

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND  
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ  
HELD ON THIS 1<sup>ST</sup> DAY OF FEBRUARY 2010**

**CALL TO ORDER**-Mayor Gerald W. Lindsey called the regular meeting to order on Monday, February 1, 2010 at 7:02 p.m. And welcomed all who stayed from the County meeting we lost some crowd and have new ones present. It is good to have citizens at Council meetings.

**ROLL CALL** –City Clerk Cristina G. Whelan, CMC, called the roll.

**PRESENT**

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

**STAFF**

City Manager Pat McCourt  
City Attorney Hector Figueroa  
City Clerk Cristina G. Whelan, CMC  
Public Safety Director Jake Weaver  
Library Director Tom Miner  
Public Services & Works Director Dave Bonner  
Code Enforcement Jeff Stoddard

**PLEDGE OF ALLEGIANCE TO THE FLAG**-Mayor Lindsey.

**CALL TO THE PUBLIC**-Ms. Peggy Judd, representing the All School Reunion Committee, explained why it would be an advantage for the Mayor and Council to approve the waiver of fees for the Community Center. They are going to include classes from 1937-2010. Orientation is schedule for Friday at noon, registration, reception and catered dinner on Saturday. There will be activities all day on Saturday and possibly a parade too. On Sunday everyone is on their own to participate on activities throughout town. Ms. Judd invited all that attended Willcox High School to participate.

**DECLARATION ON CONFLICT OF INTEREST**-There was no response from the Mayor and 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**

**Public Hearing:** Mayor Lindsey read that the Mayor and Council will hold a public hearing on Monday, February 15, 2010 regarding the Application for Liquor License Series #13 Domestic Farm Winery, Hammelman Wines, LLC, Sand –Reckoner Vineyards, Robert Michael Hammelman, 130 S. Haskell Avenue, Willcox, AZ

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 THE MINUTES OF THE REGULAR MEETING HELD ON DECEMBER 21, 2009 AND THE SPECIAL MEETING HELD ON JANUARY 19, 2010-**

Mayor Lindsey asked Council members not to consider the minutes of January 19 they are incomplete at this time.

**MOTION:** Councilman Johnson moved to approve the minutes of the regular meeting held on December 21, 2009

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

**DISCUSSION/DECISION REGARDING MONETARY GIFT FOR WILLCOX DEPARTMENT OF PUBLIC SAFETY FROM JBR PROPERTIES, LLC FOR THE PURCHASE OF DNA DATABASE COLLECTION KITS**

**MOTION:** Councilman Johnson moved to accept monetary gift for Willcox Department of Public Safety from JBR Properties, LLC for the purchase of DNA Database Collection Kits.

**SECONDED:** Councilwoman Cronberg seconded the motion. **DISCUSSION:** Mayor asked Chief Weaver to explain. The Chief addressed the Mayor and Council and stated JBR Properties donated \$1,000 to the Willcox Department of Public Safety with no specifications at the time of donation what it was to be used for. When approached by JBR Properties and gave them check to bring before Mayor and Council for approval and recently just prior to that received notice from the Arizona Department of Public

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CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ  
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Safety that due to budgetary restraints eliminating the Swab Kits which they had provided to agencies free of charge. These kits are used to obtain DNA samples from convicted felonies or arrestees for other violent offences. The agencies are mandated by ARS to take DNA collection of convicted felons and persons that commit certain violent offenses. That information is entered in national database to see if they have committed other crimes in other States. Budget shortfall the State of Arizona is going through the AZ Department of Public Safety had to eliminate that. Due to problems they are faced with we would have to pay for our own kits. With blessings from Mayor and Council they want to utilize that gift from JBR Properties for \$1,000 to purchase the kits that they are required to have rather than find funds to pay for them in General Fund. Vice Mayor Schultz reminded everyone that it is primarily Brian Riggs. Councilman Norris asked if that will cover the total cost for those kits. Chief Weaver explained said that is a start because for the last 17-20 years have not had to purchase and this is a start. We do not have a base number to see how many have to purchase. Next Fiscal Year will review how many utilized and from this point on try to get a figure to go on.

**CARRIED.** Mayor Lindsey instructed City employees to prepare letter to Mr. Riggs and thank him for this gift and show him our appreciation. Chief Weaver said the letter is already in the works and drawn up should the Mayor and Council approve this tonight.

**DISCUSSION/DIRECTION TO STAFF REGARDING EMPLOYEE HANDBOOK SECTION 303 HOLIDAYS**

City Manager McCourt included in agenda packet a short discussion of the Employee Handbook adopted in 2007 relating to Section 203. Also included memo sent to staff with questions on this section. The City Manager is asking the Mayor and Council to consider in the Employee Handbook - Holidays for City Employees and questioning Christmas Eve half day and Christmas Day December 25<sup>th</sup> and New Year's Eve half day and New Year's Day January 1<sup>st</sup>. Normally there is no question on how this works. In 2010 Christmas Eve is observed on Friday and Christmas Day is on Saturday. Employee Handbook provides Holiday pay for Christmas Day which is the Friday before which is Christmas Eve and same with New Year's Eve and New Year's Day. He thinks this perhaps was not considered when developed handbook although Councilman Johnson thinks it was written as intended. Staff is looking to clarify that the Mayor and Council meant to do that or should Section be revised. The Mayor thinks we need to revise the policy and also look at Holiday situation that requires employees have to be in work status day before or after the Holiday in order to take benefit of Holiday. Councilwoman Cronberg asked if we want to make sure we have official work day and Holiday next day if we want all employees to take day off. Mayor Lindsey said that is the Supervisors discretion. City Manager McCourt's primary question is the confused on the Holiday falling on same day and asked for any comments on language they could suggest. Councilwoman Cronberg asked to clarify fiscal impact and City manager McCourt said that refers to another section of the policy. For example Public Safety they can't take off they have to be there.

City Manager McCourt was directed to bring back suggested language to clarify the policy for those two (2) parts. There is one area which is quite clear in the Policy about being on working status day before or day after Holiday and the City Manager will bring back suggested language for review by the Mayor and Council.

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-12 APPROVING AND ADOPTING THE Tab 5 CONTRACT BETWEEN THE CITY OF WILLCOX [“CITY”] AND VALLEY TELECOM GROUP, INC. [“VTG”] TO PERFORM TECHNICAL SERVICES RELATED TO THE COMPUTER NETWORK; THE TELEPHONE KEY SYSTEM; AND SUPPORT PROCEDURES PURSUANT TO THE SCOPE OF WORK AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST**

**MOTION:** Councilman Johnson moved to approve Resolution NO. 2010-12, as stated relating to the agreement between the City and Valley Telecom Group, Inc. (VTG), as written.

**SECONDED:** Vice Mayor Schultz seconded the motion. **DISCUSSION:** Councilwoman Cronberg stated she thinks it is a remarkable move by Valley Telecom to revise fees downwards especially in these economic times and appreciates that. Mayor Lindsey said it is 10% reduction in fees and it is appreciated. **CARRIED.**

**PRESENTATION OF DONATION FROM THE WILLCOX ROTARY FOR THE 4<sup>TH</sup> OF JULY FIREWORKS**

Mr. Justin Allred stated the Rotary Club held a 50-50 drawing and winner gets 50% and the other 50% is donated to the Fireworks. It is more difficult to put the 4<sup>th</sup> of July fireworks display than he thought and gives a lot of credit to Pat McCourt who sold the most tickets. Drawing was held last Thursday and the winner was Dina Ellis. Half was \$2,640 and Mr. Allred hopes it will do a lot of good and hopes to hold a raffle on a regular basis. He presented to the Mayor the check to the City as the donation from the Willcox Rotary for the 4<sup>th</sup> of July Fireworks. **APPLAUSE.**

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND  
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ  
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**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-13 ") APPROVING AND ACCEPTING THE DELEGATION AGREEMENT #06-082 ("DA") BETWEEN THE CITY AND THE ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY ("ADEQ") FOR THE PURPOSE OF DELEGATING A LOCAL ENVIRONMENTAL AGENCY ("LA"), AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.**

**MOTION:** Councilwoman Cronberg moved to approve Resolution No. 2010-13, as stated relating to accepting the Delegation Agreement #06-082 ("DA") between the City and ADEQ for the purpose of Delegating a Local Environmental Agency ("LA"), as presented.

**SECONDED:** Councilman Johnson seconded the motion. **DISCUSSION:** Mayor Lindsey asked Chief Weaver to explain what this is. ADEQ have the authority to delegate local agencies to issue burn permits on their behalf by delegating a Local Environmental Agency. ADEQ sent letter requesting that the City enter into an agreement with ADEQ to issue burn permits within the City Limits. What that will do is City still responsible for monitoring what is burnt openly, enforcing regulations and prohibitions of burns with noxious fumes that could damage the environment. Basically they are asking us to enter into an agreement and it is an operation of ease for City residents instead of filing permit with State ADEQ and then file with Department of Public Safety and we follow up with them that want they burn is safety. **CARRIED.**

**DISCUSSION/DECISION REGARDING APPROVAL TO MOVE APPROPRIATION FROM ONE GENERAL FUND DEPARTMENT TO ANOTHER**

City Manager reported when the City adopts budget on annual bases that is max City can expend. The City Council has ability to move appropriations or expend from one fund to another. In our budget we have different funds. Also the City Council has ability within each fund to move appropriations from one department to another. The Cit recognizes every year that there are unforeseen expenses that occur and accordingly budget money for them called Contingency Line item and budgeted \$15,000 for that purpose in FY09-10. First expense that came against that was the amount needed to settle with Cochise County for Justice Service for prior year \$13,890.99 of the \$15,000. We had about \$1,100 left and then had Revenue shortfalls and to address those reduced operating budgets and copies included in packets and this is one of the line item reduced by \$1,000 which left \$119 and staff thought we would be alright. What happened is the City belongs to Arizona Municipal Risk Retention Pool (AMRRP) and when we get sued they handle the cases for use, legal defense and when they settle those cases we have \$10,000 deductible that they bill us for after the settlement. We never know when those are going to occur. One as settled this year and we have received a \$10,000 bill from them. We do not have a place to pay for that. We owe the money and we can't spend money not in budget, we can't exceed expenditure cap and he does not have the authority to move the appropriations between departments. We need to stay within our expenditure cap and need to move appropriations from one area to another and correct area is to move it into Contingency. The City Manager suggested taking \$9,880.99 from the Airport Department in the General Fund and moving that to the Contingency Line item in General Government Administration. That would then allow Mr. McCourt to pay the \$10,000 bill.

**MOTION:** Vice Mayor Schultz moved to approve appropriations from one General Fund Department to another as suggested by the City Manager Pat McCourt.

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

**DISCUSSION/DECISION REGARDING REQUEST FROM BRYANT RIDGWAY THAT THE FEES BE WAIVED FOR THE USE OF THE COMMUNITY CENTER TO HOLD AN ALL CLASS HIGH SCHOOL REUNION ON FRIDAY, AUGUST 6, 2010 AND SATURDAY, AUGUST 7, 2010**

**MOTION:** Vice Mayor Schultz moved to approve the request from Bryant Ridgway that the fees be waived for the use of the Community Center to hold an All Class High School Reunion on Friday, August 6, 2010 and Saturday, August 7, 2010.

**SECONDED:** Councilman Norris seconded the motion. **DISCUSSION:** Councilman Norris addressed Ms. Judd to just keep it clean as it was found. Mayor Lindsey said staff will take care of that and we still have deposit even if fees are waived. Councilwoman Cronberg hopes it brings a lot of people. Ms. Jonnie Belle Bethel added they are asking everyone or attended not just those that graduated from Willcox High School. **CARRIED.**

**REPORTS BY THE CITY MANAGER PAT McCOURT**

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

- **Report on Library Renovation-** Tom Miner, Library Director –presented and handout with photos of highlights of Library Renovations made over the past few weeks. Work continues in a rapid pace and encouraged all to drop in to the Library and see first hand the work that is being done. Vice Mayor Schultz has taken advantage of that invitation. The Library did have

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CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ  
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minor change orders although it does not increase the cost of the project. Councilwoman Cronberg asked what the best time of day is for a tour. Mr. Miner explained that generally it is "organized chaos" from 6:00 a.m. until the contractors leave. They work around the contractors and was just notified that they won't be back until Wednesday so any time would be good.

- **State Legislature** –The City Manager reported the State Legislature is meeting and we have not met the deadline to submit bills. That is the bad news. Those submitted so far none are going after the State Shared Revenues and that is positive. A short one sheet was placed on daises about economic forecasting and these are National numbers and the 4<sup>th</sup> Quarter 5.7 increase in Gross Domestic Product. Now 2<sup>nd</sup> Quarter and can see that and people saying things are getting a little better.
- **Letter from ADOT concerning Vehicle Licensing**-staff received late this afternoon a letter from ADOT. This is in response to our letter about closure of local office.
- **Report on Continuing Extended Hours at City Hall**-Pat McCourt, City Manager- staff wanted to extend our business hours at City Hall. Last couple months opening at 7:00 a.m. by shifting staff scheduling. When short call staff from up or down stairs to cover the front desk. Seems to be working well and more public use that hour to do business.
- **Budget Work Session**- Pat McCourt, City Manager, Budget Income Work Session has been scheduled for Monday, February 15, 2010 at 6:00 p.m. Staff would like to talk about the format how budget is laid out. Also discuss projected incomes for next year.
- **2010 Donation of Services & Space Agreement**-Pat McCourt, City Manager- 2010 Census beginning March 19-April 19, 2010 staff has approved the use of the Community Meeting Room for only 15 hours/week. We are providing space for a Questionnaire Assistance Center (QAC) for those persons requesting assistance in completing their 2010 Census questionnaire. Space will be provided in this building.
- **Follow up on information requested by Councilman Johnson**-Pat McCourt, City Manager review information requested by Councilman Johnson regarding FY 09-10 Budget. Information in packet is staff response. The first is reduction and broken by General Fund and Highway Users Fund. It is listed by account number. General Government Admin reduced by \$11,938.00 and broken out by Fund. The second page on Account 15 which is the Street Fund and those are the reductions made by staff. This is to offset revenue shortfalls experiencing back in October and feel projection are the same. The next is response to question about positions within the City and if filled or not being filled. For all funds we have a part time vacated position in Public Works Administration since September and it has not been filled. Parks Department vacated couple positions and we did fill those because Parks only has four (4) people in that department. Those were back in the summer. If we didn't fill we would not have any people to work on the parks. Building & Grounds had one and filled. Streets Department two (2) positions were filled and third position was filled although we downgraded skill levels and pay on that position. The fourth position in the Streets is still vacant. Public Safety has Dispatcher positions that was vacated in August and is unfilled and plan to hold unfilled at this time. The one (1) Library Clerk position in the Library was filled. Development Services Code Enforcement position was vacated in January and plan is to remain unfilled. The third item is regarding the Travel & Training Expenses by Department showing expenses through the end of January. Breakdown 10-402 is the City Council; 10-401 is General Government Administration and 2700 is the actual line item.

Councilman Norris stated regarding Motor Vehicle Department he asked if we need a meeting to get some decisions made. City Manager replied that according to letter sent by email they indicated this office will close February 12 which is prior to the next Mayor and Council regular meeting. They do offer 3-options in their response letter: Option 1-Kiosk system made available to the public to do things on computer; Option 2-third party vendor and indicated they do not think there is enough business to support that and thought the City might have to supplement; and Option 3-if space made available they would staff the space two (2) days per week. The City Manager thinks that the Council might want to ask them to combine two (2) of those offers and put the kiosk in same space that the office people could work out of and have services available 5-days per week. Depending where they put the kiosk could have licensing personnel come down and handle operations that could not be handled with the kiosk or open 7-days. Two (2) days have licensing personnel to come down and handle operations that could not be done with kiosk. That decision is up to the Council. Councilman Norris thinks we need to do something and hold special meeting or asked if could direct City Manager to do it. The City Manager thinks the Council could direct staff to find appropriate date for special meeting sooner rather than later. Vice Mayor Schultz said there has been another offer for a location if they decide to do it from the Hospital if we decide to go with Option 3 and kiosk. Councilman Norris suggests holding a meeting as soon as we can because it is a vital service we need for the community. Mayor Lindsey agrees it is important and need to schedule a special meeting. City Attorney Figueroa stated "nodding of the heads" can not be considered as consensus and we do not want interpretation of that. If someone will direct or instruct City Staff to come up with a date or if someone says we want a meeting Friday then staff is to come up with date i.e. someone says wants to have a meeting Friday; it can be done and staff will go

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CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ  
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ahead and get it done. Councilman Norris directed staff to set a meeting as soon as possible. Councilwoman Cronberg has meetings on Tuesday and Wednesday this week.

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

Councilman Norris thanked the Airport Committee, everyone's comments and appreciates all the hard work.

Vice Mayor Schultz wants to see a work session on behalf of Strategic Plan and wants Mark Frederickson, University of Arizona, to make presentation and get the money we need from the Stimulus Money.

Mayor Lindsey presented Councilman Johnson with his 5-years of service on the City Council. **APPLAUSE.**

Councilman Johnson said 'it has been a privilege and honor to serve the citizens of Willcox on behalf of the City Council' and thanked them for support and will continue to do the work so elected to do. Thank You.

Councilwoman Cronberg congratulated Councilman Johnson and the Airport Ad Hoc Committee for an outstanding job and very professional report they put together for them to work from. Lots of hard work and they have been at it for almost a year and may not want to be on another committee for strategic planning but we can talk about that later. Councilwoman Cronberg stated she appreciates all of that work and the input from the public and that it is nice that people are concerned and willing to speak up.

**ADJOURN**

There being no further business before the Mayor and Council, Mayor Lindsey adjourned the meeting at 7:55 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 1<sup>st</sup> day of February 2010. I further certify that the meeting was duly called and held, and that a quorum was present.

**Dated this 15<sup>th</sup> day of February 2010**

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

**PASSED, APPROVED AND ADOPTED** this 1<sup>st</sup> day of MARCH 2010.

/S/ GERALD W. LINDSEY  
MAYOR GERALD W. LINDSEY  
Signed: March 3, 2010

ATTEST:

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