

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 21ST DAY OF SEPTEMBER 2009**

CALL TO ORDER-Mayor Gerald W. Lindsey called the regular meeting to order on Monday, September 21, 2009 at 7:00 p.m. looks like we have a good crew, visitors and friends he meet this afternoon from Minnesota and welcomed all.

ROLL CALL –Mayor Lindsey welcomed all present and announced that all the Council members are present except for Councilwoman Cronberg

PRESENT

Mayor Gerald W. Lindsey
Councilman Elwood Johnson
Vice Mayor Larry Schultz
Councilman Jimmy Norris
Councilman Stephen Klump
Councilman Christopher Donahue

STAFF

Public Safety Director Jake Weaver
City Attorney Hector Figueroa
City Clerk Cristina G. Whelan, CMC
Finance Director Ruth Graham
Public Services & Works Director Dave Bonner
Building Inspector Jeff Stoddard

ABSENT

Councilwoman Monika Cronberg

PLEDGE OF ALLEGIANCE TO THE FLAG-Mayor Lindsey.

CALL TO THE PUBLIC- Chris Rhodes announced that Safeway is proposing a Willcox Walks Together for a Cure walk to raise money and awareness for Breast Cancer on Saturday, September 24, 2009 beginning at 9:00 a.m. He is requesting the use of Keiller Park for sign up and refreshments, and a route that will meet the needs of the City. Local businesses are participating and sponsors for T-shirts with advertisement. Please direct any questions, comments or concerns to Safeway at the telephone numbers in the back of the brochures he handed to the Mayor and Council.

Dennis Williams stated that a few months ago he came before the Council and asked them to treat all people on an equal and fair basis. When WillcoxOne Entertainment asked for a Liquor License they were held to the letter of the law. Mr. Williams requested “that you do the same for everybody” because he said the Council approved a liquor license to an entity that does not have a non-profit status with the IRS.

Mayor stated we can not comment and Mr. Williams replied he realized that.

DECLARATION ON CONFLICT OF INTEREST

Vice Mayor Schultz declared Conflict of Interest on agenda #10 regarding the request from the Rex Allen Museum for a Bingo License.

ADOPTION OF THE AGENDA

MOTION: Vice Mayor Schultz moved to adopt the agenda as presented.

SECONDED: Councilman Klump seconded the motion.

AMEND MOTION: Councilman Johnson moved to hold the Executive Session when the Attorney arrives and place that after item #7. The Mayor said the attorney is here, and we have a lot of people present for tonight’s meeting.

AMENDMENT SECONDED: Vice Mayor Schultz seconded the amendment. **DISCUSSION:** Councilman Norris stated we have a lot of people present tonight and Councilman Klump agreed that he does not want to lose anyone by having to wait.

VOTE AMENDMENT: Ayes: Vice Mayor Schultz and Councilman Johnson. **Nays:** Mayor Lindsey, Councilmen Norris, Klump and Donahue. **OPPOSE 4-2 DIED.**

ORIGINAL MOTION: CARRIED.

PUBLIC HEARINGS, PETITIONS AND COMMUNICATIONS

Proclamation: The Mayor read and proclaimed: (1) October is **DOMESTIC VIOLENCE AWARENESS MONTH**. The Mayor gave the proclamation to Elsa Varela, Program Coordinator for House of Hope. She gave a brief presentation on the Domestic Crisis Shelters in Douglas, Sierra Vista and Nogales. The shelter’s mission statement exists to provide a safe haven to female victims of

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physical, economic, sexual and/or emotional abuse. Primary purpose of shelters is to maintain and strengthen the family in crisis if at all possible total practical support and education. Services to all members of the family shall be readily available either through existing Shelter programs and/or referrals within/without of the agency. Ms. Varela invited all to attend the 14th Annual Candlelight Vigil on October 15th at the City Hall in Douglas and to join in the walk to the Park. They will give out candles and there will be a presentation of victims of domestic violence. **APPLAUSE.**

(2) October is **ALPHA DELTA KAPPA MONTH**- presented the proclamation to Ms. Jean Laird and she thanked the Mayor and Council for the proclamation. Ms. Laird thinks education is very important right now and the schools budgets are very pressured by teachers and educators. One of the things she has noticed is that schools are not well funded and teachers go in and do their very best in teaching the children. Right now school funds are cut from University and at all levels but the testing is still required and she appreciates our teachers. Ms. Laird has retired and if children can get a good education you can go on and do anything and if do not learn basic skills you are handicapped for life. **APPLAUSE.**

Public Hearings: The Mayor and Council will hold 2-public hearings at the regular meeting on Monday, September 21, 2009 at 7:00 p.m., City Council Chambers, 300 W. Rex Allen Drive on:

- (1) The proposed increase In Wastewater System Rates and Charges; and
- (2) Application for Bingo License by the Rex Allen Museum at the Rex Allen Theater, 130 N. Railroad Avenue.

Mayor Lindsey opened the Public Hearing regarding the proposed increase in Wastewater System Rates and Charges at 7:19 p.m. City Manager McCourt stated the proposal is quite narrow and affects a very limited group of users of the Wastewater System. It establishes rates for septic haulers that bring septage to the Willcox Wastewater Treatment Plant (WWTP) to dispose of it properly. As the Mayor and Council is aware, we are having difficulty meeting our requirements from State regarding discharge. Staff thought perhaps part of the problem is due to the septic we are receiving. We are running a test program and we do not staff the treatment plant 24/7. We take samples during discharge that require additional staffing. We do charge for placing of septic and propose allow septic users to come in and place septic waste during certain hours at no additional staffing charge during specific hours. We understand that users on some occasions need to dispose of septage outside those hours. We will need to move staff from other tasks or call them in on overtime or holiday. We want to be receptive to the hauler's needs, and at the same time be conscious of the additional costs to the City.

Meetings have been held with the haulers. This process is trial and error. The proposal is 8:00-noon Monday-Friday at no additional charge; noon-3:00 p.m. \$50; before 8:00 a.m. or after 3:00 p.m. \$125, and on City observed Holidays \$150.00 based on our estimated costs per hour. Due to call out cost is higher during Holidays, and some are paid for overtime and some paid straight time. Councilman Johnson asked what he charges were prior to this and Mr. McCourt stated it was a trust system. Councilman Johnson said we are monitoring now and Mr. McCourt explained there is a requirement that we collect samples and we were not doing that. Councilman Johnson asked what we are looking for. Mr. McCourt replied this type of waste is anaerobic and different than the oxygen based process used by the wastewater treatment plant to eat up the waste products and convert the effluent to usable water and sludge. This also produces odor. When sludge comes in it is pretty dense and difficult to process; it also depends on the amount dumped. On some months we were receiving up to 90,000 gallons. Staff wanted to see if could reduce and level out our output and Mr. Bonner said we are in our 3rd month of testing. We wanted to see if this was causing our spikes and on WWTP proposed to do modification to the Plant which is long term and up to 150,000 gallons/month. There will be modification when enters plant and are planning on that long term. Councilman Johnson asked how many haulers are in Willcox and Mr. Bonner replied 3-4. Councilman Johnson asked if Benson comes down and Mr. Bonner said A-1 is one of the four (4). Councilman Johnson asked what do we charge and Mr. McCourt said he does not recall the current charge but its \$25/1,000 gallon. There are other WWTP that will not accept septic dumps. Councilman Johnson said the limit now is 30,000. Vice Mayor Schultz asked Mr. Stambach what was his average and Ms. Stambach replied they were told dumping 60,000 and Mr. Bonner said that 30,000 is norm. Mr. Stambach said they dump all over including Tucson although they cannot in Benson. Only testing site is in Maricopa. Councilman Johnson asked if received any results. Mr. Bonner stated he has meet with dumpers and has 2-months results and indicated higher % removal than previously reported and with 2-years of data and 2-months showed improvement, although he does not remember the numbers. City Manager McCourt improvement in output was closer to requirements and Mr. Bonner replied that is correct. Councilman Johnson stated that basically tonight is fee schedules, and capacity is still 30,000 and Mr. McCourt replied that is correct. Councilman Johnson asked when we will get the data and Mr. McCourt said we will review it

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and long range is to greatly increase amount dumping. Vice Mayor Schultz stated it had a cap before, and Mr. McCourt replied this proposal is only charging during certain hours. Vice Mayor asked if this is a Statue or is there documentation that shows that violation. City Manager McCourt said it does not show on report. Vice Mayor Schultz wants to see that before he makes decision and if charging fee goes back to regulation. Councilman Norris asked if schedule work for all and Stambach said problem with septic they are not in the mid-west or back eat where mandated to be pumped and scheduled. Their business is "Help I am in trouble" driven and do not not answer their phone. They have been out at midnight at AEPCO. They have storage at shop and would not use this fee schedule anyway because (1) increased fee they would not charge this to emergency even if going to Sierra Vista. With a truck worth \$130,000 and employee he still would charge less than \$125 and thinks this is useless if not going to use it. Douglas they will take it and this Public Works employee made an anonymous phone call and they are limited now on amount they can dump and when finished in Douglas then will go to Bisbee. Ms. Stambach said Hernandez this works for them. Ms. Kathy Hernandez stated they go whenever they are called. Mr. Hernandez asked how we charge customer for additional fees. They have to pay out of their pocket because the customer will use somebody else. It will not come out of their customer's pocket due to this customer one hour one charge and another customer different charge because of time. Best is for business hours and suggested that maybe a crew of inmates could do it and knows it is a hardship loading them up. Suggested raise fees all the way across and dump during City hours and make it even. Ms. Hernandez said they leave early morning because they do not know how long it will take until they get there. Additional cost coming out of their pocket. Councilman Klump asked what is the rate in Douglas and Mr. Hernandez said \$12 and Sierra Vista it is \$31 and Ms. Hernandez said the workers are there all day long. Councilman Johnson asked for the number of employees in WWTP and Mr. Bonner replied budgeted two (2) and not always there. We have issues with lab and just changed staffing to allow one person at the lab at 40 hours per week from 7-3:30 p.m. Purpose of testing is to meet inadequacies. Councilman Johnson asked how long it takes from the time they get there, take sample and leave. Mr. Stambach and Hernandez said 10 minutes. Councilman Johnson asked if sample taken by City workers and Mr. Bonner replied they should be. Councilman Norris said after hours and Mr. Bonner said should be City staff to have quality control. The Stambach's asked why is Willcox testing because no one else is and asked if testing every single load. Mr. Bonner said we should be testing every load to understand the process. He has been to one other facility in Apache Junction and they too test every load. Mr. Hernandez said in Sierra Vista they fill out a sheet for test every load but they don't test every load they sometimes smell it and if grease is in there you will know. Vice Mayor Schultz thinks he needs to see regulation before start restricting "these people." Mayor Lindsey asked any other comments. Councilman Johnson asked if audit does the City get involved with private business. City Manager McCourt replied "not at all, they can use other facilities." Councilman Johnson asked if someone from here called Douglas is that something we need to take care of. City Attorney Figueroa said the complaint needs to be in writing with details and it can not be discussed during public hearing. Mayor Lindsey asked any further information at this public hearing. Hearing no further comments the Mayor closed the public hearing at 7:43 p.m.

Mayor Lindsey opened the public hearing at 7:44 p.m. regarding Bingo License by the Rex Allen Museum and Rex Allen Theatre. The Mayor asked if anyone wanted to present information. Mr. Bill Nolan stated he is the current President of the Board of Directors for the Rex Allen Arizona Cowboy Museum and stated they are a 501C3 charity. They also donate free tickets every year. The Rex Allen Theater is a non-profit business and part of the Museum Charity and most are volunteers. Donations received last year were over \$10,000 to keep it operating. This is an opportunity for seniors, youth and everyone in between to participate in Bingo on Thursday evenings and Saturday afternoon. Ms. Delcie Schultz stated she has paperwork that shows they are legitimate with State and IRS until October 2010. Councilman Johnson asked for the hours of operation and Mr. Nolan replied 5:00 on Thursdays and expect to be out of there between 9-9:30 p.m. NCHS ran bingo at the Elks and have offered to donate equipment that is stored so they will not have additional expense to buy the equipment. Mayor Lindsey asked if there was anything further. Hearing none the Mayor closed the public hearing at 7:48 p.m.

DISCUSSION/DECISION REGARDING THE SPECIAL MEETING MINUTES HELD ON SEPTEMBER 8, 2009

MOTION: Councilman Johnson moved to approve the special meeting minutes held on September 8, 2009.

SECONDED: Councilman Donahue seconded the motion. **CARRIED.**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-57 APPROVING AND ADOPTING THE INCREASED RATES AND CHARGES DURING SPECIFIC TIMES FOR THE WASTEWATER SYSTEM OF THE CITY OF WILLCOX AND SETTING AN EFFECTIVE DATE

MOTION: Councilman Norris moved to table.

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SECONDED: Councilmen Johnson and Donahue seconded the motion. **CARRIED.**

DISCUSSION/DECISION REGARDING REQUEST FROM REX ALLEN ARIZONA COWBOY MUSEUM TO SUBMIT APPLICATION FOR BINGO LICENSE AT THE REX ALLEN THEATER

MOTION: Councilman Johnson moved to approve the request from Rex Allen Arizona Cowboy Museum to submit application for Bingo License at the Rex Allen Theater.

SECONDED: Councilman Norris seconded the motion. **VOTE: Ayes-**Mayor Lindsey, Councilmen Johnson, Norris, Klump and Donahue. **Nays-0- Conflict of Interest:** Vice Mayor Schultz. **CARRIED: 5-0-1 Conflict-1 Absent.**

DISCUSSION/DECISION REGARDING REQUEST FROM BO DOWNEY CONTINUATION OF STREET CLOSURE FOR GUNFIGHT SHOWS

MOTION: Councilman Johnson moved to continue request from Bo Downey for the continuation of street closure for Gunfight Shows for 6-months.

SECONDED: Councilman Donahue seconded the motion. **DISCUSSION:** Mayor Lindsey asked Mr. Downey to discuss this. Mr. Downey explained he has an item to bring up which has to do with his health, nothing radical, although as it stands right now the street closure has been approved for the Gunfight Shows at high noon and 4:00 p.m. every Saturday and there is minimal street closures at those time. After receiving feedback he has deduced that on Saturday a lot of people are up and about later and if they go to brunch and go to the downtown area around 1:00 p.m. People have asked if Gunfight could be held a little later because 4:00 p.m. is a little late for most. Mr. Downey thinks it will work out best for all is to have one show per Saturday at 2:00 p.m. This worked really well in California. The shows are free and for the kids. Also street closure working much better Jody Clifton (Historic Palace Saloon) by moving closure more towards Rodney's because they do not need the entire street for the show. Vice Mayor said staff recommends extending the time from 6-9 months. Ms. Clifton agrees on one (1) show and test again to see how it does. Mr. Downey agreed and Ms. Clifton said she appreciates his changing of the street closure. Mr. Downey thinks 2:00 p.m. is fair and Ms. Clifton agreed. During Rex Allen Day's Mr. Downey plans on having a little more activity and willing to do that and it will not impose the other end of the street. Councilman Johnson said what about review during the second meeting in January and Downey said if all works out well then he will be asking for permanent status. City Manager McCourt thinks motion was to extend permit for 6-months and asked the Council members to amend permit to one show at 2:00 p.m. and extend continuation of street closure for 3.5 months. (Corrected name Downing to Downey)

AMEND MOTION: Councilman Johnson moved to continue street closure for 2:00 p.m. Gunfight Show and bring back topic at the second meeting in January for review.

AMEND SECONDED: Councilman Donahue seconded the motion. **AMENDMENT: CARRIED. ORIGINAL MOTION: CARRIED.**

DISCUSSION/DECISION REGARDING CHANGE ORDER #10 FOR WELL #1

Mayor Lindsey asked Public Works Director Bonner if he had any more information. Mr. Bonner explained the variable frequency and spoke with Ronny Calvert, Mike Anderson and Kelly Stanger from SSVEC. Took all information and the spread sheet from SSVEC and did not get positive result on cost savings based on the information on pump efficiency which drops at 91% and not that much less. Pump output reduces 400 and up gallons/minute. That is higher than our lowest daily usage. It could be utilized in manner we needed to turn off reservoir. First primary reason for VFD was for the safety factor if we had a problem with reservoir could isolate and put water in the system and the other was fire incident if we needed more volume we could increase and still maintain pressure. The interface would be at Public Works for changes. Councilman Johnson asked if not purchased then we have to drive to the well to make changes. Mr. Bonner stated we would not have capability to maintain the pressure and would have to shut off system or if had problem with reservoir. Mayor Lindsey asked what the additional cost is for the air condition panel. Mr. Bonner replied it is a total of \$12,000. Mayor Lindsey asked if it is physically running and the cost and Mr. Bonner said operating costs he did not do that calculation. Councilman Johnson asked if it is still a need or want and Mr. McCourt said it is a safety factor. The first contingency is reservoir if it goes off line for what ever reason and if not needed it doesn't run and if it does you will need assistance. If we shut down the water, we will lose pressure and when it comes up the pressure will be too high and with variable we would maintain the constant pressure within the system. Is it absolute "no it's not" is it "a good feature yes it is." If reservoir goes off we need to maintain constant pressure. Too high pressure could create leaks within the system and if too low you will not have adequate water supply.

MOTION: Vice Mayor Schultz moved to approve the Change Order #10 for Well #1.

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SECONDED: Councilman Donahue seconded the motion. **VOTE: Ayes-**Mayor Lindsey, Vice Mayor Schultz, Councilmen Norris, Klump, and Donahue. **Nays:** Councilman Johnson. **CARRIED: 5-1-1 Absent.**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-58 RATIFYING AND APPROVING THE SUBMITTAL OF A BUDGET PROPOSAL TO THE ATTORNEY GENERAL'S OFFICE OF VICTIMS' RIGHTS PROGRAM ["VRP"] ON BEHALF OF THE WILLCOX DEPARTMENT OF PUBLIC SAFETY ["WDPS"] FOR THE PURPOSE OF RECEIVING AWARD FUNDS TO BE USED FOR VICTIM RIGHTS' SERVICES AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.

MOTION: Councilman Johnson moved to approve Resolution NO. 2009-58, as stated, relating to Attorney General's Office of VRP on behalf of the WDPS receiving award funds for Victim Rights' Services.

SECONDED: Councilman Donahue seconded the motion. **CARRIED.**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-59 APPROVING AND AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE COCHISE COMMUNITY FOUNDATION GRANT ["CCF"] FOR THE PURPOSE OF OBTAINING FUNDING FOR YOUTH PROGRAM ACTIVITIES, AUTHORIZING AND DIRECTING CITY STAFF TO SUBMIT SAID APPLICATION AND DECLARING AN EMERGENCY TO EXIST

MOTION: Councilman Johnson moved to approve Resolution No. 2009-59, as stated, relating to Authorizing the Submission of Application to CCF for the purpose of obtaining funding for Youth Program Activities.

SECONDED: Councilman Donahue seconded the motion. **DISCUSSION:** Councilman Johnson asked if this is an increase to level of staff and City Manager McCourt replied "no." Councilman Johnson asked if grant runs out do we continue and Mr. McCourt replied only if receive additional grant. **CARRIED.**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-60 TO AUTHORIZE THE REQUEST FOR FUNDS FROM THE BORDER ENVIRONMENT COOPERATION COMMISSION ["BECC"] FOR THE WILLCOX WASTEWATER TREATMENT PLANT ["WWTP"], AUTHORIZING THE SUBMITTAL OF THE REQUEST, AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.

MOTION: Councilman Johnson moved to approve Resolution NO. 2009-60, as stated, relating to request for funds from BECC for the WWTP.

SECONDED: Councilman Donahue seconded the motion. **DISCUSSION:** Councilman Norris asked how much the grant money is going to be. City Manager McCourt replied \$50,000 and stated that it is all grant monies. **CARRIED.**

DISCUSSION/DECISION REGARDING THE SENIOR CITIZEN GRANT DIRECTION TO STAFF ON WHICH OPTION THE COUNCIL WISHES TO PURSUE TO MOVE FORWARD.

City Manager McCourt explained that to proceed in getting this grant we need to prepare detailed a grant application. This money is for Capital and not Operating Expense and we were not able to locate any operating money. Staff is interested in putting together not just a structure but a program that is ongoing and useful. We received proposals and decided one proposal is most beneficial for the long term welfare of our community. To provide for a Senior Citizen Center we need to partner with Northern Cochise Health Systems (NCHS). They will provide facility, which is centrally located, paid staffing, volunteers and they are able to provide a variety of programs. Staff recommendation is to go forward with that proposal

MOTION: Councilman Johnson moved to direct staff to continue discussions with NCCH to establish a Senior Citizen Center.

SECONDED: Councilman Norris seconded the motion. **DISCUSSION:** Councilman Norris asked which building is that and Mr. Harley Smith, the CEO NDHS, said the will lease a building that will be located behind the Sulphur Springs Medical Center. They also plan to do Night Sleep Study and area will be blocked off. Plans are to have 2,300 sq ft. for Senior Citizen activities. It is a modular building and NCHS will be signing contract and is ready to move forward. Vice Mayor Schultz thinks this is the fastest way to get a Senior Center and NCHS said they will have driver to pick them up too. Councilman Norris stated he appreciates what they have done and it is very good work. **VOTE: Ayes-**Mayor Lindsey, Vice Mayor Schultz, Councilmen Johnson, Norris, and Klump. **Nays-0- Conflict of Interest:** Councilman Donahue apologized for not stating earlier that he has a Conflict of Interest on this item. **CARRIED 5-0-1-1.**

DISCUSSION/DECISION REGARDING THE WILLCOX ROTARY CLUB FUNDRAISER

MOTION: Councilman Johnson moved to approve the Willcox Rotary Club Fundraiser for proceeds to benefit the 4th of July fireworks.

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SECONDED: Councilman Donahue seconded the motion. **DISCUSSION:** Rotarian Mr. Pat McCourt stated this fundraiser will give all an opportunity to further assist the Public Safety Department to purchase fireworks and encouraged all to buy raffle tickets. **CARRIED.**

DISCUSSION/DECISION REGARDING TO APPROVE CITY MANAGER PAT MCCOURT PARTICIPATION IN THE ARIZONA TOWN HALL NOVEMBER 1-4, 2009 AT GRAND CANYON, AZ **Tab 12**

MOTION: Vice Mayor Schultz moved to approve the City Manager Pat McCourt's participation in the Arizona Town Hall on November 1-4, 2009 at Grand Canyon, AZ

SECONDED: Councilman Norris seconded the motion. **CARRIED.**

REPORTS BY THE CITY MANAGER PAT MCCOURT

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

Senior Transport- Organization that was running that program has ceased that service. The City and SEAGO trying to get that service re-established and proposal was done and only one proposal was returned. The proposal meets all qualification and it was submitted by NCHS for Senior Transport and staff is confident it will be awarded to NCHS to provide Senior Transport Services in Northern Cochise County starting in November.

Downtown parking lot-work has been done in preparation for Rex Allen Days to let the public know it is a public parking area and providing some delineation of spaces. Also the project is moving along well on the demolition of old Police Station and hopes to be completed by Rex Allen Days.

- **Update on the Community Center** Dave Bonner, Public Services & Works Director reported doing well except for few hitches on electrical and power should be restored by tomorrow afternoon. Kitchen is basically intact and has been given a total face lift. Hooking up the plumbing today. Painting is complete. Contractors plan to meet our objective for Mayor's/Manager's meeting on Wednesday, September 30th, and the Cowboy Hall of Fame on Thursday, October 1st. The staff will do final clean up.

- **Report on City Clean Up-**Jake Weaver, Public Safety Director-reminder that the City Clean Up is Saturday, September 26 at 7:30 a.m. at Railroad Park and Kathy Smith, Chamber of Commerce, and City Manager will be there to hand out trash bags and masks. Any questions for your designated Clean Up area contact Ms. Smith at 384-2272 or Mr. McCourt at 384-4271. Also September 25 City staff will conduct their Clean Up area of City Hall, around Railroad Avenue, and Public Safety clean up area is behind their new facility.

- **Pat Willcox hosting Mayor's Manager's Meeting-**City Manager McCourt asked Council members able to attend to contact the City Clerk.

COMMENTS NOT FOR DISCUSSION FROM MAYOR AND COUNCIL MEMBERS.

Councilman Johnson stated there is street lights out. He wants to hold a work session on information received from the League of Arizona Cities and Towns Conference, on City Policies and anything else the Mayor and Council want to have.

Vice Mayor said he wants to shadow Councilman Johnson request for work session.

Councilman Norris wants work session to look at the 1% and wants to look at process where money is from for the Streets.

Councilman Klump stated Willcox is part of Cochise County and County Fair is this weekend beginning on Friday, Saturday and Sunday and he will be there for 3-days.

DISCUSSION/DECISION TO ENTER INTO AN EXECUTIVE SESSION PURSUANT TO ARIZONA REVISED STATUTES §38-431.03(A)(3) -DISCUSSION OR CONSULTATION FOR LEGAL ADVICE WITH THE ATTORNEY OR ATTORNEYS OF THE PUBLIC BODY; AND ARIZONA REVISED STATUTES §38-431.03(A)(4) - DISCUSSION OR CONSULTATION WITH THE ATTORNEYS OF THE PUBLIC BODY IN ORDER TO CONSIDER ITS POSITION AND INSTRUCT ITS ATTORNEYS REGARDING THE PUBLIC BODY'S POSITION REGARDING CONTRACTS THAT ARE THE SUBJECT OF NEGOTIATIONS, IN PENDING OR CONTEMPLATED LITIGATION OR IN SETTLEMENT DISCUSSIONS CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION. **Tab 13**

MOTION: Councilman Johnson moved to enter into an Executive Session pursuant to Arizona Revised Statutes §38-431.03(A)(3), as stated for legal advice with the Attorney or Attorneys of the public body; and Arizona Revised Statutes §38-431.03(A)(4), as stated relating to the public body's position in settlement discussion conducted in order to avoid or resolve litigation.

SECONDED: Vice Mayor Schultz seconded the motion. **CARRIED.**

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RECESS TO EXECUTIVE SESSION - 8:26 pm.

RECONVENE FROM EXECUTIVE SESSION: 8:50 p.m.

**DISCUSSION/DECISION REGARDING MATTERS DISCUSSED IN EXECUTIVE SESSION RELATING TO THE ADVICE FROM
ATTORNEY OR ATTORNEYS OF THE PUBLIC BODY'S POSITION IN LITIGATION**

MOTION: Councilman Klump moved to accept the recommendation from the Attorney and close this matter and move forward.

SECONDED: Councilman Donahue seconded the motion. **VOTE: Ayes-**Mayor Lindsey, Vice Mayor Schultz, Councilmen Klump and Donahue. **Nays-**Councilmen Johnson and Norris. **CARRIED 4-2-1 Absent.**

ADJOURN-8:52 p.m.

There being no further business before the Mayor and Council, Mayor Lindsey adjourned the meeting at 8:52 p.m.

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 21st day of September 2009. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 30th day of September 2009

/s/ Cristina G. Whelan, CMC
City Clerk Cristina G. Whelan, CMC

PASSED, APPROVED AND ADOPTED this 5th day of OCTOBER 2009.

/S/ GERALD W. LINDSEY
MAYOR GERALD W. LINDSEY
Signed: October 7, 2009

ATTEST:

/s/ Cristina G. Whelan, CMC
City Clerk Cristina G. Whelan, CMC