

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 5TH DAY OF APRIL 2010**

CALL TO ORDER-Mayor Gerald W. Lindsey called the regular meeting to order at 7:00 p.m. on Monday, April 5, 2010.

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

PRESENT

Mayor Gerald W. Lindsey
Vice Mayor Larry N. 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 M. Figueroa
City Clerk Cristina G. Whelan, CMC
Public Safety Director Jake Weaver
Library Director Tom Miner
Finance Director Ruth Graham
Public Works Director Dave Bonner

PLEDGE OF ALLEGIANCE TO THE FLAG-Mayor Lindsey

CALL TO THE PUBLIC-Ms. Vikki McBee addressed the Mayor and Council regarding the Airport. She received misinformation that the Airport was on the agenda tonight. Spent 33 years as Air Traffic Controller and more important to the Airport issue is that she has degree in Airport Management. Ms. McBee did internship bigger than Willcox and part of management team at Tinker Air Force Base which is about the size of Davis-Monthan. Looked at Airport and talked to people and a few at the County and ended up with more questions. When she first looked at the Airport thought running 10,000 ops/year and it is closer to 7,000 and it does not seem to be generating any money. They do not charge landing fees, and there are no tie-down fees. It is an FAA Certified Airport which is a good thing and understands that only for 2-years have they gotten \$850,000 that Willcox was supposed to get. And she can not find anyone at County where the \$150,000 went. Apparently goes into one pot and no evidence that it went to Willcox. Thinks probably there was some grant money that went to Willcox to fix the taxi way and half of the taxi way is still un-repaired. The cross wind runway is not in operation and the way the wind blows in Willcox doesn't make for safe landing sometimes. It has a nice 6,000' runway and using it for back taxing. As an Air Field Manager that is not a good thing. Putting unnecessary wear and tear on runway that eventually is going to have to be repaired and it is not cheap. GPS approach is good which requires almost no maintenance. Drainage system that was put in years ago and apparently working well and in good condition which means the runway has never been under water and that is good. A month ago when she visited the Airport they did not have runway lights and that is not a good thing. Maybe they have been repaired but as of about 3-weeks ago they were not. Does not know how the field gets along without runway lights. Apparently there are not many night ops. Ms. McBee can not find anybody who does the maintenance on the rotating beam. When light goes out or quits rotating somebody has to fix it. Also she understands County only pays \$4,000/year for insurance and asked what they are getting for \$4,000/year, liability maybe and if that is the case that is a problem and something needs to be done about that. The thing that concerns her most as Airfield Manager is the FFA Certification of that air field. That certification can be taken away, although has been told by a of couple people that won't happen. In reality it can happen and it is not a pretty thing. FFA comes in takes certification and take their money with it. The only thing they say is 're-apply when you can comply' and what are you going to do. You have to start process all over again and you have no money coming in from FAA. Maintenance on the airfield has to be fixed and does not see where money is coming from to fix it. Ms. McBee thinks there is potential for that Airport to bring in some money and does not think that will happen until maybe 15-20 years until money is brought in and asked if the City has the money to maintain it 15-20 years. Asked does the City have the money to maintain it for until some money brought in. Has not seen the budget and maybe the City do.. If betting or counting on grant money you are betting on the cow. Just because received grant money for 15 years does not mean you will get it next year. She does not think counting on grant money to maintain that airport is going to work. At the very least she wouldn't want Willcox to take over that Airport until the County has given us a breakdown on where that money went, how much it costs to maintain that field and fix what they are supposed to fix. It is not cheap to fix a taxi way or a run way. Ms. McBee wants to see some answers to those questions before the Mayor and Council vote taking over something that the County she thinks wants to unload. She thinks County wants to unload it because it is a money pit. Thank You.

DECLARATION ON CONFLICT OF INTEREST- Councilman Norris declared Conflict of Interest on agenda items numbered 28 and 31 relating to the City Attorney who is his personal lawyer. Councilwoman Cronberg recluse from agenda items numbered 11, 12 and 13 relating to the waiver of fess for the Elementary School Science Fair and the Wine Festival items.

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ADOPTION OF THE AGENDA

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

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

PUBLIC HEARINGS, PETITIONS AND COMMUNICATIONS

Proclamation: The Mayor read and proclaimed April as *Fair Housing Month*

Public Hearing: The Mayor announced the Mayor and Council will hold a public hearing on Monday, April 5, 2010 at 7:00 p.m., City Council Chambers, 300 W. Rex Allen Drive, regarding New Liquor License, RRS, LLC, Ricardo Romero-El Rancho 2 at 308 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.

Mayor Lindsey opened the public hearing regarding New Liquor License at 7:12 p.m. The Mayor asked if anyone would like to comment on this item. Again he asked any comments. Hearing none Mayor Lindsey closed the public hearing at 7:13 p.m.

DISCUSSION/DECISION REGARDING THE MINUTES OF THE WORK SESSION MEETING HELD ON MARCH 15, 2010 AND THE REGULAR MEETINGS HELD ON MARCH 1, AND 15, 2010

MOTION: Councilwoman Cronberg moved to adopt the minutes of the work session meeting held on March 15, 2010 and the regular meetings held on March 1, and 15, 2010.

SECONDED: Councilman Johnson seconded the motion. **DISCUSSION:** Mayor Lindsey on the work session minutes correct "regular meeting" to "work session" on the March 15. And on 03-01-2010 regular minutes Councilman Donahue declared conflict on Northern Cochise Community "Hospital not Center." **CARRIED.**

DISCUSSION/DECISION REGARDING REQUEST FOR A NEW LIQUOR LICENSE BY RRS, LLC. RICARDO ROMERO-EL RANCHERO 2, AT 308 S. HASKELL AVENUE

MOTION: Councilman Johnson moved to approve the request for a new liquor license by RRS, LLC, Ricardo Romero-El Rancho 2, at 308 S. Haskell Avenue.

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

DISCUSSION/DECISION TO RATIFY THE APPROVAL FOR CARNIVAL AT KEILLER PARK HELD ON MARCH 29 THROUGH APRIL 5, 2010

MOTION: Councilman Johnson moved to ratify the approval for Carnival at Keiller Park held on March 29-April 5, 2010.

SECONDED: Council members Norris, Cronberg and Klump seconded the motion. **DISCUSSION:** City Manager McCourt explained that Section in Municipal Code states Circus or Carnival must be approved by the Mayor and Council. Staff felt because it was being held in a frequently held location thought it would be acceptable. If they had wanted it elsewhere staff would not have gone forward with it. **CARRIED.**

DISCUSSION/DECISION REGARDING WAIVER OF FEES FOR THE ELEMENTARY SCHOOL SCIENCE FAIR

MOTION: Councilman Johnson moved to approve the waiver of fees for the Elementary School Science Fair.

SECONDED: Vice Mayor Schultz seconded the motion. **VOTE: Ayes-**Mayor Lindsey, Vice Mayor Schultz, Council members Johnson, Norris, Klump and Donahue. **Nays-None. Abstained:** Councilwoman Cronberg. **CARRIED 6-0-1.**

DISCUSSION/DECISION REGARDING THE WILLCOX WINE COUNTRY COMMITTEE/ROD KEELING REQUEST TO WAIVE REQUIREMENT FOR ALL VENDORS TO HAVE INDIVIDUAL PERMITS

MOTION: Councilman Johnson moved to approve the request from the Willcox Wine Country Committee/Rod Keeling to waive requirement for all vendors to have individual permits.

SECONDED: Vice Mayor Schultz seconded the motion. **VOTE: Ayes-**Mayor Lindsey, Vice Mayor Schultz, Council members Johnson, Norris, Klump and Donahue. **Nays-None. Abstained:** Councilwoman Cronberg. **CARRIED 6-0-1.**

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DISCUSSION/DECISION REGARDING REQUEST FOR SPECIAL EVENTS WINE FESTIVAL-ROD KEELING AND WAIVER FOR GLASS AND BOTTLES IN RAILROAD PARK

MOTION: Councilman Johnson moved to approve the special events Wine Festival as requested by Mr. Keeling and waiver for glass and bottles in Railroad Park.

SECONDED: Councilman Norris seconded the motion. **VOTE: Ayes-**Mayor Lindsey, Vice Mayor Schultz, Council members Johnson, Norris, Klump and Donahue. **Nays-None. Abstained:** Councilwoman Cronberg. **CARRIED 6-0-1.**

DISCUSSION/DECISION REGARDING CAPITAL PURCHASE OF FIRE HOSE TO REPLACE OLDER OUTDATED HOSE, AND MEET NFPA STANDARDS

MOTION: Councilman Johnson moved to approve the Capital Purchase of Fire Hose to replace older outdated Hose, and meet NFPA Standards.

SECONDED: Councilman Donahue seconded the motion. **DISCUSSION:** City Manager McCourt explained as per recommendation from staff from Frontier Emergency Products and Councilman Johnson asked if budgeted item and staff replied in the affirmative. **CARRIED.**

DISCUSSION/DECISION REGARDING PARTICIPATION IN THE NEWLY ELECTED OFFICIALS TRAINING ON JUNE 4-5, 2010

MOTION: Councilman Johnson moved to approve that the newly elected officials attend the Newly Elected Officials Training on June 4-5, 2010.

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

DISCUSSION/DECISION REGARDING THE DRINKING FOUNTAIN FOR RAILROAD PARK IMPROVEMENTS

City Manager McCourt explained staff needs assistance because of the broad range of fountains available. Public Services & Works Director Dave Bonner explained originally estimated \$1,000 and does not cover freeze resistant nature, or historical nature will increase cost. There are a couple of different types, steel, aluminum and concrete type similar to what we have at Keiller Park, although those are not frost resistant. EJ cost to connect asked if place already existing or additional cost. Mr. Bonner explained the site is adjacent to hose at the north end of the Park. It is at the termination of the sidewalk and to the east. Councilman Johnson asked if some fountains are handicapped accessible and Mr. Bonner replied those are available at an additional cost. Councilman Johnson asked if one with water spigot to turn on and off. Mr. Bonner said they are available at additional cost and they do need to be ADA accessible. Vice Mayor Schultz asked which one he preferred. Mr. Bonner replied the most appealing is 2002 SM green (emerald) color which is similar to the color of the light poles at Railroad Park. These are powder color. Cost with freeze protected is \$3,565 and includes ADA accessibility. Councilwoman Cronberg asked how much of the grant monies are still available. Mr. Bonner replied \$73,000 and only spent monies for the electrical materials done for the Holidays. Councilman Norris thinks staff knows more than he does. Mr. Bonner explained there is an air value to keep from freezing which the fountains at Keiller Park do not have. Councilman Johnson asked if one year warranty and Council response was in the affirmative.

MOTION: Councilman Donahue moved to approve the drinking fountain for Railroad Park Improvements to MDF in the amount of \$3,565 with description 2002 SM Historical Fountain.

SECONDED: Councilman Johnson seconded the motion. **DISCUSSION:** Councilwoman Cronberg requested that the color consideration should be "in keeping with general character of the Park." **CARRIED.**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-27 FOR THE PURPOSE OF APPROVING THE APPOINTMENT OF TREVOR J. WARD TO THE JUDICIAL POSITION OF CITY MAGISTRATE AND JUVENILE HEARING OFFICER, APPROVING THE JUDICIAL SERVICES AGREEMENT AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION, THE JUDICIAL SERVICES AGREEMENT AND DECLARING AN EMERGENCY TO EXIST

MOTION: Councilman Johnson moved to adopt Resolution NO. 2010-27, as presented, relating to the appointment of Trevor J. Ward Judicial position of City Magistrate and Juvenile Hearing Officer.

SECONDED: Councilman Donahue seconded the motion. **DISCUSSION:** Councilman Johnson asked if this is something normally approved closer to June. City Manager McCourt replied we did last year and there is no reason to wait. City Attorney Hector Figueroa said we also needed to have solid figures to have during budget process instead of having to ratify afterwards. **CARRIED.**

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DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-28 APPROVING AND ADOPTING THE MEMORANDUM OF UNDERSTANDING (“MOU”) BETWEEN THE WILLCOX DEPARTMENT OF PUBLIC SAFETY (“WDPS”) AND THE ARIZONA DEPARTMENT OF PUBLIC SAFETY (“ADPS”) FOR THE ARIZONA INTERAGENCY RADIO SYSTEM STATE PLAN, AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.

MOTION: Councilman Johnson moved to adopt Resolution No. 2010-28, as presented relating to the MOU between the WDPS and ADPS for the Arizona Interagency Radio System State Plan.

SECONDED: Councilwoman Cronberg seconded the motion. **DISCUSSION:** Chief Weaver explained authorize state license mutual aid by ADPS license allows WDPS in case incident arise have authorization to use state agency. **CARRIED.**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-29 APPROVING AND AWARDED THE BID CONTRACT TO EMPLOYEE SOLUTIONS GROUP (“ESG”) PURSUANT TO THE RFP BID FOR SPECIFIC EMPLOYEE INSURANCE BENEFITS PLAN AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.

MOTION: Councilman Johnson moved to adopt Resolution NO. 2010-29, as presented, relating to awarding the bid contract to ESG.

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

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-30 FOR THE PURPOSE OF APPROVING AND ADOPTING THE REVISION TO SECTION 516 [CELLULAR (CELL) PHONE USAGE] OF THE WILLCOX EMPLOYEE HANDBOOK, ESTABLISHING THE EFFECTIVE DATE AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.

(After a pause the City Attorney Figueroa reminded the Council members they should have motion and a second before discussion.)

MOTION: Mayor Lindsey moved to adopt Resolution No. 2010-30, as stated relating to Approving and Adopting the Revision to Section 516 [Cellular (Cell) Phone Usage].

SECONDED: Council members Cronberg and Donahue seconded the motion. **DISCUSSION:** City Manager McCourt explained in the staff report discusses what trying to do. It exists in Section 516 of the Employee Handbook and numbered each paragraph each section and updated to allow for new technology, and included exception public safety use of cell phone and not broadcast on radio. Also included not just talking on cell and can't do text messaging; Section 516.5 makes it reflect reality. Before policy stated turn off cell when enter work place and failure to do that result disciplinary. In reality telling them to call them on business line instead of personal cell and want to discourage that. Now saying has to get away from work station to use cell phone and around customers. Need to get permission from supervisor that you are expecting a call on the cell phone. Abuse will result discipline up to and including termination.

Councilman Johnson stated he takes it “there is a problem with cell phone abuse and time we address it.” City Manager McCourt replied in the negative and explained time to update and texting he thinks is not permissible in City vehicle. Exclusion was made for Blue Tooth and hand held and staff thought the exclusion statement was appropriate for Public Safety because it does not exist currently. Section 516.5 reflects the reality of what goes on in the world. Councilman Johnson thinks Public Safety is accurate and correct on that and asked if employee has a CDL they can not use phone, text or blue tooth while driving.

Councilman Norris stated personal cell phones should not be used at all in the work place. He stopped it at his work place because it was getting out of hand. Councilman Johnson thinks 21st Century going to get worse with text and she them doing it. He thinks the policy should be as written. Councilman Norris said if using cell phone for personal use then they are not doing their job. Mayor Lindsey thinks having a little of that with some City employees and also using City cell for personal use.

Mr. McCourt reminded Council that he has explicit provision in his contract that he could use City cell for some personal calls at set number of hours during the month.

Councilwoman Cronberg stated she takes her personal cell phone to work and usually set at quiet mode. If a call comes in and if needs to address that call she does separate herself form work and takes care of it. She does not know that we need to write

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things so tightly that we make people look for other avenues. Councilwoman Cronberg is wondering at some of this do we need to act is all of the bold text here added to the current policy. The City Manager explained the bold underlined is where there is a change to the policy. Referring to Section 516.5 Councilwoman Cronberg asked how many employees that have a City phone with blue tooth and head set. The City Manager replied he does not know. The Councilwoman said if they have personal cell phone and have a blue tooth and she asked are we opening that door if you are in your vehicle and have a blue tooth not a problem. Thinks by writing some things we open other doors and not sure how finite we need to be in these policies. After review this what is going to be next on the list that we need to do. Thinks we can write ourselves into too many corners and worried about that. Councilman Johnson asked what would be cost to the City for purchase of a blue tooth for each employee that drives a City vehicle or will it be checked out and use the same one. Councilwoman Cronberg thinks we need to have something that allows people to conduct themselves as professionals and accommodating what needs to be done for the City.

Councilman Donahue concern is the problem run into is that only a portion of the City's employees are in office environment and the other are out in trucks, on the streets and away from supervision. If we can't trust them with a cell phone he is not really sure if "we should turn them loose." It is going to be an unenforceable policy because is the person at lunch they don't know. Can Human Resource department manage this he is not sure. He has been managing people for 20 years and to him 516.5 to him is unenforceable. Either it is allowed at work or not allowed because it is to vague and too grey.

Councilman Klump asked if they don't approve this tonight then it goes back to Section 516.5 there that personal phones turned off and left outside of the work place. City Manager McCourt replied that is correct and asked them to consider leaving Section 516.5 in current wording and would like to get the Public Safety exception in and make sure there is no texting. Section 516.2 we can take out blue tooth. Councilwoman Cronberg thinks that's too much. If added the exception to Public Safety and this that is already incorporated and Section 516.2 additional information we are opening it up to those exceptions beyond public safety. The Councilwoman would rather people in city vehicles taking care of city business. Thinks it is implied in there and does not want us to write things in such finite way that all we are doing is looking for what people are doing and where messing up and not really practical. If that means not approving as is or state a new motion or rewrite it and bring it back.

MOTION: Mayor Lindsey moved to table this item for further review.

SECONDED: Councilwoman Cronberg seconded the motion. **VOTE: Ayes-**Mayor Lindsey, Vice Mayor Schultz, Council members Johnson, Norris, Cronberg and Donahue. **Nays-**Councilman Klump. **CARRIED 6-1.**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-31 APPROVING AND ADOPTING THE ELSIE S. HOGAN COMMUNITY LIBRARY ["LIBRARY"] REVISED INTERNET/ WIRELESS/ COMPUTER USE POLICY AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.

MOTION: Councilman Johnson moved to adopt Resolution NO. 2010-31, as presented, relating to Approving and Adopting the Library Revised Internet/Wireless/Computer Use Policy.

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

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-32 APPROVING AND ADOPTING THE ELSIE S. HOGAN COMMUNITY LIBRARY ["LIBRARY"] MEETING ROOM POLICY AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.

MOTION: Councilman Johnson moved to adopt Resolution No. 2010-32, as presented relating to the Library Meeting Room Policy.

SECONDED: Councilman Donahue seconded the motion. **DISCUSSION:** Councilman Johnson stated he did not see what the holding capacity for the room was including chairs and persons. Library Director Tom Miner replied approximately 50 and Councilman Johnson asked about keys if they coincide with the rest of the building door keys and Mr. Miner replied in the affirmative. Councilwoman Cronberg stated the policy was very thorough and commends him, his staff and Advisory Board on good work. **CARRIED.**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-33 AUTHORIZING AND APPROVING THE AWARD OF CONTRACT TO HINTON BURDICK HALL & SPILKER, PPLC ["HINTON BURDICK"] FOR AUDIT SERVICES FOR FY2009-2010 ANNUAL AUDITED FINANCIAL STATEMENTS AND SINGLE AUDIT [IF REQUIRED] AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST

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MOTION: Councilman Johnson moved to adopt Resolution No. 2010-33, as presented relating to award contract to Hinton Burdick for Audit Services for FY2009-2010.

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

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-34 APPROVING AND ADOPTING THE AMENDED COURT CONSOLIDATION AGREEMENT BETWEEN THE CITY OF WILLCOX ["CITY"] AND COCHISE COUNTY ["COUNTY"] FOR FY 2010- 2011, AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND THE AGREEMENT AND DECLARING AN EMERGENCY TO EXIST.

MOTION: Councilman Johnson moved to adopt Resolution No. 2010-34, as presented relating to the Amended Court Consolidated Agreement.

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

DISCUSSION/DIRECTION ON APPLICATION TO WIFA FOR FUNDING FINAL ENGINEERING AND DESIGN FOR WWTP

City Manager McCourt reported this item is from discussion on the Waste Water Treatment Plant (WWTP) and improvements that are necessary. Staff has been working with Water Infrastructure Finance Authority (WIFA) to see about funding the necessary improvements. One Preliminary Engineering study was done and now doing second study and analyzing alternative solutions. It has been suggested funding in cycles and that City if it wants to see about securing detailed Engineer Design done we can apply in this current funding cycle. What is being proposed is interest only loan and at current rate under 1%. What would occur when it comes to actually funding the improvement and the cost of engineering would be built into project and come out of this particular loan? Mr. McCourt asked if the Mayor and Council want staff to pursue seeking funding. Staff does not know engineering or design costs at this time. The application gets the paperwork moving and we can move forward when those decisions are made. It is a loan.

Councilman Johnson asked if this would affect our bond rating. Mr. McCourt replied it will affect our rating and ultimately will be secured by rates in sewer. Councilman Johnson asked if USDA would loan us money or grant. Mr. McCourt explained we do not have construction funding lined up and it looks like USDA if secured could be a combination of loan and grant. Councilman Johnson also asked if USDA funding in jeopardy over the next couple of years with Federal monies and City Manager replied they have indicated it is not.

Councilman Norris asked if staff is looking at other options besides a lagoon type system. City Manager McCourt replied at this time study being done by Tetra Tech and we will be reviewing 5-alternatives. And staff is reviewing those 5-alternatives. They all have pros and cons and all have different outputs too while the effluent coming out. Once we have that information it will be brought back to Mayor and Council to review and for decision.

Councilman Johnson stated he thinks this is a necessity and need to move forward with it. The WWTP is in dire need. Directed staff to bring back resolution to the Council and maybe some questions can be answered next time. Councilman Norris asked if this funding could be used for any one of the 5-alternatives. City Manager McCourt replied it has not been decided and this funding can be used after decision made on the alternative the City wants to pursue. Councilwoman Cronberg asked what is identified as the source of the repayment fund. City Manager replied sewer fees.

Mayor Lindsey asked where are we at with the current grant used to start the Engineering. Public Services & Works Director Dave Bonner replied that Tetra Tech expected to have report at next meeting. Also help in answering questions. Exercise done last week on non-monetary type of issue related to each one of those alternatives i.e. best water quality of these 5-options is the oxidation ditch. Staff looked at Benson's Plant which is 7-years old and able to produce quality water, permits for B and able to produce quality water and B was adequate to be used on golf course. Councilman Johnson asked Mr. Bonner if he followed up with information from Councilman Norris. Mr. Bonner replied that is part of the package plan for consideration. Councilman Johnson said it was priced higher. Mr. Bonner said total cost \$12,488,000 and the capital cost \$1,747,000.00. Councilman Norris said that is different from what he was told. Mayor Lindsey said he thinks we need to move forward and wished better if grant than having to borrow. City Manager Mc Court stated resolution to move forward will be brought on the Council and the application for this loan at the next meeting April 19th.

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REPORTS BY THE CITY MANAGER PAT McCOURT

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

- **Request approval travel to Chattanooga, TN**-Pat McCourt, City Manager, request approval to travel to Chattanooga, TN and will be gone from the City beginning April 28-May 2, 2010.
- **Report on Generator**-Pat McCourt, City Manager, after further review this generator purchase has been cancelled. Staff detected error on bid and cancelled and started over again.
- **Set date and time for Joint Work Session**-Pat McCourt, City Manager, set date and time for a Joint Work Session with Planning & Zoning Commission regarding revisions to Title 17 and the Infill Incentive Program. Suggested Thursday evenings on every other week because working on budgets. Wednesday is church night and we could go to off Mondays but we already have work session meetings on those. Councilwoman Cronberg stated she would rather meetings held on Mondays at regular meeting times. Councilman Johnson asked if we could wait until after April 15th. City Manager McCourt stated if acceptable then staff will coordinate for Monday meetings and start the schedule for budget meetings. Mayor Lindsey wants meeting on the 26th and Mr. McCourt stated more extensive budget meetings or a couple hours. City Attorney Figueroa stated meetings here twice a month and his meetings on opposite Mondays he has to be in South Tucson. Mayor Lindsey asked the Council members for direction. Councilman Klump stated Mondays are fine for him and if have part of budget meeting before regular meeting. Suggested if work session could be held at 6:00 p.m. and staff will contact P&Z and start those after the 15th.
- **Report LTAF**-Pat McCourt, report on LTAF Funds for Streets (unless discussed in Budget Work Session earlier)
- **Sale of City Property**-Pat McCourt, City Manager, advertised in the local newspaper, City bulletin boards, web site, several public places, and City newsletter of the Sale of City Property. Bid packets can be obtained from the City Clerk's office, Development Services office and on the web. All bids are due Friday, May 28, 2010 at 3:00 p.m. in the Office of the City Clerk.
- **Report on City Hall Sign Improvements**-Pat McCourt, City Manager report on City Hall sign improvements.
- **Report on the Public Safety Complex Sign Bids**-Pat McCourt, City Manager report the results of the Public Safety Complex Sign Bids. The old sign has been removed on Maley.
- **Report on Fremont Street Improvements**-Pat McCourt, City Manager report on the Fremont Street Improvements. It was terrible and fixed drainage, gutters, patch and put down cold mix and we are not done yet. Need to do chip seal.

COMMENTS NOT FOR DISCUSSION FROM MAYOR AND COUNCIL MEMBERS.

Councilman Johnson has located a new business in town and had individual ask him to bring a billboard sign and it is in the back of the room.

Mayor Lindsey stated he is happy to have Kempton Motors operating in our community.

DISCUSSION/DECISION TO ENTER INTO AN EXECUTIVE SESSION A.R.S. §38-431.03A(1)DISCUSSION OR CONSIDERATION OF EMPLOYMENT, ASSIGNMENT, APPOINTMENT, PROMOTION, DEMOTION, DISMISSAL, SALARIES, DISCIPLINING OR RESIGNATION OF A PUBLIC OFFICER, APPOINTEE OR EMPLOYEE OF ANY PUBLIC BODY, EXCEPT THAT, WITH THE EXCEPTION OF SALARY DISCUSSIONS, AN OFFICER, APPOINTEE OR EMPLOYEE MAY DEMAND THAT SUCH DISCUSSION OR CONSIDERATION OCCUR AT A PUBLIC MEETING. THE PUBLIC BODY SHALL PROVIDE THE OFFICER, APPOINTEE OR EMPLOYEE WITH SUCH NOTICE OF THE EXECUTIVE SESSION AS IS APPROPRIATE BUT NOT LESS THAN TWENTY-FOUR HOURS FOR THE OFFICER, APPOINTEE OR EMPLOYEE TO DETERMINE WHETHER SUCH DISCUSSION OR CONSIDERATION SHOULD OCCUR AT A PUBLIC MEETING.

MOTION: Councilman Johnson moved to enter into an Executive Session pursuant to ARS 38-431.03A(1), as stated, relating to City Attorney Contract.

SECONDED: Councilman Donahue seconded the motion. **VOTE: Ayes-**Mayor Lindsey, Vice Mayor Schultz, Council members Johnson, Cronberg, Klump and Donahue. **Nays-0-; DECLARED CONFLICT:** Councilman Norris **CARRIED 6-0-1.**

RECESS TO EXECUTIVE SESSION IF APPROVED-TIME: 8:11 p.m. (Councilman Norris left at this time.)

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

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DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-35 FOR THE PURPOSE OF APPROVING AND ADOPTING THE LEGAL SERVICES CONTRACT WITH HECTOR M. FIGUEROA, DBA HECTOR M. FIGUEROA & ASSOCIATES ("CONTRACTOR") TO PROVIDE CITY ATTORNEY LEGAL SERVICES AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.

MOTION: Councilman Klump moved to adopt Resolution No. 2010-35, as amended, relating to the City Attorney Contract.

SECONDED: Councilman Johnson seconded the motion. **DISCUSSION:** City Attorney Figueroa will amend resolution and agreement. **VOTE: Ayes** –Mayor Lindsey, Vice Mayor Schultz, Council members Johnson, Cronberg, Klump and Donahue.

Nays: -0- . DECLARED CONFLICT AND ABSENT: Councilman Norris. **CARRIED 6-1**

ADJOURN

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 5th day of April 2010. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 19th day of May 2010

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

PASSED, APPROVED AND ADOPTED this 6th day of JULY 2010.

/S/ GERALD W. LINDSEY
MAYOR GERALD W. LINDSEY
Signed: July 7, 2010

ATTEST:

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