

**THE MINUTES OF THE SPECIAL MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 28TH DAY OF OCTOBER 2009**

CALL TO ORDER-Mayor Gerald W. Lindsey called the special meeting to order on Wednesday, October 28, 2009 at 5:32 p.m.

ROLL CALL-Mayor Lindsey announced let the record show that all council members are present except for Councilman Jimmy Norris.

PRESENT

Mayor Gerald W. Lindsey
Vice Mayor Larry Schultz
Councilman Elwood Johnson
Councilwoman Monika Cronberg
Councilman Stephen Klump
Councilman Christopher Donahue

STAFF

City Manager Pat McCourt
City Attorney Hector Figueroa
City Clerk Cristina G. Whelan, CMC

ABSENT

Councilman Jimmy Norris

PLEDGE OF ALLEGIANCE TO THE FLAG-Mayor Lindsey.

CALL TO THE PUBLIC-There was no response from the public present.

DECLARATION ON CONFLICT OF INTEREST-There was no response from the Mayor, Council members or staff.

ADOPTION OF THE AGENDA

MOTION: Councilman Johnson moved to adopt the agenda as presented.

SECONDED: Councilwoman Cronberg seconded the motion. **CARRIED.**

PUBLIC HEARINGS, PETITIONS AND COMMUNICATIONS

Communications: Mayor Lindsey read the First Reading of Ordinance NS298 Amending The City Code, Title 5, Health And Sanitation, Title 5, Chapters 1, Section 5-1-5, By Reference, Repealing The Current Section 5-1-5 And Part Of Ordinance NS292 Relating To Repealed Section 5-1-5 Enumerated Therein.

Public Hearing: The Mayor announced that the Mayor and Council will hold two (2) public **hearings** at the regular meeting on Monday, November 16, 2009 at 7:00 p.m., City Council Chambers, 300 W. Rex Allen Drive regarding (1) Application for Liquor License New License, Limited Liability Co., Carlson Creek Vineyard, LLC, 114 N. Railview Avenue, Willcox, AZ; and

(2) Ordinance NS298 Amending The City Code, Title 5, Health And Sanitation, Title 5, Chapters 1, Section 5-1-5, By Reference, Repealing The Current Section 5-1-5 And Part Of Ordinance NS292 Relating To Repealed Section 5-1-5 Enumerated Therein.

All members of the public are invited to attend. For those persons wishing to comment and are unable to attend written comments will be accepted in the Office of the City Clerk until 4:00 p.m. the day of the public hearing.

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-66 DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED "AMENDED TITLE 5, CHAPTER 1, SECTION 5-1-5".

MOTION: Councilman Johnson moved to adopt Resolution No. 2009-66, as stated, relating to Declaring as a public record "Amended Title 5, Chapter 1 Section 5-1-5" as stated.

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

DISCUSSION/DECISION REGARDING TO ENTER INTO AN EXECUTIVE SESSION PURSUANT TO A.R.S. 38-431.03A(7) - DISCUSSIONS OR CONSULTATIONS WITH DESIGNATED REPRESENTATIVES OF THE PUBLIC BODY IN ORDER TO CONSIDER ITS POSITION AND INSTRUCT ITS REPRESENTATIVES REGARDING NEGOTIATIONS FOR THE PURCHASE, SALE OR LEASE OF REAL PROPERTY.

MOTION: Councilman Johnson moved to enter into an Executive Session Pursuant to A.R.S. 38-431.03A (7) consultation with designated representatives of the public body to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property.

SECONDED: Councilwoman Cronberg seconded the motion. **CARRIED.**

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RECESS TO EXECUTIVE SESSION-Mayor Lindsey recessed the special meeting at 5:38 p.m.

RECONVENE FROM EXECUTIVE SESSION-The Mayor reconvened the special meeting at 6:29 p.m.

**DISCUSSION/DECISION REGARDING MATTERS DISCUSSED IN EXECUTIVE SESSION RELATING TO NEGOTIATIONS
FOR THE PURCHASE, SALE OR LEASE OF REAL PROPERTY**

MOTION: Councilwoman Cronberg moved that it is determined not to sell the property in question.

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

Mayor Lindsey directed staff and Legal Counsel to negotiation with the Stouts to see if something worked out in new lease.

ADJOURN

There being no further business before the Mayor and Council, Mayor Lindsey adjourned the meeting at 6:30 p.m.

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the special meeting of the City Council of the City of Willcox held on the 28th day of October 2009. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 29th day of October 2009

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

PASSED, APPROVED AND ADOPTED this 16th day of NOVEMBER 2009.

/S/ GERALD W. LINDSEY
MAYOR GERALD W. LINDSEY
Signed: November 17, 2009

ATTEST:

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