

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND  
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ  
HELD ON THIS 19<sup>th</sup> DAY OF JANUARY 2017**

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

**ROLL CALL** - City Clerk Crystal L. Hadfield called the roll.

**PRESENT**

Mayor Michael J. Laws  
Vice Mayor Terry Rowden  
Councilman Gerald "Sam" Lindsey  
Councilman Robert A. Irvin  
Councilman Elwood A. Johnson  
Councilman Timothy A. Bowlby  
Councilwoman Rachel D. Garza

**STAFF**

City Manager Ted Soltis  
City Attorney Ann P. Roberts  
Finance Director/City Clerk Crystal Hadfield  
Public Safety Director Jose Rios  
Public Works Director Galovale Galovale

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

**CALL TO THE PUBLIC** - Delcie Shultz and Frank Bracamonte

Delcie Schultz: Delcie stated that Tuesday, January 24<sup>th</sup> will be declared Rex Allen Jr. Day. She gave a brief history of Rex Allen Jr. and stated that this will be his last Rex Allen Days. Delcie read a letter from Rex Allen Jr. asking that a drinking fountain be moved to Railroad Park and a dedication be made before the parade.

Frank Bracamonte: Frank expressed his gratitude for his years (over twenty-five in total) of service with the City. He expressed that it was a difficult decision to leave. He requested that Council consider giving a golf course membership (as long as the City owns it) as a token of appreciation for those who have dedicated their lives working for the City.

**DECLARATION ON CONFLICT OF INTEREST** - None

**ADOPTION OF THE AGENDA**

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

**SECONDED:** Vice Mayor Rowden seconded the motion.

**MOTION CARRIED**

**APPROVE THE DECEMBER 15, 2016 COUNCIL MEETING MINUTES**

**MOTION:** Councilmember Lindsey made a motion to approve the December 1, 2016 Council meeting minutes.

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

**MOTION CARRIED**

**SULPHUR SPRINGS VALLEY ELECTRIC COOPERATIVE (SSVEC) CAPITAL CREDITS CHECK  
PRESENTATION – WAYNE CRANE**

Mr. Crane and Director Kathy Thatcher presented a Capital Credits check in the amount of \$8,068.67.

**WILLCOX HISTORIC THEATER UPDATE – GAYLE BERRY**

Gayle gave an update on the many aspects of the theater including renovation, grants, and the opening of Studio 128. She mentioned that January marks the 80<sup>th</sup> Anniversary of the theater opening. Gary Clement was introduced to give an update on upcoming events.

**PROCLAMATION – WILLCOX HISTORIC THEATER**

Mayor Laws presented Gayle Berry with the Proclamation for the Willcox Historic Theater.

**ARIZONA MUNICIPAL RISK RETENTION POOL (AMRRP) RENEWAL- ED BANTEL**

**MOTION:** Councilmember Lindsey made a motion to approve the AMRRP renewal.

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

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**DISCUSSION:** Ed Bantel gave a brief presentation on the Property and Casualty renewal. He explained that the premiums will stay relatively flat. The slight increase was due to newer vehicles being insured. He also announced that the EMOD (Experience Modifier) for the City's workman's compensation will be going down 30% as older claims fall off. The EMOD is expected to go down even more next year. Councilmember Lindsey asked if there has been a big reduction in cases and asked if the City was fairly clear as far as losses were concerned. Ed explained that cases have dropped off and next year there will be another significant decrease.

**MOTION CARRIED**

**RESOLUTION 2017-01 – A RESOLUTION APPROVING PCL CONSTRUCTION, INC. FOR RECONSTRUCTION OF THE WASTEWATER TREATMENT FACILITIES**

**MOTION:** Councilmember Johnson made a motion to approve Resolution 2017-01 approving PCL Construction, Inc. for reconstruction of the wastewater treatment facilities contingent on the City receiving full funding.

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

**DISCUSSION:** Srikanth Yamani, from Wilson Engineers, gave a presentation on the Wastewater Treatment Plant. He gave a brief history of the treatment plant, current conditions, and the upgrade and bid process. His presentation included a list of bids showing that PCL was the low bidder. He also stated that we are just over three million short in funding, however; paperwork has been submitted by USDA to cover the difference. All bidders, except Meridian, will extend the bids to January 28, 2017 to allow time for USDA to secure additional funding. Vice Mayor Rowden asked about how the contract will be paid and will it be approved by the engineer based on progress and will City staff be involved in approving the invoices as well. Srikanth explained that there will be monthly invoices and that staff will also approve them. Councilwoman Garza asked if the contract is contingent on USDA funding. Srikanth said that this is correct and that they hope to hear from USDA by next week. Mayor Laws asked if Srikanth is with Wilson Engineers and if the contractor from PCL was present. Srikanth said that he is from Wilson Engineers and a representative from PCL was not present. Mayor Laws also expressed that he was concerned with the expiration date of the certificates of insurance. Srikanth assured Mayor Laws that those dates can be extended. Mayor Laws also asked Srikanth if he is satisfied with the contract. Srikanth said that he, as well as the Public Works Director, has worked with PCL in the past on other projects and that they are a good team and know how to build treatment plants. Mayor Laws also asked if we will be using local sub-contractors. Srikanth replied that they are currently going through specifications and are looking for the cheapest product. Councilmember Lindsey stated that he was not able to pull up the contract online and expressed concern for the price of the electrical work being over two million dollars and the cost of the receiving station. Srikanth replied that the costs are spread out and actual costs may be less and it is very difficult to determine what costs are incurred because they don't see the breakdown. Public Works Director, Galovale, reiterated what was explained by Srikanth regarding the bid. Srikanth also explained that a septic receiving station is necessary based on population. Councilwoman Garza asked if there is room for growth. Srikanth said that yes, it is designed to expand for an additional five thousand people. Councilmember Johnson stated that this project is long over-due and the City must move forward.

**MOTION CARRIED**

**CITY MANAGER REPORT**

- City Manager Soltis hopes that everyone had a great holiday season.
- An update on the Cochise County Tourism Council was given. Soltis explained that the City provides about \$10,000 annually for the program and that Cochise County will no longer be the fiscal agent; Sierra Vista will be in charge of funds. Soltis stated that a new IGA will be presented to Council once it is completed.
- Wings over Willcox was a successful event and Soltis thanked those who made it possible.
- Soltis attended the Grand Opening for Studio 128. He congratulated the theater and expressed that it will be an asset to the City.
- Soltis stated that six used golf carts were purchased for \$18,000. He explained that the City will be saving money by not having to purchase parts for older golf carts as several of the older golf carts will be used for parts.

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

Councilwoman Garza congratulated City Clerk Hadfield on her new position. Garza commented that the theater's upcoming events show that the community is working towards something good. She stated that she would like to see Council more involved in the community. She mentioned the upcoming Science Fair at the Middle School and that volunteers are needed. Garza mentioned that Frank Bracamonte worked with her father and that Frank dedicated his life to the City. Garza stated that she went on a Public Safety ride along with Sgt. Hadfield. She stated that it was very educational and encouraged all of Council to ride with the police. Garza, along with Vice Mayor

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Rowden, participated in a tour of the City given by the City Manager which was also very educational. During the tour, many questions were answered and we are working to solve issues.

Councilmember Bowlby mentioned that he has been busy coaching basketball for the High School. He mentioned that a train was stopped across both crossings this morning for about twenty minutes. He expressed a concern for safety and would like to have a meeting with Union Pacific.

Councilmember Lindsey wanted to thank everyone for the well wishes as he had surgery last week and will be back to work full time on Monday.

Councilmember Johnson stated that Rex Allen Jr. will be here this weekend and he can be contacted to arrange a meeting. Johnson expressed that Rex Allen Jr. would like to move the Pedro Gonzales Gonzales fountain to Railroad Park. Johnson went to the Studio 128 opening and said that it is an asset to the community and can be used for different purposes. Johnson also stated that there were a lot of people in town for Wings over Willcox. Vice Mayor Rowden stated that VICAP is up and running and they are still looking for volunteers. Rowden met with Border Patrol and their wives to discuss ideas to help Willcox work better with the Border Patrol. They spoke for several hours and agents explained that they live elsewhere because of the culture and amenities as most are from big cities. Rowden stated that we need to make Willcox more appealing and will meet with them again and bring more ideas to the City Manager and Chamber. Rowden is now on a Site Committee for the Scholl District since the override did not pass and will do as much as possible to preserve their integrity. Rowden also did two Public Safety ride-alongs with Sgt. Hadfield and Officer Hammons. She stated that she saw several things from their perspective and that we have a competent and committed police force. She was also present for the 100 Club presenting a check to Chief Rios and Officer Hammons for Taser reimbursement. Rowden helped with the Wings over Willcox. She thanked Public Works for helping to set up the event and the Library for their technology assistance. Rowden stated that Birding Adventures filmed in Willcox and will be on television in April on Destination America. The filming was arranged by the Chamber and funded through the Cochise County Tourism Council. Rowden stated that she received a personal tour of Studio 128 and offered kudos to the theater. Rowden then congratulated City Clerk Hadfield for her additional duties and congratulated the City for cutting expenses without cutting personnel. Rowden then wished everyone a Happy and prosperous New Year.

Mayor Laws stated that he has not had a day off as something is always happening. He expressed congratulations to City Clerk Hadfield and to the detectives with Public Safety for arresting and closing two to three cases daily. Laws stated that Wings over Willcox went well and congratulation to everyone involved. He is glad that the Wastewater Treatment Plant is underway and thanks to the Council for the progress. He wished everyone a Happy New Year.

**ADJOURN**

With no further business before the Mayor and Council, the meeting was adjourned at 7:47 p.m. by Mayor Laws.

**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 19<sup>th</sup> day of January 2017. I further certify that the meeting was duly called and held, and that a quorum was present.

**Dated this 19<sup>th</sup> day of January 2017**

\_\_\_\_\_  
City Clerk Crystal L. Hadfield

**PASSED, APPROVED AND ADOPTED** this 16<sup>th</sup> day of February 2017.

\_\_\_\_\_  
Mayor Michael J. Laws

**ATTEST:**

\_\_\_\_\_  
City Clerk Crystal L. Hadfield

CITY OF WILLCOX  
Council Action Form

Agenda Item: 10  
Tab Number: 2

**Meeting Date:**

February 16, 2017

**Action:**

Resolution  
 Ordinance  
 Other

**Subject:**

Keiller Park Carnival

**To:** Mayor and City Council

**From:** Jeff Stoddard, Administrator of Development Services

**Discussion:** Sun Valley Rides (Carnival) requests the use of Keiller Park, in the same location as the previous carnival, from February 23 through February 26, 2017. A Facilities Use Agreement has been filled out and the required fees have been paid.

**Recommendation:** Approve the use of Keiller Park by Sun Valley Rides (Carnival) from February 23 through February 26, 2017.

**Fiscal Impact:** N/A

**Submitted by:**

  
Jeff Stoddard, Administrator of Development Services

**Approved by:**

  
Ted Soltis, City Manager

CITY OF WILLCOX  
Council Action Form

Agenda Item: 11

Tab Number: 3

**Meeting Date:**

February 16, 2017

**Action:**

Resolution  
 Ordinance  
 Other

**Subject:** Resolution 2017-02 -  
Keiller Park Trail Project

**To:** Mayor and City Council

**From:** Galovale Galovale, P.E., Public Works Director

**Discussion:** The Keiller Park walking trail has deteriorated to the point of being a hazard. Staff requests approval of the Arizona State Parks and Trails - Non-motorized Grant for replacement of the trail. The grant will pay the entire replacement cost of the trail. The City's contribution will be in the form of in-kind labor and equipment to remove the old trail.

**Recommendation:** Approve Resolution 2017-02.

**Fiscal Impact:** \$0.00

**Submitted by:**



Galovale Galovale, P.E., Public Works Director

**Approved by:**



Ted Soltis, City Manager

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

**RESOLUTION 2017-02**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX  
AUTHORIZING SUBMISSION OF AN APPLICATION TO ARIZONA STATE PARKS  
& TRAILS FOR GRANT FUNDS FOR THE KEILLER PARK TRAIL PROJECT**

**WHEREAS**, the City of Willcox is proposing to rebuild the walking trail in Keiller Park;  
and

**WHEREAS**, Arizona State Parks & Trails has funds available to assist with this project.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY  
COUNCIL OF THE CITY OF WILLCOX, ARIZONA, AS FOLLOWS:**

**Section 1:** Approves the submission of an application and acceptance of funds from Arizona State Parks & Trails for the Keiller Park walking trail project.

**Section 2:** Certifies that the application is consistent and compatible with all adopted plans and programs for non-motorized trails facility development.

**Section 3:** Agrees to comply with all appropriate procedures, guidelines, and requirements established for the administration of this grant.

**Section 4:** Will comply with all appropriate state and federal regulations, policies, guidelines, and requirements as they relate to the application.

**Section 5:** Will provide matching funds in the amount of 10% of the project cost in the form of in-kind labor and equipment.

**Section 6:** The City Manager is authorized and directed to take all action necessary and required to carry out the intent of this Resolution.

**Section 7:** The Mayor is authorized and empowered to execute this Resolution.

**PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF  
THE CITY OF WILLCOX, ARIZONA, this 16<sup>th</sup> day of February, 2017.**

**APPROVED/EXECUTED:**

\_\_\_\_\_  
**MICHAEL J. LAWS, Mayor**

**APPROVED AS TO FORM:**

**ATTEST:**

\_\_\_\_\_  
**CRYSTAL L. HADFIELD, City Clerk**

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

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

**ORDINANCE NS327**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLCOX, ARIZONA, AMENDING THE “WILLCOX MUNICIPAL CODE”, TITLE 1 “ADMINISTRATION”, CHAPTER 1.04 “GENERAL PENALTY; CONTINUING VIOLATIONS”, SECTION 1.04.010 “GENERAL PENALTY; CONTINUING VIOLATIONS”.**

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

**SECTION 1:** The Willcox Municipal Code, Title 1 “Administration”, Chapter 1.04 “General Penalty; Continuing Violations”, Section 1.04.010 “General Penalty; Continuing Violations”, Subsection “C.”, as presently published is hereby repealed in its entirety.

**SECTION 2:** The Willcox Municipal Code, Title 1 “Administration”, Chapter 1.04 “General Penalty; Continuing Violations”, Section 1.04.010 “General Penalty; Continuing Violations”, Subsections “C”, “D” and “E”, shall now read as follows:

**C. Unless a violation of this Code has been otherwise classified within the particular chapter or section of the Code defining such, a violation of this Code shall be designated as a class one misdemeanor. Any person found guilty of a misdemeanor or petty offense violation of this Code, upon conviction, shall be sentenced and fined in accordance with Arizona Revised Statutes, Title 13, Chapters 7, 8 and shall include state mandated surcharges, if applicable. (A.R.S.§13-707 &§13-802 (2016).**

**D. Any violation of this Code that would constitute a civil traffic violation shall be subject to the provisions of Arizona Revised Statutes, Title 28, Chapter 5 and the Rules of Court Procedure for Civil Traffic and Civil Boating Violations.**

**E. Violations of this Code that are ongoing and continuous in time shall constitute a separate offense for each day that the violation continues and may be abated by injunctive or other equitable relief and shall be punishable as hereinabove described. The imposition of a fine does not prevent the ability to obtain equitable relief.**

**SECTION 3:** 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 4:** 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 5:** Whereas, as it is necessary for the preservation of the peace, health and safety of the citizens of the City of Willcox, Arizona, an emergency is hereby declared to exist and this ordinance shall become effective immediately upon its passage and adoption.

**SECTION 6:** Pursuant to A.R.S. §9-812 and §39-204, 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 16<sup>th</sup> day of February, 2017.**

**APPROVED/EXECUTED:**

\_\_\_\_\_  
**MICHAEL J. LAWS, Mayor**

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**CRYSTAL L. HADFIELD, City Clerk**

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

**ORDINANCE NS327**  
**Published in the Range News on March 1<sup>st</sup> and March 8<sup>th</sup>, 2017**  
**Passed and adopted by \_\_\_\_ Councilmembers**  
**Posted on February 10, 2017**  
**Clerk's Initials CLH**