

**THE STATEMENT OF LEGAL ACTIONS OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 7TH DAY OF JUNE 2010**

WELCOME NEW COUNCIL MEMBERS!

1. **CALL TO ORDER**-Mayor Gerald W. Lindsey called the regular meeting to order on Monday, June 07, 2010 at 7:00 p.m. This is reorganization meeting and we have lots of visitors with us
2. **ROLL CALL**-City Clerk Cristina G. Whelan, CMC, called the roll:

PRESENT

Mayor Gerald W. Lindsey
Councilman Elwood A. Johnson
Councilwoman Monika Cronberg
Councilman Stephen Klump
Councilman Christopher Donahue
Councilman William Holloway
Councilman Robert Irvin

STAFF

City Manager Pat McCourt
City Attorney Hector M. Figueroa
City Clerk Cristina G. Whelan, CMC
Library Director Tom Miner
Finance Director Ruth Graham
Public Services & Works Director Dave Bonner
Human Resources Generalist Sherry Van Allen

3. **PLEDGE OF ALLEGIANCE TO THE FLAG**-Mayor Lindsey.
4. **CALL TO THE PUBLIC**-Jim Naugle, addressed the Mayor and Council and congratulated the new members. Started coming to the Council meetings for about a year and is impressed. Mr. Naugle has lived in Willcox for 38 years, has never missed an election, and seen a lot of Council people come and go. Very impressed and to the Mayor stated he likes the way he handles the gavel the night they had a room full and handled very well. Didn't know item #10 was on the list tonight and thinks we need to have rotating Mayor like we used to have. Who ever got the most votes would be Mayor or something like that. Thinks Mayor Lindsey has done a good job and thinks we should have something else. Mr. Naugle thanked the Mayor and Council. Mayor Lindsey thanked him.

Paul Sheats, addressed the Mayor and Council and those present, stated as member of community for 15 years and pastor here would like to take opportunity to pray and bless the new council. Very excited we have a new council and looking forward to what is coming forward especially with the new budget. Prayer. Also wanted to say as they consider a Mayor and Vice Mayor we have two (2) new members and we have three (3) that have never served as Mayor or Vice Mayor and thinks rotation is good. Nothing personal against Mr. Lindsey he has done a great job for the last 2-years. Would like to see one of the other 3 or the other 2 and thinks it would be good for them to serve. Who is going to serve for this City, who will be available to continue to serve this City and as the City grows. Mayor asked anyone else to address the Council. There was no further response.

5. **DECLARATION ON CONFLICT OF INTEREST**-There was no response from the Mayor, Council members or staff.
6. **ADOPTION OF THE AGENDA**-It was moved and seconded to adopt the agenda as presented. **CARRIED.**
7. **DISCUSSION/DECISION TO ENTER INTO AN 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 Figueroa explained in the future these items will be on the agenda so that at any time and on any item they can recess to Executive Session for consultation with the Attorney. The Mayor asked if anyone felt need for executive session at this time. Hearing none moved to next agenda item. (Deleted #8 & 9 Recess and Reconvene from Executive Session.)
10. **DISCUSSION/DECISION REGARDING TO APPOINT A MAYOR TO A TWO (2) YEAR TERM** **Tab 1**
Mayor Lindsey at this point stated nominations are now open for the office for Mayor. Councilman Donahue nominates "Sam" Lindsey for office of Mayor. Councilman Johnson nominates Monika Cronberg for the office of Mayor. Mayor asked are there any other nominations. Again he asked any other nominations.
MOTION: Councilman Klump moved to close nominations.

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SECONDED: Councilwoman Cronberg seconded the motion. **Vote** – Mayor said to do that in alphabetical order and by show of hands: Elect Monika Cronberg: Council members Johnson, Cronberg and Holloway. Elect “Sam” Lindsey-Council members Lindsey, Klump, Donahue and Irvin. “Sam” is appointed Mayor.

11. DISCUSSION/DECISION REGARDING TO APPOINT A VICE MAYOR TO A TWO (2) YEAR TERM

Mayor Lindsey opened nominations for Vice Mayor. Councilman Donahue nominates Councilwoman Monika Cronberg. Mayor asked are there any other nominations. Councilman Irvin nominates Stephen Klump. Mayor asked any other nominations. Hearing no further nominations Mayor Lindsey stated ready for motion to close.

MOTION: Councilman Holloway moved to close nominations.

SECONDED: Councilman Klump seconded the motion. **Vote**-Mayor Lindsey stated again show of hands and alphabetical. All for Monika Cronberg: Council members Mayor Lindsey, Council members Johnson, Cronberg, Donahue and Holloway. All for Stephen Klump: Council members Klump and Irvin. Congratulations to Vice Mayor Cronberg!

5-Minute recess to change Council members seating at 7:10 p.m. to 7:15 p.m.

12. CONSENT AGENDA

Items that are considered to be routine by the City Council will be enacted by one motion **without** discussion. The consent agenda is a timesaving device and Council members have received documentation on these items for their review prior to the open meeting. Any Councilmember may remove any item from the consent agenda for discussion and a separate vote as deemed necessary. The public may view the documentation relating to the consent agenda 24 hours prior to the meeting at the City Clerk's Office, 101 S. Railroad Avenue, Suite B, Willcox, AZ from 8:30 a.m. to 4:30 p.m. or at the Elsie S. Hogan Library, 100 N. Curtis Avenue during normal working hours Monday-Saturday.

Insert Consent Agenda items:

Mayor asked if there was any item to remove and hearing none read each by title.

- 12A. MINUTES OF THE WORK SESSIONS HELD ON APRIL 19, 26, 2010 AND MAY 3, 24, 2010 AND THE REGULAR MEETING MINUTES HELD ON MAY 17, 2010** Tab 2
- 12B. RESOLUTION NO. 2010- 54 APPROVING AND ADOPTING THE LEASE AGREEMENT RENEWAL BETWEEN THE CITY OF WILLCOX [“CITY”] AND ARIZONA DEPARTMENT OF PUBLIC SAFETY [“ADPS”] CONTRACT NO. 98-206 FOR PARCEL OF LAND AT 1101 N. CIRCLE I ROAD AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND THE LEASE RENEWAL AND DECLARING AN EMERGENCY TO EXIST.** Tab 3
- 12C. RESOLUTION NO. 2010-55 APPROVING AND ADOPTING THE ELSIE S. HOGAN COMMUNITY LIBRARY [“LIBRARY”] LIBRARY GENERAL POLICY AND MEETING ROOM POLICY AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.** Tab 4
- 12D. RESOLUTION NO. 2010-56 RATIFYING THE ACTION TAKEN PURSUANT TO RESOLUTION 2010-49 RELATING TO 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 DECLARING AN EMERGENCY TO EXIST.-It was moved and seconded to adopt the consent agenda items 12A through 12D, as presented. CARRIED.** Tab 5
- 13. DISCUSSION/DECISION REGARDING SELECTION OF WASTEWATER TREATMENT PLANT (WWTP) OPTION-It was moved and seconded to table until they get more information on the impact septic on 3-systems and on cost factor not getting detail from Tetra Tech or staff on recommendations. Vote: Ayes-Mayor Lindsey, Vice Mayor Cronberg, Council members Johnson, Donahue, Holloway and Irvin. NAYS-Councilman Klump. CARRIED 6-1.** Tab 6
- 14. DISCUSSION/DECISION REGARDING THE WILLCOX ELKS LODGE REQUEST FEES BE WAIVED FOR** Tab 7

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THE ANNUAL 4TH OF JULY SWIM MEET, SUNDAY, JULY 4, 2010 FROM 1:00 P.M. THROUGH 6:00 P.M.- It was moved and seconded to approve the Elk's request fees be waived for the Annual 4th of July Swim Meet, Sunday, July 4, 2010. **CARRIED.**

15. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-57 APPROVING AND ADOPTING THE AGREEMENT BETWEEN THE CITY OF WILLCOX ["CITY"] AND HEALTH NET OF ARIZONA, INC. ["HN"] FOR THE FY2010-2011 RENEWAL OF THE EMPLOYEE INSURANCE PLAN AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST-**It was moved and seconded to approve Resolution NO. 2010-57, as stated, relating to the Agreement between the City and Health Net of Arizona, INC. **CARRIED.** Tab 8
16. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-58 APPROVING AND ADOPTING THE AGREEMENT BETWEEN THE CITY OF WILLCOX ["CITY"] AND EMPLOYEE SOLUTIONS GROUP ["ESG"] FOR SERVICES TO ACT AS ADMINISTRATOR OF EMPLOYEE BENEFIT PLANS AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST-**It was moved and seconded to approve Resolution NO. 2010-58, as stated, relating to Agreement between the City and ESG for services of Employee Benefit Plans. **CARRIED.** Tab 9
17. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-59 APPROVING AND ADOPTING THE INTERGOVERNMENTAL AGREEMENT [IGA] AMENDMENT FOR THE OPERATION OF THE ANIMAL SHELTER BETWEEN THE CITY OF WILLCOX ["CITY"] AND COCHISE COUNTY ["COUNTY"] FOR FY2010-2012 AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION, THE IGA AMENDMENT AND DECLARING AN EMERGENCY TO EXIST-**It was moved and seconded to approve Resolution NO. 2010-59, as stated, relating to the IGA Amendment for the Operation of the Animal Shelter between the City and County for FY2010-2012. **CARRIED.** Tab 10
18. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-60 APPROVING AND AUTHORIZING THE SALE AND DISPOSITION OF CITY REAL PROPERTY PURSUANT TO THE INVITATION FOR BIDS AS PROVIDED BY A.R.S. §§ 9-402 AND 39-204 AND DECLARING AN EMERGENCY TO EXIST-**It was moved and seconded to approve Resolution NO. 2010-60, as stated, relating to the Sale and Disposition of City Real Property. **CARRIED.** Tab 11
19. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-61 APPROVING AND AUTHORIZING THE DEVELOPMENT OF A MASTER PLAN FOR SIDEWALKS AND MULTI-USE PATHS FOR THE CITY OF WILLCOX, AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.** –It was moved and seconded to approve Resolution NO. 2010-61, as stated, relating to the Master Plan for sidewalks and multi-use paths. **CARRIED.** Tab 12
20. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-62 APPROVING AND AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE TRANSPORTATION ENHANCEMENT PROGRAM THROUGH THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR THE SIDEWALKS, CURBS, GUTTERS AND ADA RAMPS, AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.** It was moved and seconded to approve Resolution No. 2010-62, as stated relating to submittal of an application to the Transportation Enhancement Program through the ADOT sidewalks, curbs, gutters and ADA ramps. **CARRIED.** Tab 13
21. **DISCUSSION/DECISION REGARDING TO SUPPORT AND CO-SPONSOR THE RESOLUTION PRESENTED BY THE CITY OF DOUGLAS ON BORDER SECURITY** It was moved and seconded to support and Co-sponsor the Resolution by the City of Douglas. **DISCUSSION:** Councilman Klump asked if copy provided. It was moved and seconded to table. **VOTE: Ayes-**Councilmen Johnson, Klump and Holloway. **Nays-**Mayor Lindsey, Vice Mayor Cronberg and Councilmen Donahue and Irvin. **MOTION TO TABLE FAILED. Original Motion: CARRIED.** Tab 14
22. **DISCUSSION/DECISION TO ATTEND THE 2010 LEAGUE OF ARIZONA CITIES & TOWNS ANNUAL** Tab 15

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CONFERENCE IN GLENDALE, AZ ON AUGUST 23 THROUGH 27, 2010 AND PARTICIPATION IN THE FESTIVAL OF CITIES AND TOWN WITH A BOOTH –It was moved and seconded to approve the booth at the Festival of Cities & towns with electricity. **CARRIED.**

Mayor Lindsey asked for Point of Order this also asked for Discussion/Decision on attending and asked if separate motion is needed. City Manager McCourt replied they do have the money in their next year budget and decide amongst themselves if they want to attend. Mayor Lindsey stated if voted for booth “assume” they are intending to attend.

23. DISCUSSION/DECISION REGARDING TO APPOINT AN EX-OFFICIO MEMBER TO THE PLANNING & ZONING COMMISSION-It was moved and seconded to table this item until the next Council meeting. **CARRIED.** Tab 16

24. REPORTS BY THE CITY MANAGER PAT McCOURT Tab 17

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

- **Report on setting date and time for the Work Session on Billboard Design**-Pat McCourt, City Manager, this was discussed at the last work session and we have held a lot of work sessions and not sure when Mayor and Council wanted to consider a work session on Billboard Design. Vice Mayor Cronberg suggested meeting prior to next regular session which seems to work well. Mayor Lindsey stated that is direction to staff and post prior to next regular meeting and at 6:30 p.m. Mayor Lindsey stated then direction is to meet at 6:30 p.m. prior to next Council session.
- **Council Packets on web**-Pat McCourt, City Manager, 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. Invited them to go to the web site and review and part of our attempt to show public what is going on or working on.
- **Mayor’s/Manager’s Luncheon**-Pat McCourt, City Manager- the City of Douglas is hosting this month’s luncheon on Thursday, June 17, 2010. RSVP to City Clerk Whelan by Friday, June 11, 2010.
- **Report on Response to ASA Inquiries**-Dave Bonner, Public Services & Works Director, City Manager reported the written response to ASA inquiries is included in packets.
- **Report on Financials**-Ruth Graham, Finance Director, City Manager McCourt reports on the City’s Financials.
- **Report on Insurance Breakdown**-Ruth Graham, Finance Director, the City Manager reported on insurance breakdown on previous budgets and is included in packets. How staff arrived on estimates from 2004-2005 and broken out every year.
- **Report on Resolution NO. 2010-52 smartworksplus amendment**-Pat McCourt, City Manager, reports Resolution NO. 2010-52 seems to be causing some concern and he has withdrawn.
- **Report on Employees Benefits Fair**-Pat McCourt, City Manager, the Employees Benefits Fair will be held on Wednesday, June 16, 2010 at the Community Center from 8:30 a.m. -3:30 p.m. to sign up for benefits. Employees can sign up for Health Insurance and options available to purchase and Flexible Spending Account to help pay for Health Insurance and non-reimbursable. Allows employees to take pre-tax monies to pay for their health insurance and may use that to pay for non reimbursable medical. Spouse is welcomed to attend.

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

Councilman Holloway thanked the Council for sending him and Mr. Irvin to Tempe, where it was 107° and it was a very good conference and met many great people.

Councilman Donahue welcomed new City Council members and thanked them for stepping up and participating in the governance of the City.

Vice Mayor Cronberg also welcomed the two (2) new Council members and very glad to have them aboard and thanked them for entrusting her to be Vice Mayor and will do her very best. She is going to miss being called Councilwoman and really liked that. If want to slip into that that would be okay with her..

Mayor Lindsey stated he may call her Councilwoman may even call her Vice Mayor Schultz a time or two. The Vice Mayor said she would correct him. The Mayor again welcomed new Councilmen and looks forward to working with all of them and getting to know the new councilmen and looking forward to their input on matters relating to the City.

Councilman Johnson congratulations to the new City Council members, Mayor Lindsey for his second term and Vice Mayor Cronberg. Girls Softball staff wrote response and asked what is the time to fix the dug out; there was a top 2-weeks afterwards and if the City has materials they have volunteer that will put it up and if there is enough material they will do both dug outs.

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Councilman Johnson pointed out that what happened this evening if something comes to the Council minutes before the agenda “you can count on me not approving” unless he has had time to review it.

Councilman Klump welcomed “Bob and Bill.” His family donated the swing set at Railroad Park and it is complete. He thanked everyone that gave money to them in their time of need and they put forward on that and thanked those that helped to dig it out and fill it with sand.

Councilman Irvin stated it is a real pleasure to join this group up here. Also thanked City for sending them to Phoenix even though it was 107 °. He went out to watch the train during lunch because it was something different for him. Thanked citizens of Willcox and will do the best that he possibly can.

26. DISCUSSION/DECISION TO ENTER INTO AN EXECUTIVE SESSION PURSUANT TO ARIZONA REVISED 18 STATUTES 38-431.03(A)(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; -It was moved and seconded to enter into an executive session pursuant to Arizona Revised Statutes §38-431.03(A)(1), as stated relating to the ratification of the City Manager appointment by Mayor and Council. **CARRIED.** Tab 19

27. RECESS TO EXECUTIVE SESSION, IF APPROVED-8:23 p.m.

28. RECONVENE FROM EXECUTIVE SESSION-9:30 p.m.

29. DISCUSSION/DECISION REGARDING MATTERS DISCUSSED IN EXECUTIVE SESSION RELATING TO THE CITY MANAGER’S ANNUAL EVALUATION PER CONTRACT-It was moved and seconded to make public record their successful evaluation of City Manager on his performance review. It was positive and successful this past year. **CARRIED.** Tab 19
Mayor Lindsey provided direction to staff to provide for the reappointment and perhaps amendment to Mr. McCourt’s contract.

30. ADJOURN-9:32 p.m.

Miscellaneous: Tab 20.

NOTE: Documentation (if any) for items listed on the Agenda is available for public inspection, a minimum of 24 hours prior to the Council Meeting, at any time during regular business hours in the Office of the City Clerk, 101 S. Railroad Avenue, Suite B, Willcox, AZ or the Elsie S. Hogan Community Library during regular business hours Monday-Saturday.

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.