

**CITY OF WILLCOX
MAYOR AND CITY COUNCIL MEETING
AGENDA**

Statement of Legal Actions

Monday, May 3, 2010

7:00 p.m.

City Council Chambers

300 W. Rex Allen Drive

Willcox, AZ 85643

(Mayor or Designee will read only **BOLD** print of each agenda item,
except for Public Hearings, Petitions and Communications.)

Resolution No. 2010-50

Ordinance NS299

1. **CALL TO ORDER**-Mayor Gerald W. Lindsey opened the regular meeting on Monday, May 3, 2010 at 7:00 p.m. welcomed all extras here tonight and good to see you. Appreciates attendance and looks forward to seeing more in the future.
2. **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 Services & Works Director Dave Bonner
Building Inspector Jeff Stoddard

3. **PLEDGE OF ALLEGIANCE TO THE FLAG**-Mayor Lindsey.
4. **CALL TO THE PUBLIC**-There was no response from those present.
5. **DECLARATION ON CONFLICT OF INTEREST**-Councilman Donahue declared a conflict of interest on agenda item #22 regarding NCCH. There was no further response from the Council members or staff.
6. **ADOPTION OF THE AGENDA**-It was moved and seconded to adopt the agenda with consent agenda on items numbered 8-11-13-14-17 &18. **CARRIED.**

7 PUBLIC HEARINGS, PETITIONS AND COMMUNICATIONS

Tab 1

Proclamation: Mayor Lindsey read and proclaimed: (1) the month of May as **National Historic Preservation Month**; and (2) May 9-15, 2010 as **Peace Officers Week** and May 15, 2010 as **Police Officers Memorial Day**. Mayor Lindsey presented the proclamation to Public Safety Director Chief Jake Weaver. **APPLAUSE!** Chief Weaver thanked the Mayor and Council and citizens for passing this proclamation it means a lot to him and his family and his police officers. There were 126 police officers throughout the Country who lost their lives last year. Unfortunately this year it is up to 59. Appreciates it and thanked everyone and will continue to do what they have to do to keep everyone safe and appreciates all the support. Mayor Lindsey stated we certainly appreciate efforts of local public safety officials on our behalf and all the citizens of Willcox.

8. DISCUSSION/DECISION REGARDING THE MINUTES OF THE REGULAR MEETING HELD ON

Tab 2

APRIL 19, 2010 – Adopted by Consent Agenda. (Note: per City Attorney to City Clerk to add Consent Agenda to future agenda's along with to enter into Executive Session for consultation with the City Attorney on any agenda topic.)

9. **DISCUSSION/DECISION REGARDING BRIAN BROWN/WILLCOX GIRLS SOFTBALL REQUESTS FEES BE WAIVED FOR CITY EMPLOYEES TO WORK THE BALL FIELDS DURING THE REX ALLEN DAYS TOURNAMENT-It was moved and seconded to approve the fees to be waived as requested by Brian Brown/Willcox Girls Softball request fees waived during RAD Tournament. **CARRIED.**** Tab 3
10. **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-It was moved and seconded to adopt Resolution NO. 2010-30, as presented relating to Section 516 Cellular (Cell) Phone Usage. **VOTE: Ayes-Mayor Lindsey, Vice Mayor Schultz, council members Norris, Cronberg, Klump and Donahue. Nays-Councilman Johnson. CARRIED: 6-1.**** Tab 4
11. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-36 RATIFYING, APPROVING AND AUTHORIZING A LETTER OF SUPPORT FOR THE COCHISE COUNTY ARIZONA CENTENNIAL COMMITTEE'S APPLICATIONS FOR ARIZONA CENTENNIAL 2012 LEGACY PROJECT AND EVENTS DESIGNATIONS AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST. Adopted by Consent Agenda.** Tab 5
12. **DISCUSSION/DECISION REGARDING THE AGREEMENT BETWEEN THE CITY AND NORTHERN COCHISE COMMUNITY HOSPITAL (NCCH) ON SENIOR CENTER –It was moved and seconded to approve the agreement between the City and NCCH on Senior Center. **VOTE: Ayes-Mayor Lindsey, Vice Mayor Schultz and Council members Johnson, Norris, Cronberg and Klump. Nays-None. Conflict of Interest: Councilman Donahue. CARRIED: 6-0-1.**** Tab 6
13. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-42 APPROVING AND AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE 2010 RURAL AND VOLUNTEER FIRE ASSISTANCE GRANT PROGRAM FOR FUNDS TO BE USED FOR WILDLAND FIRE-FIGHTING TRAINING AND PURCHASING FIREFIGHTER PROTECTIVE EQUIPMENT, DIRECTING CITY OFFICIALS TO SUBMIT APPLICATION DOCUMENTS AND DECLARING AN EMERGENCY TO EXIST-Adopted by Consent Agenda.** Tab 7
14. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-43 APPROVING AND AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE TOHONO O'DHOM NATION ("NATION") PURSUANT TO A.R.S. 5-601-02 12% GAMING DISTRIBUTION, DIRECTING CITY OFFICIALS TO SUBMIT APPLICATION DOCUMENTS AND DECLARING AN EMERGENCY TO EXIST-Adopted by Consent Agenda.** Tab 8
15. **DISCUSSION/DIRECTION/DECISION REGARDING RESOLUTION NO. 2010-44 APPROVING AND AUTHORIZING THE PURCHASE OF NATURAL GAS ON A FORWARD PRICING CONTRACT BASIS AND ON THE SPOT MARKET UNDER THE BASE CONTRACT BETWEEN THE CITY AND BP ENERGY COMPANY ["BP"], AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST –It was moved and seconded to adopt Resolution No. 2010-44, as presented, relating to Authorizing the purchase of Natural Gas on a Forward Pricing Contract Basis between the City and BP Energy Company. **CARRIED.**** Tab 9
16. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-45 APPROVING AND AUTHORIZING THE EQUIPMENT LEASE WITH JAN KORTSEN INS., LLC D.B.A. MVP ("LESSEE") AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST-It was moved and seconded to adopt Resolution No. 2010-45, as presented, relating to equipment lease with MVP. **CARRIED.**** Tab 10
17. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-46 APPROVING AND AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR A TRANSPORTATION ENHANCEMENT GRANT (TEG) FOR THE CONSTRUCTION OF SIDEWALKS AND ADA CORNER RAMPS ON ARIZONA AVENUE, AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST-Adopted by Consent Agenda.** Tab 11

18. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-47 APPROVING AND AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) FOR THE REPLACEMENT OF SIGNS IN ACCORDANCE WITH NEW MANUAL SIGN STANDARD, AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST-Adopted by Consent Agenda.** Tab 12

19. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-48 APPROVING AND AUTHORIZING THE PROPOSAL FROM BROWN & CALDWELL ("C&B") TO CONDUCT FUEL TANK REMEDIATION SERVICES AND THE SUBMITTAL OF AN APPLICATION BY C&B TO THE ADEQ LEAKING UNDERGROUND STORAGE TANK (LUST), AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.** It was moved and seconded to adopt Resolution NO. 2010-48, as presented, relating to Fuel Tank Remediation Services. **CARRIED.** Tab 13

20. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-49 APPROVING AND AWARDED THE BID CONTRACT TO DUNLAP OIL COMPANY ("DOC") FOR PURCHASES OF UNLEADED GAS AND DIESEL, AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST** It was moved and seconded to adopt Resolution NO. 2010-49, as stated, relating to awarding the Bid Contract to DOC for purchases of Unleaded Gas and Diesel. **CARRIED.** Tab 14

21. **REPORTS BY THE CITY MANAGER PAT McCOURT** Tab 15

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

- **Report on City Clean Up Day** -Pat McCourt, City Manager, City Clean Up Day held Friday & Saturday, April 16-17th and 1.5Tons of trash picked up by volunteers and City employees that worked a couple of hours on Friday.
- **Informational Fair**-Pat McCourt, City Manager, several community organizations are participating on Wednesday, May 5, 2010 for a Community Informational Fair. It will be held at the Community Center from 5 PM to 8 PM. The Exhibitors' are providing information about their organization and also Census Information will be available. Inform community various services available and one is the Census and maybe pick up more participation.
- **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. Few packages have been picked up.
- **Mayors/Managers Luncheon**-Pat McCourt, City Manager, hosted by Cochise County on May 13, 2010 in Sierra Vista. If considering attending notify the City Clerk.
- **Run For The Wall**-Chief Jake Weaver- will be held on Thursday, May 20, 2010 the 22nd Annual Run For The Wall. It is cross county motorcycle ride conducted by veterans to raise awareness for prisoners of war, MIA, and US service members killed in action. Lunch and brief ceremony at the Elk's Lodge, 247 E. Stewart Street, around 12:30 p.m., and program lasts about an hours. Also accepting donations and ask for Pat Stark 520.384.2131 at the Elk's Club and primarily looking for water, fruit to provide the motorcycle riders. Vice Mayor Schultz said they have a flag that Rex Jr., had signed by them last year when he was back east and would put it on loan to display it if they would like. Chief will contact him.
- **Work Session Wastewater Treatment Plant and Tour**-Pat McCourt, City Manager, the work session on the WWTP will be held on Monday, May 10, 2010 at 6:30 p.m. Staff will be available for those persons interested in touring the facility beginning at 5:30 p.m.
- **Set Date for Joint Work Session with Planning & Zoning**-Jeff Stoddard, Building Inspector, looking at Infill Incentive in July.
- **Set Date and Time for Walk Through of the Arizona Avenue Houses**-Jeff Stoddard, Building Inspector, tentatively date has been set for Monday, May 17th at 5:30 p.m. for Mayor and Council and Planning & Zoning Commission.
- **Fireworks**-Chief Weaver reported donations for 2010 Fireworks from Eurofresh Inc., Rotary Club, Grande Vista Mobile Home, Far West Pump, Pioneer Title Agency, anonymous cash donation, Mick's Auto Care, Robin & Doris Jones, Monty's Trucking, Inc., Willcox Elk's Lodge, Willcox Auto Parts, Car Quest, Willcox Lodge 10, Apple Annie's Orchard, Willcox Chamber of Commerce, Northern Cochise Community Hospital, J&J Electronics, Radio Shack, Cochise Credit Union, Maid Rite Feeds, Andrew Terry, Rustic Rooster, Caldwell Banker, Charles Leighton, Jr. Hospice, Walker Family Medicine, Keeling Schaffer Vineyards, Rix's Tavern, and Westlawn Chapel. Donations totaled \$4,070 in addition of \$3,500 from Mayor and Council from Community Programs for a total of \$7,570.00. The approximate bill for this year's fireworks is \$8,500 and the difference he is confident they will be able to make that up.

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

Councilman Johnson stated that as the budget process comes to an end we have 4-weeks left before approve the tentative budget. Wants to see numbers it has been nice seeing presentation on what has been done and what's planned to be done. Wants to see numbers broken down like done in the past. Turned budget book in and has not gotten it back and stated nice to see numbers, on what they are looking at.

Councilwoman Cronberg announced that Kathy Klump is not here this evening and wanted to make sure the people realize that the 15th is what she considers to be Willcox History Day the culmination of Historic Preservation Week and lots of events planned that day beginning about 9:00 a.m. to 5:00 p.m. In conjunction with that the Willcox Wine Country is having their Spring Wine Festival on May 15-16 at Railroad Park and starts at 11:00 a.m. to 6:00 p.m. and encouraged people to combine both activities on Saturday and Sunday. Also citizen in community advised her there is a 'Picnic in the Park' and anyone is welcomed to come. It is a good chance to meet candidates running and it is also a chance to learn other things important in the community and assert awareness of the Census. If they haven't turned in information, which is something that is viable to community and it is at Keiller Park starting at 10:00 a.m. this weekend and everyone is welcome.

Councilman Donahue stated he is "still in shock for being beaten up by Bobby Sox" and said he has "never taken such a whapping." Thanked Chief Weaver for his hard work he is doing and all the hard work "his guys" do and it is an honor well deserved.

23. ADJOURN-8:36 p.m.

NOTE: People with disabilities may request reasonable accommodations. Requests must be made 48 hours prior to the meeting by contacting City Hall at 384-4271 during regular business hours 8:00 a.m. to 4:30 p.m., Monday through Friday.