  
September 18, 2014

**Action:**  
 Resolution  
 Ordinance  
 Other

**Subject:**  
FY 15 CDBG Funding  
Public Hearing

**To:** Mayor and City Council

**From:** Kevin T. Hagerich, Public Works Director

**Discussion:** The City of Willcox will be eligible for CDBG funding in fiscal year 2015. Project must qualify under the CDBG umbrella. One of the requirements is to hold a Public Hearing to gather input from the public, including staff and elected officials. Only one eligible project brought up at this hearing can be eventually chosen by Council.

An option I recommend is to establish a redevelopment area(s) through a separate hearing process mandated in the Arizona Revised Statutes to designate a specific area of the City as a "slum and blight" area and start a systemic process of renewal for the community. The first step in the process is to conduct a survey to determine structures that are no longer re-habitable belonging to income qualified owners who are willing to have their properties cleared by the City. The removal is a health and safety issue. After determining the status of the structure as a non-candidate for rehabilitation, the property will be placed in priority order (based upon a set of health and safety criteria) and the property owner, per the income qualifying guidelines, will be contacted as a candidate for the demolition program.

**Recommendation:** Consider using CDBG funds to demolish and remove buildings within the future "slum and blight" redevelopment area(s).

**Fiscal Impact:** Approximately \$198,000 in grant funds

**Submitted by:** Kevin T. Hagerich  
Kevin T. Hagerich, Public Works Director

**Approved by:** Ted Soltis  
Ted Soltis, City Manager



**CITY OF WILLCOX, COCHISE COUNTY, ARIZONA**

**RESOLUTION 2014-17**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLCOX, ARIZONA, DECLARING AS A PUBLIC RECORD AN AMENDMENT TO THE WILLCOX MUNICIPAL CODE, TITLE 17 ZONING, THAT CERTAIN DOCUMENT ENTITLED "CHAPTER 17.10 CITIZEN REVIEW PROCESS"**

**BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLCOX, ARIZONA:**

That certain document entitled "Chapter 17.10 CITIZEN REVIEW PROCESS" is hereby declared to be a public record and three (3) copies of such document are on file in the Office of the Willcox City Clerk and such copies are hereby ordered to remain on file with the Willcox City Clerk for public inspection.

**PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLCOX, ARIZONA, this 18<sup>th</sup> day of September, 2014.**

**APPROVED/EXECUTED:**

\_\_\_\_\_  
**ROBERT A. IRVIN, Mayor**

**ATTEST:**

\_\_\_\_\_  
**VIRGINIA A. MEFFORD, City Clerk**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**ANN P. ROBERTS, City Attorney**

## **Chapter 17.10 CITIZEN REVIEW PROCESS**

### **Sections:**

17.10.010 Intent.

17.10.020 Applicability.

17.10.030 Citizen Review Session.

17.10.040 Applications involving rezoning, specific land use plans or planned developments, variances, amendments to the general plan or issuance of a conditional use permit.

17.10.050 Applications involving Text Amendments to the Zoning Regulations.

17.10.060 Public hearing.

17.10.070 Incomplete Process.

### **17.10.010 Intent.**

The purpose of the citizen review process is to:

1. Ensure than citizens and property owners have sufficient time to learn the substance of zoning map amendments, zoning text amendments, applications for a rezoning of property, general development plan amendments, creation of a specific land use plans or planned developments, issuance of a conditional use permits or any other zoning application the substance of which is requesting the imposition, removal or modification any zoning regulation not previously imposed that may affect them; and,
2. Ensure that development applicants communicate with citizens regarding zoning changes to promote early and effective citizen participation, and that development applicants work with citizens to identify and address possible issues at an early stage in the process.

**State law references** - Amendment procedure, A.R.S. §9-462.03.

### **17.10.020 Applicability.**

The citizen review process shall apply to any application for a rezoning of property, general development plan amendment, creation of a specific land use plan or planned development, issuance of a conditional use permit or any zoning application the substance of which is requesting the imposition, removal or modification any zoning regulation not previously imposed.

### **17.10.030 Citizen review session.**

The Citizen Review Session shall be held in conjunction with a work session of the Planning and Zoning Commission prior to any required public hearing on the application. The date of the Citizen Review Session shall be held at least fifteen days prior to the Planning and Zoning Commission public hearing.

**17.10.040 Applications involving rezoning, specific land use plans or planned developments, variances, amendments to the general plan or issuance of a conditional use permit.**

1. The applicant, in coordination with the Development Services Department, shall establish a time, date, and place for a Citizen Review Session. The Administrator of Development Services shall attend the meeting and shall record minutes to include a list of all individuals in attendance and general matters discussed. The Administrator of Development Services shall provide a brief report regarding the results of the Citizen Review Session to the Planning and Zoning Commission and/or City Council at such time as they take action on the submitted application, if any.
2. Written notice of the Citizen Review Session shall be given at least ten (10) days prior to the work session and shall include the time, date and location of the Citizen Review Session and sufficient details regarding the substance of the proposed application so as to allow citizens and other affected persons to determine how they might be affected by the proposed application.
3. The applicant shall provide to the City proof of mailing such notice by first class mail to:
  - a. Each property owner within 300 feet of all boundaries of the property subject to the application;
  - b. All other interested parties who have requested that they be placed on a notification list maintained by the Development Services Department;
  - c. All affected school districts.
4. In addition to the above required notification, notice of the Citizen Review Process stating the date, time and place of the Citizen Review Session and including a general explanation of the substance of the proposed application shall be:
  - a. Published in a local newspaper distributed to residents living within the city;
  - b. Posted at the official posting locations for the city; and,
  - c. Posted on the subject property.
5. The Administrator of Development Services shall provide a written report stating the results of the Citizen Review Session at least (5) days prior to the public hearing. The report will be provided to the Planning and Zoning Commission and the City Council at the time their respective public hearings on the application are held. At a minimum, the Citizens Review Session final report shall include details of the techniques the applicant used to involve the public, including but not limited to:
  - a. Dates and locations of all Citizen Review Sessions held to discuss the application;
  - b. Dates mailed and the number of mailings, to include examples of the notification letters, meeting notices, newsletter or other publications;
  - c. The location of residents, property owners, and other interested parties receiving notices, newsletters or other written materials;
  - d. The number of people that participate in the process;

- e. A summary of the concerns, issues and problems expressed during the process including the substance of the concerns, issues and problems; and,
- f. How the concerns, issues and problems have been addressed or resolved after the Citizens Review Session.

**17.10.050 Applications involving text amendments to the zoning regulations.**

1. The Citizen Review Session shall be held at least five (5) days prior to the public hearing for the consideration of the proposed zoning text amendment.
2. Notice of the Citizen Review Session shall be given to landowners and other citizens potentially affected by the proposed zoning text amendments at least ten (10) days prior to the scheduled Citizen Review Session. This notice shall state the date, time and place of the Citizen Review Session and shall include a general explanation of the substance of the proposed text amendment to the zoning ordinances. The form of notice to be used will vary according to the type of text amendment proposed, and any means deemed by the City to provide the appropriate method of notice for the proposed text amendment shall be considered sufficient. The following forms of notice shall be considered sufficient:
  - a. Publication in a local newspaper distributed to residents living within the City;
  - b. Posting at the official posting locations for the City;
  - c. Posting on the City's Web site.
3. After the Citizen Review Session, the Planning and Zoning Commission may take all issues and concerns raised by landowners and other citizens potentially affected by the proposed text amendments at such session into account when it considers its recommendation to the City Council on the proposed text amendment and shall, prior to the Council's public hearing on the proposed text amendment, report to the Council the issues and concerns raised during the Citizen Review Session.

**17.10.060 Public hearing.**

All public hearings held in conjunction with the Citizen Review Process shall be administered pursuant to Arizona Revised Statutes §9-462.04.

**State law references** - Public hearing required, A.R.S. §9-462.04.

**17.10.070 Incomplete Process.**

If the applicant's Citizen Review Process and/or corresponding report do not meet the requirements of this Section, the applicant's application shall be considered incomplete and any scheduled public hearing will be cancelled.

CITY OF WILLCOX  
Request for Council Action

Agenda Item: 10  
Tab Number: 7

**Meeting Date:**  
September 18, 2014

**Action:**  
 Resolution  
 Ordinance  
 Other

**Subject:**  
Ordinance 319 - Citizen  
Review Process

**To:** Mayor and City Council

**From:** Development Service Department

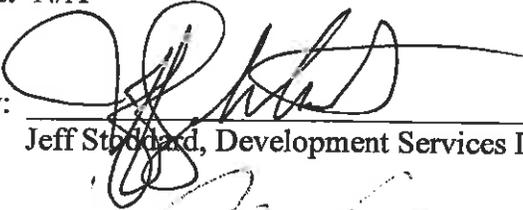
**Discussion:**

Per A.R.S. 9-462.03, "The governing body of the municipality shall adopt by ordinance a citizen review process that applies to all rezoning and specific plan applications that require a public hearing."

The Planning and Zoning Commission voted unanimously 3-0 to adopt Title 17, Chapter 17.10, Citizen Review Process.

**Recommendation:** Approve Ordinance 319 -

**Fiscal Impact:** N/A

**Submitted by:**   
Jeff Stoddard, Development Services Department

**Approved by:**   
Ted Soltis, City Manager

**CITY OF WILLCOX, COCHISE COUNTY, ARIZONA**

**ORDINANCE NS319**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLCOX, ARIZONA, AMENDING THE WILLCOX MUNICIPAL CODE, TITLE 17 ZONING, BY ADOPTING AS A NEW CHAPTER, THAT CERTAIN PUBLIC RECORD ENTITLED "CHAPTER 17.10 CITIZEN REVIEW PROCESS"**

**BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF WILLCOX, ARIZONA:**

**SECTION 1:** That certain document known as "Chapter 17.10 CITIZEN REVIEW PROCESS," three (3) copies of which are on file in the Office of the City Clerk, Willcox, Arizona, having been made a public record by Resolution No. 2014-17, passed and adopted on September 18, 2014, is hereby adopted by reference, and made a part hereof as if fully set forth in this Ordinance.

**SECTION 2:** All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the public record adopted by reference are hereby repealed.

**SECTION 3:** If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the public record adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion thereof.

**SECTION 4:** The effective date of this ordinance shall be thirty (30) days after adoption.

**SECTION 5:** Pursuant to A.R.S. §9-812, the City Clerk is directed to publish the text of this Ordinance for two (2) consecutive weeks in a newspaper of general circulation, and further, to post a copy of this Ordinance in three (3) or more public places within the City.

**PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLCOX, ARIZONA, this 18<sup>th</sup> day of September, 2014.**

**APPROVED/EXECUTED:**

\_\_\_\_\_  
**ROBERT A. IRVIN, Mayor**

**ATTEST:**

\_\_\_\_\_  
**VIRGINIA A. MEFFORD**, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**ANN P. ROBERTS**, City Attorney

**ORDINANCE NS319**

Published in the Range News on the \_\_\_\_\_ and \_\_\_\_\_.

Passed and Adopted by \_\_\_ of 7 Council Votes.

Posted on September \_\_\_\_\_, 2014.

Clerk's Initials \_\_\_\_\_



CITY OF WILLCOX  
Request for Council Action

Agenda Item: \_\_\_\_\_  
Tab Number: \_\_\_\_\_

**Meeting Date:**  
September 18, 2014

**Action:**  
 Resolution  
 Ordinance  
 Other

**Subject:**  
Vice-Mayor Appointment

**To:** Mayor and City Council

**From:** City Manager, Ted Soltis

**Discussion:** As Vice-Mayor Bill Holloway submitted his letter of resignation, which was accepted by Council on September 4, 2014, Council needs to appoint someone to fill the remaining term of the vacated position. Per Willcox Municipal Code 1.05.040, "The council shall select from among their number a replacement for vice-mayor. Replacements will fill the remainder of the unexpired term."

Following the unexpired term, "the mayor and vice-mayor shall be selected by the council at the first council meeting [December 4, 2014] following the general election each two years, but in any event, within 20 days after the date of the general election."

Councilmember seating - With a new councilmember, seating may change.

**Recommendation:** Select a vice-mayor.

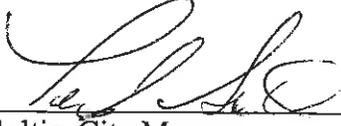
To guide the decision on where councilmembers are seated, I have the following recommendation:

As is presently the case, the mayor takes center seat. Should the mayor not be present, the vice-mayor will assume the mayor's seat.

As is presently the case, the vice-mayor will be seated to the right of the mayor.

Councilmembers will select where they wish to sit on the basis of length of continuous service on the council. Most senior members choose first with the least senior choosing last. Those with the equivalent years of service will choose depending on the highest votes received in the most recent election.

**Fiscal Impact:** \$0

**Submitted by:**   
Ted Soltis, City Manager

