

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 17TH DAY OF MAY 2010**

CALL TO ORDER by Mayor Lindsey at 7:05 p.m. on Monday, May 17, 2010– Welcomed all visitors.

ROLL CALL called by Recording Secretary Sherry Van Allen

PRESENT

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

ABSENT

Vice Mayor Larry N. Schultz

STAFF

City Manager Pat McCourt
City Attorney Hector M. Figueroa
Recording Secretary Sherry Van Allen
Public Safety Director Jake Weaver
Library Director Tom Miner
Finance Director Ruth Graham
Public Services & Works Director Dave Bonner
Development Services Jeff Stoddard

PLEDGE OF ALLEGIANCE TO THE FLAG lead by Mayor Lindsey

CALL TO THE PUBLIC - None

DECLARATION ON CONFLICT OF INTEREST

Councilman Klump declared a conflict on agenda item #16 relating to request funding for the Centennial Committee Display.

ADOPTION OF THE AGENDA

MOTION Councilman Johnson moved to approve the agenda as presented. **SECONDED** by Councilwoman Cronberg.
CARRIED

**DISCUSSION/DECISION ENTER EXECUTIVE SESSION PURSUANT TO ARIZONA REVISED STATUTES § 38-431.03A(3)
DISCUSSION OR CONSULTATION FOR LEGAL ADVICE WITH THE ATTORNEY OR ATTORNEYS OF THE PUBLIC
BODY.**

City Attorney Hector M. Figueroa addressed the assembly regarding the executive session clause being added as a regular agenda item. He explained that if at anytime, any listed agenda item is subject to by any member of the Council requesting to go into executive session to obtain legal advice. A motion and second must be made and properly carried through.

RECESS TO EXECUTIVE SESSION, IF APPROVED

RECONVENE FROM EXECUTIVE SESSION

CONSENT AGENDA

Consent Agenda information was explained to Council members, staff and the public by City Attorney Figueroa. Consent agenda will appear on all future agendas.

Point of clarification: the Mayor or the City Attorney will act as parliamentarian.

Additional point of clarification was made stating this meeting the Consent Agenda items have been separated into two (2) separate items due to ratification.

Consent Agenda items:

**DISCUSSION/DECISION REGARDING PRESENTED AT THE MAY 3, 2010 COUNCIL MEETING THE AGENDA ITEMS
AND MINUTES FOR THE MEETING OF APRIL 19, 2010 APPROVING AND AUTHORIZING RATIFICATION OF SAME
WITH NOTICE TO THE PUBLIC OF SAID RATIFICATION TOGETHER WITH A DESCRIPTION OF THE ACTION TO BE
RATIFIED, THIS IS A CLEAR STATEMENT THAT THE PUBLIC BODY PROPOSES TO RATIFY A PRIOR ACTION AND
THE PUBLIC MAY OBTAIN A DETAILED WRITTEN DESCRIPTION OF THE ACTION TO BE RATIFIED AS SPECIFIED
BELOW FROM THE CITY CLERK, RATIFIED AS 10A THROUGH 10F:**

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
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- 10A. THE MINUTES OF THE REGULAR MEETING HELD ON APRIL 19, 2010
- 10B. 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.
- 10C. 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.
- 10D. 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.
- 10E. 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.
- 10F. 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.

MOTION Councilman Johnson moved to ratify the minutes and the agenda items for the meeting of May 3, 2010, as presented. **SECONDED** by Councilwoman Cronberg. - **CARRIED**

Consent Agenda items:

- 11A. REX ALLEN DAYS PARADE STREET CLOSURE ON SATURDAY, OCTOBER 3, 2010
- 11B. REX ALLEN DAYS CARNIVAL AT KEILLER PARK FROM TUESDAY, SEPTEMBER 29 THROUGH MONDAY, OCTOBER 5, 2010
- 11C. STREET CLOSURE FROM RAILROAD AVENUE FROM GRANT STREET TO MALEY STREET, FROM MALEY STREET TO STEWART STREET, STEWART STREET FROM THE ALLEY BETWEEN HASKELL AVENUE AND RAILROAD AVENUE AND THE INTERSECTION OF RAILROAD AVENUE AND STEWART STREET FOR THE 4TH ANNUAL WILLCOX CLASSIC CAR SHOW ON SATURDAY MAY 29, 2010 6:00 A.M. THROUGH 6:00 P.M.
- 11D. RESOLUTION NO. 2010-53 APPROVING AND ADOPTING THE DESIGNATION OF ALTERNATE LOCATIONS FOR REGULAR, SPECIAL COUNCIL MEETINGS AND WORK SESSIONS AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.
- 11E. DISCUSSION/DECISION REGARDING THE MINUTES OF THE WORK SESSION MEETINGS HELD ON APRIL 5, 2010

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 17TH DAY OF MAY 2010**

(11E concludes the Consent Agenda items for May 17, 2010.)

MOTION Councilwoman Cronberg moved to approve consent agenda items 11A - 11E as presented. **SECONDED** by Councilman Johnson. **CARRIED**

DISCUSSION/DECISION REGARDING REQUEST FROM REX ALLEN DAYS (RAD) FOR WAIVER OF FEES AT QUAIL DRIVE SPORTS PARK RODEO GROUNDS ON SEPTEMBER 30, 2010 THROUGH OCTOBER 3, 2010

MOTION Councilman Johnson moved to approve waiver of fees at Quail Drive Sports Park Rodeo Grounds on September 30, 2010 through October 3, 2010 for RAD. **SECONDED** by Councilman Donahue. **DISCUSSION:** Councilman Johnson asked the total amount of waived fees being requested? City Manager McCourt responded \$525.00. **CARRIED**

DISCUSSION/DECISION REGARDING THE REQUEST FROM REX ALLEN DAYS INC. FOR A SPECIAL EVENTS LIQUOR LICENSE AT QUAIL PARK ARENA ON OCTOBER 2 AND 3, 2010 DURING THE REX ALLEN DAYS RODEO

MOTION Councilman Johnson moved to approve the request from RAD Inc., for a Special Events Liquor License at Quail Park Arena on October 2 & 3, 2010 during the RAD Rodeo. **SECONDED** by Councilwoman Cronberg. **CARRIED**

DISCUSSION/DECISION REGARDING REQUEST INDIVIDUAL PERMITS WAIVED FOR ALL VENDORS AT KEILLER PARK DURING REX ALLEN DAYS BEGINNING THURSDAY, SEPTEMBER 30, 2010 THROUGH SUNDAY, OCTOBER 3, 2010.

MOTION Councilman Johnson moved to approve the request from RAD Inc., for the request that the individual permits waived for all vendors at Keiller Park during RAD beginning Thursday, September 30, 2010 through Sunday, October 3, 2010.

SECONDED by Councilwoman Cronberg. **DISCUSSION:** Councilman Johnson asked what the monetary impact is of this waiver. City Manager McCourt responded by saying there is a fiscal impact, however, we can not determine it because we do not know how many vendors would be purchasing licenses. **CARRIED**

DISCUSSION/DECISION REGARDING RAILROAD TELEPHONE BOOTH DONATION

MOTION Councilman Johnson moved to approve the donation of a Railroad Telephone Booth to be placed at Railroad Park. **SECONDED** by Councilman Donahue. **CARRIED**

DISCUSSION/DECISION REGARDING FUNDING REQUESTED FOR THE COCHISE COUNTY ARIZONA CENTENNIAL COMMITTEE DISPLAY

MOTION Councilman Norris moved to approve the request regarding funding requested for the Cochise County Arizona Centennial Committee Display for \$1350.00 at \$450.00 each to pay for the three (3) requested figures. **SECONDED** by Councilman Donahue. **DISCUSSION:** City Manager McCourt asked if they were to incorporate the \$1,350 into the FY11 Budget under Community Development. Mayor Lindsey responded "yes, that seemed like a natural place for it to come from." Councilwoman Cronberg asked if community members may also donate. City Manger McCourt stated the City will accept all donations to recoup the allotted City funds. **VOTE: Ayes-**Mayor Lindsey, Council members Johnson, Norris, Cronberg and Donahue. **Nays-0. Absent:** Vice Mayor Schultz. **Declared Conflict:** Councilman Klump. **CARRIED. 5-0-1-1.**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-49 APPROVING AND ADOPTING THE LEASE AGREEMENT BETWEEN THE CITY OF WILLCOX ["LANDLORD"] AND CLEAR CHANNEL OUTDOOR, INC., A DELAWARE CORPORATION ["TENANT"] FOR THE PURPOSE OF LEASING CITY OWNED PROPERTY FOR A BILLBOARD SPACE, AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND THE LEASE AGREEMENT AND DECLARING AN EMERGENCY TO EXIST.

MOTION Councilwoman Cronberg moved to approve the request regarding Resolution No. 2010-49, as stated, relating to the Lease Agreement with Clear Channel Outdoor, Inc. for the purpose of leasing City owned property for a Billboard Space. **SECONDED** by Councilman Donahue. **DISCUSSION:** City Manager McCourt explained that the City has two (2) billboards operated by Clear Channel located on City Property and that the lease expired last year. These agreements will allow the City face space located on a billboard facing east and west on I-10. The Chamber has agreed to provide the script to advertise on the billboards. City Manager McCourt explained that billboard copy has about a two-year life span. Councilman Johnson asked what the normal cost for the rental of the billboards. City Manager McCourt responded they

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CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 17TH DAY OF MAY 2010**

cost about \$700.00 per month per board. He informed the Council that the concept of this billboard design is to get traffic to stop in Willcox. He stated that Clear Channel is solely responsible for the billboards that they have on City property. Councilman Johnson suggested that the Council have a work session on the wording to go on the City advertised billboards. City Manager McCourt explained that this motion allows the agreement not the billboard wording. **CARRIED**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-50 APPROVING AND ADOPTING THE LEASE AGREEMENT BETWEEN THE CITY OF WILLCOX [“LANDLORD”] AND CLEAR CHANNEL OUTDOOR, INC., A DELAWARE CORPORATION [“TENANT”] FOR THE PURPOSE OF LEASING CITY OWNED PROPERTY FOR A BILLBOARD SPACE, AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND THE LEASE AGREEMENT AND DECLARING AN EMERGENCY TO EXIST.

MOTION Councilman Johnson moved to approve the request regarding Resolution No Resolution No. 2010-50, as stated, relating to the Lease Agreement between the City and Clear Channel Outdoor, Inc. for the purpose of leasing City owned property for a Billboard Space. **SECONDED** by Councilman Donahue. **CARRIED**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-51 APPROVING AND ADOPTING THE SERVICE AGREEMENT WITH SMARTSCHOOLS, INC., AN ARIZONA CORPORATION D/B/A SMARTWORKSPLUS [“PROVIDER”] FOR CONTRACT EMPLOYEE LEASING SERVICES AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION, THE AGREEMENT AND DECLARING AN EMERGENCY TO EXIST.

MOTION Councilman Johnson moved to approve the request regarding Resolution No. 2010-51, as stated, relating to Service Agreement with Smartschools, Inc. for Contract Employee Leasing Services. **SECONDED** by Councilman Klump.

DISCUSSION: Councilman Johnson stated he believed that this is a great program. **CARRIED**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-52 APPROVING AND ADOPTING THE AMENDMENT TO THE SERVICE AGREEMENT WITH SMARTSCHOOLS, INC., AN ARIZONA CORPORATION D/B/A SMARTWORKSPLUS [“PROVIDER”] FOR THE PURPOSE OF PLACING THE CITY MANAGER AS A CONTRACT PROVIDER EMPLOYEE WITH THE CITY AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION, THE AGREEMENT AND DECLARING AN EMERGENCY TO EXIST

MOTION Councilman Johnson moved to enter into to executive session
SECONDED by Councilwoman Cronberg - **CARRIED.**

RECESSED INTO EXECUTIVE SESSION AT 7:52 P.M.

RECONVENED FROM EXECUTIVE SESSION AT 8:14 P.M.

MOTION Councilman Johnson moved to revisit item #19 for the purpose of clarification discussion only.

SECONDED by Councilwoman Cronberg. **CARRIED**

Councilman Johnson asked Smartworks President Sandee McClelland if a potential retiree must give their employer a 30-day written notice of intent to retire.

Ms. McClelland addressed the Council clarifying the requirements for eligible retirees to enter into contract negotiations with *smartworksplus Inc*, She stated as per Exhibit D of the Service Agreement the retiree must give their employer a letter of intent at least 30 days in advance. Councilwoman Cronberg asked if the process usually takes the full thirty days. Ms. McClelland said “yes it does” in order for the retiree to negotiate the contract with smartworksplus and that thirty days is needed for the retiree to properly inform Arizona State Retirement. Councilman Johnson asked about the large lump sum pay outs that may be due to employees upon retirement. Finance Director Ruth Graham responded that the City has internal methods in place to handle these buy outs and that they have nothing to do with employment through smartworksplus, they are handled internally between the City and the retiree. Councilman Johnson then asked Ms. McClelland that if a contract is presented to the Council by a retiree that has been worked out with smartworksplus can the Council reject it. Ms. McClelland said all contracts are subject to recommendation and approval by City Council.

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 17TH DAY OF MAY 2010**

MOTION Councilman Johnson moved that the request regarding Resolution No. 2010-52, as stated, relating to Amendment to the Service Agreement with Smartschools, Inc. for the purpose of placing the City Manager as a Contract Provider Employee with the City is tabled. **SECONDED** by Councilwoman Cronberg. **CARRIED**.

REPORTS BY THE CITY MANAGER PAT McCOURT

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

Report on Use of Personal Cell Phone -Pat McCourt, City Manager, announced a list of City issued phones has been provided in the council packets.

Sale of City Property- City Manager McCourt announced bid packets can be obtained from the City Clerk's office, Development Services office and on the web for the sale of City property. All bids are due Friday, May 28, 2010 at 3:00 p.m. in the Office of the City Clerk.

City Manager Out-of-State- City Manager McCourt announced he will be out-of-state from May 20th thru May 27th, he clarified he will be back in the Office on May 28th

Council Packets on web- City Manager McCourt announced that staff plans to have the council packets on the City's web site available to staff and the public effective the first meeting in July 2010.

Report on Informational Fair- City Manager McCourt on the Informational Fair held on Wednesday, May 5, 2010. He stated it was a great success and many vendors turned out and actual census forms were completed and turned in on site.

Report on Electronic Recycling- City Manager McCourt reported on behalf of Dave Bonner, PS&W Director that electronic recycling was held on Saturday, May 15th.

Proposition 100 Election May 18, 2010 City Manager McCourt announced that the County-wide Proposition 100 Election will be held on May 18, 2010 in the City Council Chambers, 300 W. Rex Allen Drive. Polls Open at 6:00 a.m. until 7:00 p.m.

Run For The Wall- City Manager McCourt announced on behalf of Chief Jake Weaver that "Run for the Wall" will be held on Thursday, May 20, 2010. Lunch and ceremony at the Elk's Lodge, 247 E. Stewart Street, they are accepting donations contact Pat Stark 520.384.2131.

Employee Benefits Meeting- City Manager McCourt reported the Employee Benefits Meeting will be held on Thursday, May 20, 2010 at 6:30 p.m., City Council Chambers (spouse is welcomed to attend). Discuss insurance with Employees

CHANGE: Special Meeting on Thursday, June 3, 2010 for Swear In Ceremony- City Manager McCourt announced that the Oath of Office for the 4-elected Council members will be on Thursday, June 3, 2010 at 6:00 p.m. City Council Chambers. .

COMMENTS NOT FOR DISCUSSION FROM MAYOR AND COUNCIL MEMBERS.

Councilman Johnson announced that the Historical Festival & Wine event was a great success.

Mayor Lindsey announced the success of the Wine Festival and congratulated the Willcox High School Girls Softball Team for winning the State Championship!

Councilman Norris – Thanked everyone for allowing him to serve the people of Willcox. Best wishes to the new council members. Encouraged the new members to always support what has been voted upon even if they disagree.

ADJOURN

There being no further business before the Mayor and Council, Mayor Lindsey adjourned the meeting at 8:12 p.m.

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
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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 17th day of May 2010. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 26th day of May 2010

/s/ Sherry Van Allen
Recording Secretary Sherry Van Allen

PASSED, APPROVED AND ADOPTED this 7th day of JUNE 2010.

/S/ GERALD W. LINDSEY
MAYOR GERALD W. LINDSEY
Signed: June 8, 2010

ATTEST:

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