

**THE MINUTES OF THE SPECIAL MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 6TH DAY JULY 2010**

CALL TO ORDER- Mayor Gerald W. Lindsey called the special meeting to order on Tuesday, July 06, 2010 at 7:09 p.m. and stated the Council had a good work session prior to this meeting.

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

PRESENT

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

STAFF

City Manager Pat McCourt
City Clerk Cristina G. Whelan, CMC
Library Director Tom Miner
Public Safety Director Jake Weaver
Finance Director Ruth Graham
Public Services & Works Director Dave Bonner
Development Services Jeff Stoddard

ABSENT

Councilman Christopher Donahue

PLEDGE OF ALLEGIANCE TO THE FLAG- Mayor Lindsey.

CALL TO THE PUBLIC- Rob Jones, addressed the Mayor and Council and thanked them for this opportunity. He lives outside the City limits on Airport Road and it is bothering him that the wells in the County are becoming scarcer. Everyone's personal well is going to run dry. As a County resident Mr. Jones would support any move the Council can make or he to get water to this area which if it means becoming part of the City so be it. There will be controversy and sooner or later the County will be looking at the City to get water. Anything he can do Mr. Jones knows the Council would support this move and to contact him. Mr. Jones thanked the Mayor and Council.

DECLARATION ON CONFLICT OF INTEREST- Councilman Klump declared conflict on agenda item #23 regarding the Public Safety Façade. There was no further response from the Mayor and Council and staff.

ADOPTION OF THE AGENDA

MOTION: Councilman Johnson moved to adopt the agenda as presented with agenda items numbered 7-8-9 removed relating to Executive Session and adding to the Consent Agenda items numbered 18-19& 20 relating to request for fees waived by the Willcox Chamber of Commerce & Agriculture.

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

(Removed by the Adoption of the Agenda were the three (3) items relating to an Executive Session.)

PUBLIC HEARINGS, PETITIONS AND COMMUNICATIONS

Proclamation: Mayor Lindsey read the proclamation and declared the 59th Annual Rex Allen Days -“**Cowboys Honor Those Who Support Our Freedom & Liberty**” beginning Thursday, September 30th through Sunday, October 3, 2010.

Public Hearing: The Mayor and Council will hold a public hearing on Tuesday, July 6, 2010 at 7:00 p.m., 300 W. Rex Allen Drive regarding the Interim Permit, Probate/Will Assignment/Divorce Decree, Series 07 Liquor License at Big Tex Bar-B-Que, Jeffery Lee Willey, 130 E. Maley Street, Willcox, AZ

All members of the public are invited to attend. For those persons wishing to comment and are unable to attend a written statement will be accepted in the Office of the City Clerk, 101 S. Railroad Avenue, Willcox, AZ, until 4:00 p.m. the day of the public hearing.

Mayor Lindsey opened the Public Hearing at 7:17 p.m. for the Interim Permit Big Tex Bar-B-Que and asked if anyone wished to comment on this item. The Mayor again asked if there are any comments. Hearing no further comments Mayor Lindsey closed the public hearing at 7:18 p.m.

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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.

Mayor Lindsey read the consent agenda items by number and title and added to the Consent Agenda through the Adoption of the Agenda the 3-items relating to the waiver of fees for the Willcox Chamber of Commerce:

11A. MINUTES OF THE WORK SESSION MEETING OF MARCH 15, 2010, THE REGULAR MEETING HELD ON APRIL 5, 2010 Tab 4

11B. RESOLUTION NO. 2010-65 DESIGNATING AUTHORIZED SIGNATORIES FOR THE CITY OF WILLCOX FINANCIAL ACCOUNTS, PROPERTIES, AFFAIRS, BOOKS AND CORPORATE RECORDS OF THE CITY AND DECLARING AN EMERGENCY TO EXIST Tab 5

11C. RESOLUTION NO. 2010-72 APPROVING AND ADOPTING THE SPECIAL PROJECT GRANT FROM THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS ACT, 2009 (PL 111-8) AND THE LOCAL MATCH FOR THE NCCH SENIOR CITIZEN CENTER PROJECT AND DECLARING AN EMERGENCY TO EXIST. Tab 6

11D. RESOLUTION NO. 2010-73 RATIFYING, APPROVING AND ACCEPTING THE LIBRARY SERVICES AND TECHNOLOGY ACT (LSTA) GRANT FROM THE ARIZONA STATE LIBRARY, ARCHIVES, AND PUBLIC RECORDS AGENCY TO BE USED FOR PUBLIC LIBRARY MATERIALS AND PROGRAMS, AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT DOCUMENTS AND DECLARING AN EMERGENCY TO EXIST. Tab 7

ADDED #18 THE WILLCOX CHAMBER OF COMMERCE & AGRICULTURE REQUEST USE FEES BE WAIVED FOR THE JOB FAIR AT THE COMMUNITY CENTER ON AUGUST 19, 2010 FROM 9:00 A.M. THROUGH 6:00 P.M.

ADDED #19 THE WILLCOX CHAMBER OF COMMERCE & AGRICULTURE REQUEST USE FEES BE WAIVED FOR THE USE OF THE ENTIRE COMMUNITY CENTER FOR THE COWBOY HALL OF FAME EVENT BEGINNING AT 8:00 A.M., WEDNESDAY, SEPTEMBER 29TH THROUGH FRIDAY, OCTOBER 1, 2010

ADDED #20 THE WILLCOX CHAMBER OF COMMERCE & AGRICULTURE REQUEST USE FEES BE WAIVED FOR THE CHRISTMAS APPLE FESTIVAL IN THE COMMUNITY CENTER BEGINNING AT NOON DECEMBER 1ST THROUGH NOON DECEMBER 5TH, 2010.

MOTION: Councilman Johnson moved to adopt the Consent Agenda items as presented and the added items to consent agenda.
SECONDED: Vice Mayor Cronberg seconded the motion. **CARRIED.**

DISCUSSION/DECISION REGARDING THE INTERIM PERMIT, PROBATE/WILL ASSIGNMENT/DIVORCE DECREE, SERIES #07 LIQUOR LICENSE AT BIG TEX BAR-B-QUE, JEFFERY LEE WILLEY, 130 E. MALEY STREET, WILLCOX, AZ

MOTION: Councilman Johnson moved to approve the Interim Permit, Probate/Will Assignment/Divorce Decree, Series #07 Liquor License at Big Tex Bar-B-Que, Jeffery Lee Willey, 130 E. Maley Street, Willcox, AZ

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

DISCUSSION/DIRECTION TO STAFF REGARDING THE YELLOW RAIL CAR ON PARCEL 203-28-180C ACROSS FROM THE CITY HALL TRAIN DEPOT

Mayor Lindsey stated the Rail Car rapidly deteriorating and if we don't do something in the near future there will not be much to work with. Mayor Lindsey referred to the slides being shown on the condition of the rail car. Councilman Johnson asked if this is

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a project to use volunteers. City Manager McCourt said it is a project where we could and happy to use volunteers, designed materials, and labor. Councilman Johnson asked if it would be wise to have open house, meeting or work session at the train car to invite the public to look and encourage volunteers or FFA or school, or craft men's to come and see to rebuild the deck, repair and installing. Mr. McCourt said staff would be happy to do that and staff report also suggested that. Councilman Johnson said knows need to get it done and have been working on the Railroad Park Grant working for over 2.5 years. Vice Mayor Cronberg said we lose track made decision to spend monies and those little things accomplished and lose sight and glad it is back and need to think about and do something. The idea of community partnership to get the work accomplished with the \$47,000 we have yet to spend and have \$73,000.00. Mr. McCourt spent some of the \$75,000 and this project estimated the cost for exterior renovations is \$47,040 and also discussed about trying to put some short of roofing to prevent it from sun and rain damage. Maybe we should keep this and look for grant and matching monies and tried to do that and unsuccessful to find grant for this purpose. Vice Mayor Cronberg said maybe we are losing time by going out to look for grants instead of doing what we can with what we have. Delcie Schultz said 2-years ago when this project started Mr. Johnson, herself, Kathy Smith and a few others wanted to get matching grants. Another thing that happened when she came to the City there was Centennial Projects there was money there and the City did not apply for it. Vice Mayor stated this is where we are now and this is what we need to do now. Maybe we need to provide that direction to get started on whatever it is to get the right hands and minds to get something done. It does not mean we stop looking for additional funding and we have to start somewhere. Likes partnering with the School and the work the students have done at the board room and they have done some spectacular work and good way to get youth involved in contributing to the community and the school as well. Mayor Lindsey said the direction is to get it moving and search for any avenues that we can to get help from the community or any grants and does not think we ever stop looking for grants. Agrees with everything that has been said and move forward with the project. Vice Mayor Cronberg said maybe with initial plan on what we need to do. Councilman Irvin said originally donated by Union Pacific and not Southern Pacific as stated in staff report and in the amount of \$75,000.00.

DISCUSSION/DECISION REGARDING REQUEST TO SUSPEND GUNFIGHT PERMIT FOR ONE WEEKEND

City Manager McCourt explained that the procedure needs a motion to remove from table and then take discussion.

MOTION: Vice Mayor Cronberg moved to take the matter off the table to discuss it [the request to suspend Gunfight Permit for one (1) weekend.

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

Mr. McCourt stated that if he recalls correctly at this point we have a motion to suspend the permit given to Mr. Bo Downing under his permit for Saturday, October 2, 2010. Mayor Lindsey said that is correct. Vice Mayor Cronberg said it was tabled in order for the parties to reach a "compromise" based on what the Council discussions were at that last meeting. City Manager McCourt believes that is why it was tabled. The Staff report indicates there has been no communication as of the writing of the staff report and since that time there has been communication received. Shortly before printing of the agenda he received communication from Mr. Downing letter in packet and this morning he received an email from Ms. Reams and copy distributed to Mayor and Council. Late this afternoon received another email from Ms. Reams and copy to Mayor. The Vice Mayor asked the City Manager that there was nothing in the packet from Mr. Downing? Mr. McCourt said a copy was in the agenda book from Rex Allen Days President Ms. Peggy Judd.

Councilman Klump asked if there was a motion already on the floor. The Mayor stated there was not a motion. City Manager McCourt explained there was a motion "to suspend the permit to use Railroad Avenue on October 2nd for the gunfights in the afternoon he believes from 1-2 p.m." The Mayor stated he "was not aware there was a motion on the floor but if we do we do." The Vice Mayor stated we had motion to discuss and to open the floor. Councilman Holloway stated since the motion was brought it "off the table" then we are working on the motion made at the last meeting and discuss. The City Manager stated the Mayor and Council have many options available at this point motion, rescind, withdrawn, action taken on motion and best interest of the community.

Mayor Lindsey recognized Ms. Delcie Schultz who has asked to address the Council and if she wanted to at this point we are open for discussion. Ms. Schultz talked with McCourt today and decision was whether or not to revoke the permit from 1-2:30 on Saturday. She read prepared statement explaining the activities on Railroad Avenue held over the past 11 years. Since she and her husband came to Willcox 5-years ago attendance has increased in the downtown area, the Stage Show, and they have been

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“trying to make Rex Allen Days like it used to be.” It was no fault of the performers for the lack of publicity for the whole thing. That is why it is so important for the Event Producers to be able to schedule as many entertainers as possible. Through connections they have found people able to have people from California, Nevada, Tennessee and Arizona willing to help at little or no cost to them. Parade starts at 10:00 and in the past there have been no activities in this area before then. Plan to introduce to the spectators some of things scheduled in the downtown area. Hopes this issue can be resolved between Rex Allen Days, Inc., and Rex Allen Museum and if not will be asking the Mayor and Council to help them to resolve the problem. In 2006 the Governor declared Rex Allen Days an Arizona Treasure. Very important to make it as grand as they possibility can. Also they are in the process getting the 2011 Rex Allen Days a Centennial Event with the Arizona Tourism Council. Vice Mayor Cronberg stated she feels like they have been asked to be “Solomon in really difficult situation.” She understands all the hard work. Concern we have local group of people committed to doing their bit of entertainment and looks like one group asking to negate the other group. At the last discussion 2-weeks ago the idea of possibly entertainment prior to parade it seemed to be well received and at that time the Council was not given the additional activities before the parade as she remembered it. And it seemed to be okay and Council left to parties to work it out. The Council is not here to be mediators. They can say “no for the usual show on October 2nd” and hopes they can work out something that both parties could come to some sort of agreement and use that time. We do have lots of local people who are also interested in contributing. The Council can say “yeah” and still going to be up to them to try to work something out that everyone can live with. She does not like being put in this position and thinks it is a very unhappy position literally for any one of them. What ever bad feelings there are between couple of individuals from whatever past experience spilled over and caused such heartache for something that is truly an event well thought of and well received and look forward to by so many people and it has meant a lot to this community for a long time and would really appreciate the parties working it out. The Vice Mayor would really appreciate the parties working something out.

Councilman Holloway asked Ms. Schultz if the Council denies Marshall Bo reenactment on that Saturday will there be another reenactment of a gunfight on Railroad Avenue during that day. Ms. Schultz said per say “no.” Councilman Holloway stated he does not want to tell a local person he can’t do his gunfight but there will be another gunfight. Ms. Schultz said “there will not be any gunfights.” The Vice Mayor does realize that the Rex Allen Day’s Parade Committee and note they proposed to allow a 20 minute gunfight and still have time for the other parties to do entertainment prior to parade and asked Ms. Schultz if that is not possible. Ms. Schultz replied at the last Council meeting brought up possibility before parade although she didn’t know and needed to talk to Ms. Reams. Spent over an hour and a half with Ms. Judd today, head of Rex Allen Days, Inc., and made assumption. The Rex Allen Museum has street closed from 6:00 a.m. to 6:00 p.m. and stated that is how it has always been done. Rex Allen Days, Inc. thought they had control of it during that period before the Parade. They have never done anything or entertainment before the parade only that the street would be closed. She told Ms. Judd they were going try to do something before parade to entertain people while they were there. She and Ms. Judd are still in discussion and does not know where it is going to lead to. They are trying to iron out differences. Part of the problem that until she came to town nothing was done downtown except little bit Jim Sober did. Once she came in and generated things happening Ms. Schultz does not think they thought about anything before only worry about the parade at 10:00 a.m. Vice Mayor Cronberg said a lot has changed over the last few years. If this is a local group that wants to be part of an activity and it seems ludicrous to have Rex Allen Day’s which is our Western Heritage recognition and we are going to ask a shoot out not to perform that day and by all rights they should be. Knows what Rex Allen Museum trying to do with Cowboy Poet and all of the other entertainment and implores Ms. Schultz to find a way to work together with Rex Allen Day’s so that could be one little piece of the day and not interfere with everything else she is trying to accomplish on that day. If she could work it out with Ms. Judd and Rex Allen Day’s Committee that maybe they could start earlier and Dr. Beck could start for that hour before the parade. She asked if there is not some way to put heads together and try to get past whatever barriers there are and work on this. Also knows Marshall Bo there has been a real concern on the time frames where there may be a 15 minute script and asked how long does the walk take and those things do last a lot longer. Marshal Bo and Ms. Judd closed conversation and very much for that day and stated she knows “Delcie” is going to be mad and does not see why local entertainment can’t also perform on the same day especially if he is willing to take the 9:00 a.m. He explained to Ms. Judd he has 3-shows written and worked on and could be put in. Their new 20 minute show they did at Wyatt Earp Days and now working on a third show. They are not talking about doing the walk at all and pared it down as small as he can and just to be as compromised as he can. He has promised Ms. Judd a 20 minute limit from the time they start and stop. Ms. Judd thought 9:00 a.m. would be fair to have local group perform as well as outside groups. Marshall Bo said he knows Dr. Beck from California. Ms. Judd felt as though within hour before the parade starts said there is plenty of time for his 20 minute show and

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plenty of time for 20 minutes for them to do before the parade. Vice Mayor Cronberg said she is not sure if Ms. Judd was totally aware of plans. Marshall Bo said he went to Ms. Judd's office after Ms. Schultz left.

Councilman Klump stated he was involved Rex Allen Day's Inc. for several years. The parade starts at 10 at Fremont and Haskell and takes 15 minutes to walk to Railroad Avenue. If start at 9:00 a.m. they have 1.5 hours to get something done. It does take awhile with slow walking or driving and to get downtown. Marshall Bo said he would start at his store at 9:00 which is in front of Railroad Avenue and start entertainment right there and go exactly 20 minutes and by 9:20 a.m. he is done for the day.

Mr. Larry Schultz problem in the past has been that the entertainment Windmill Park people do not know that it is going to happen after the parade. Reason for this is to introduce some of the gun twirling and rope twirling and music and introduce what is going to happen in Windmill Park after the parade. That is going to draw more people into that area. Gunfight normally starts at his store and takes up the whole street. Marshall Bo said they will not be doing it that far. Mr. Schultz said those are things that need to be worked out between the parties involved. What is on the table he thinks is to waive the 2:30 p.m. show and if need to come back to Council if there is still controversy because the parties can not work it out. Vice Mayor Cronberg restated what he said is basically leave permit in place and figure out different time with the parties working together. City Manager McCourt stated permit is to allow Mr. Downing to use Railroad Avenue on Saturday's during specific time from 2-2:30 p.m. That is what the permit is and the request is to exercise Council's ability to suspend that permit on October 2nd. The permit is only for that specific time. The other event Mr. Downing is talking about is under "RAD's permit." They also had permit for that weekend for the Parade and so on. He thinks that is what Ms. Schultz is referring to and question is perhaps overlaps their permit. The question before the Council is at this time the Council has given Mr. Downing permission to use Railroad Avenue every Saturday from 1:30 p.m. to 2:30 p.m. including setup time. He can not put on a show anytime he wishes. Mr. Downing has volunteered his time and efforts to do this show and Mayor and Council reserve their right that on two occasions per year for situations like this. Motion to rescind permit on October 2nd in the afternoon and it does not preclude Mr. Downing working out a deal under another permit i.e. RAD's to do his show at another time and RAD's permit would be in place to put on events which could be at Keiller Park.

Councilman Holloway said if the Council suspend the permit tonight he does not feel comfortable they will work it out if there is a gunfight at all. Councilman Klump stated they could make a motion to put it in place. Councilman Holloway thinks they do not suspend the permit until they work something out and then will suspend it because all parties are satisfied. The City Manager explained several ways to do that is do the same they did last time if appropriate to lay the item on the table. There is notification period prior and if we continue to table then may become a problem. Mayor Lindsey said the motion is to suspend the gunfight on that particular Saturday. Mr. Schultz stated if it's decided not to rescind that permit tonight that means he can come in between 2-2:30 to do the gunfight and the Mayor stated that is correct and Councilman Holloway said that is why they want him to figure it out. Marshall Bo said that at 3 o'clock Ms. Judd has asked him if they would do a short entertainment in Keiller Park because they didn't have some entertainment there and he has agreed. He does not have to do anything at 2 o'clock because has elderly people in his show and it might be too close to run 2-gunfights together. Vice Mayor Cronberg said wanted to go ahead and Call for the Question with understanding you as parties most concerned will work it out. It does not mean doing 2 o'clock show may be at Keiller Park doing something else because can do that under RAD's permit and not his own and Called for the Question.

Mayor Lindsey asked all in favor of rescinding the gunfight permit for that week say Aye-No response heard. Opposed: Mayor Lindsey stated motion failed everyone voted No. City Clerk Cristina G. Whelan asked for clarification if Councilman Johnson voted. Councilman Johnson replied he did not and wants to vote "Yes." **VOTE: Ayes-Councilman Johnson. Nays-Mayor Lindsey, Vice Mayor Cronberg, Council members: Klump, Holloway, and Irvin. Absent-Councilman Donahue.** Mayor Lindsey said the motion failed 1-5-1. **FAILED-CARRIED.**

Mayor Lindsey hopes that in the meantime something can work out and seems there is sufficient time that somewhere there is some compromise that could be made and hopefully that will happen. Marshall Bo thanked the Mayor and Council members..

DISCUSSION/DECISION AND/OR DIRECTION TO STAFF ON THE SELECTION OF DESIGN FOR CITY BILLBOARD

City Manager McCourt reported that per the last Council meeting the direction to staff was to take these ideas and concepts back. The original copy is included in the packet and the 3-redrafts all of which incorporated the removal of script; putting in Visitor Center and mention Historical Willcox and Exist 340. Vice Mayor Cronberg stated with the three (3) renderings that they have

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actually thought should it be "Historic Willcox" and "not Historical" due to confusion with "hysterical." She likes the idea of the bright yellow text is important to be seen quickly and also likes the idea with "Exit 340, Stop at the Visitor Center and Exit 340." Thinks we can incorporate those two (2) together and thought the background with the wood grain and busier font that looks like metal work is harder to read. The Vice Mayor thinks the billboard needs to be clean text and very targeted stop at the Visitor Center and Exit 340. Mayor Lindsey asked if the members are at a point if want to make decision or want to direct staff. Councilman Klump clarified with the Vice Mayor to use the circle Stop at the Visitor Center Exit 340 and incorporate with Historic Willcox as long as in Yellow with cleaner text.

MOTION: Councilman Klump moved to use the 2nd page sample and change 'Historical' to 'Historic' Willcox in Yellow on top with the screws and steel and the round circle.

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

DISCUSSION/DECISION REGARDING THE WASTEWATER TREATMENT PLANT OPTIONS

Mayor Lindsey reported the Council members held a good work session meeting earlier this evening on the Waste Water Treatment Plant. Three members (Mayor Lindsey, Vice Mayor Cronberg and Councilman Klump) visited the Benson Treatment Plant this morning and were very appreciative and it was an opportunity to see the plant in operation first hand and methods they were using.

MOTION: Councilman Holloway moved to direct staff to peruse the Oxidation Ditch Treatment Plant.

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

DISCUSSION/DECISION REGARDING THE APPOINTMENT TO FILL THE TWO (2) VACANCIES ON THE PLANNING & ZONING COMMISSION

MOTION: Councilman Johnson moved to appoint Nancy Guerrero and Sharon Nigh to fill the two (2) vacancies on the Planning & Zoning Commission.

SECONDED: Vice Mayor Cronberg seconded the motion. **DISCUSSION:** Mayor Lindsey stated we do not have counsel here tonight and point of order he would think that they would want to have a vote on each individual as opposed to a motion to approve both at the same time.

RESCIND MOTION: Councilman Johnson moved to rescind his original motion.

Mayor Lindsey said do not need second. Councilman Johnson stated "I move to approve the nomination of the appointment to Nancy Guerrero." Mayor Lindsey stated he has motion to appoint Nancy Guerrero.

Councilman Klump asked a question of the audience if Sharon Nigh here and Vice Mayor Cronberg said "she is right here." The Councilman then asked if Doyle Miller was here and there was no response.

Councilman Holloway asked if 2nd needed and Mayor and Vice Mayor both replied "don't need second on appointment."

VOTE: Ayes-Mayor Lindsey, Vice Mayor Cronberg, Council members Johnson, Klump, Holloway and Irvin. **Nays: --0-. Absent-**Councilman Donahue. **6-0-1. CARRIED.**

Councilman Johnson "moved to appoint Sharon Nigh to the Planning & Zoning Commission." Mayor Lindsey stated "I guess it should be on a vote is what it should be. All in favor of Sharon Nigh raise your hands. So it is 5-1-1" **Vote: Ayes-** Vice Mayor Cronberg, Council members Johnson, Klump, Holloway and Irvin. **Nays:** Mayor Lindsey. **Absent-1** Councilman Donahue. Mayor Lindsey stated "those are the 2-then that are welcomed to the Planning & Zoning Commission." (**CARRIED not stated although majority vote was affirmative**)

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-74 TO FORMALLY APPROVE AND AUTHORIZE THE WRITE-OFF OF CERTAIN TERMINATED UTILITY ACCOUNTS WITH UNCOLLECTIBLE AND UNPAID BALANCES AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST

MOTION: Councilman Holloway moved to approve Resolution NO. 2010-74, as stated, to formally approve and authorize the Write-off of certain terminated utility accounts with uncollectible and unpaid balances.

SECONDED: Councilman Irvin seconded the motion. **DISCUSSION:** City Manager McCourt explained this is bookkeeping to clean up our books. This does not mean we are forgiving the debt. We still maintain a record and if customer comes in they still have to settle up before account is opened again. This is 4-years worth of uncollected funds. Councilman Johnson asked if approved write off last year. Ms. Graham, Finance Director, stated she has wrong date listed and the last write off was August 20, 2007. This report starts July 2006 through December 31st of 2008. Also the Arizona Administrative Code we can apply to Arizona

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Department of Revenue to recover from taxes. Councilman Johnson asked then by attaching to State Refund if they have refund the City will get it. Ms. Graham explained we can not participate in that program. It would be reflection on our Sales tax that we pay. Writes off receivable and do not forgive the debt. Mayor Lindsey stated it helps to clean up the books for the Audit. Always there as collectible it just will not show up in the books. City Manager McCourt stated this is not General Fund this is Enterprise Fund. **CARRIED.**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-75 APPROVING AND AUTHORIZING THE FRAUD RISK MANAGEMENT POLICY TO FACILITATE THE DEVELOPMENT OF CONTROLS FOR THE DETECTION AND PREVENTION OF FRAUD AGAINST THE CITY, AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST

MOTION: Vice Mayor Cronberg moved to approve Resolution NO. 2010-75, as stated relating to Fraud Risk Management Policy. **SECONDED:** Councilman Klump seconded the motion. **DISCUSSION:** Vice Mayor Cronberg asked if in policy & procedures already in place if we do not already do this. Ms. Graham replied we do have to have separate policy and it is Audit requirement. **CARRIED.**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-76 APPROVING AND AUTHORIZING THE CONTRACT FOR THE PUBLIC SAFETY COMPLEX FACADE WITH MASCOT HOMES AND CONSTRUCTION, LLC ("CONTRACTOR") AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.

MOTION: Councilman Johnson moved to approve Resolution NO. 2010-76, as stated relating to the contract for the Public Safety Complex Façade.

SECONDED: Vice Mayor Cronberg seconded the motion. **DISCUSSION:** Councilman Johnson asked after this how much is left in the bond and what do we have left to do. Dave Bonner, Public Services & Works Director, replied it was \$67,000 left in the Bond. They need to do landscaping, work on irrigation and volunteer work to be done by group of Master Gardner's. If can get landscaping and façade done and bid for sign received was for about \$35,000 and thought we could get it at \$30,000 and if can save some money on these 2-project then we can do the sign like they want to do it. **VOTE: Ayes-**Mayor Lindsey, Vice Mayor Cronberg, Council members Johnson, Holloway and Irvin. **Nays-0-. Absent:** Councilman Donahue. **Declared Conflict of Interest-**Councilman Klump. **CARRIED. 5-1-1.**

DISCUSSION/DIRECTION TO STAFF REGARDING TITLE 5, SECTION 2-4, UNLAWFUL ACTS

Mayor Lindsey stated this is not a decision matter. Mr. Jeff Stoddard, Building Inspector, reported this is brought to the Mayor and Council attention because he sends citations for weeds in yards and persons have asked about large tracts of land are not being taken care of too. There is code that it is required and thinks that undeveloped land should not have to follow these codes and should follow codes by Council action so that any tree shrub ...extends over sidewalk or under sidewalk or roadway.....for pedestrian or vehicular traffic ...may obstruct "There is a lot of area on map he has and some up to 20 acres and as long as not developed should be 5-2-4 (4). Councilman Johnson asked if that should be considered as natural growth. Mr. Stoddard stated considerable land or lands and example is this land behind this building. Mayor Lindsey stated we would probably be creating more dust and pollution if we were mowing those large tracks of land and by leaving them in a more natural vegetative state the question is do we want to put this back into a title to come back to the Mayor and Council for approval. Councilman Johnson asked if Counsel has approved this. Mr. Stoddard replied he has brought to the Mayor and Council first for direction. He asked to put in all large track land area greater than 1.5 acre exempt from sections 1-2-3. Vice Mayor Cronberg she he is asking for direction from Mayor and Council to reword before presenting to legal counsel. Mayor Lindsey said the direction to staff is to proceed with it and put into form for City Attorney and bring back to Council for review.

DISCUSSION/DECISION REGARDING RESOLUTION 2010-77 APPROVING AND ADOPTING THE SERVICES CONTRACT BETWEEN THE CITY OF WILLCOX ["CITY"] AND LIN-CUM, INC ["LIN-CUM"] FOR ARCHIVAL STORAGE, RETRIEVAL AND SECURITY SERVICES, AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.

MOTION: Councilman Johnson moved to approve Resolution NO. 2010-77, as stated relating to the Services Contract between the City and Lin-Cum for archival storage, retrieval and security services.

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

**THE MINUTES OF THE SPECIAL MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 6TH DAY JULY 2010**

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-78 TO FORMALLY APPROVE AND AUTHORIZE THE
FRANCHISE TAX REFUND TO SULPHUR SPRINGS VALLEY ELECTRIC COOPERATIVE, INC. ("SSVEC") AND
AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST**

MOTION: Councilman Holloway moved to approve Resolution No. 2010-78, as stated relating to formally approve and authorize the Franchise Tax Refund to SSVEC.

SECONDED: Vice Mayor Cronberg seconded the motion. **DISCUSSION:** Finance Director Ruth Graham reported that SSVEC contacted the City that they had made an error over a number of years. They were not charging the Hospital Franchise Tax although they were remitting it to the City. Corrected to maximum allowable which is 4-years and they have corrected the error and will no longer remit to the City and are now asking for the refund. Councilman Klump said they were not charging, therefore, there is not a refund to the hospital. Vice Mayor Cronberg which line and Ms. Graham replied it is the Franchise Tax Line General Fund and Councilman Klump asked if we can do it in payment. Councilman Johnson said the total for the 4-years is \$16,398.83 and Ms. Graham said we do not have formula presented to us and gave us calculation. Councilman Klump asked if we have checked out the figures. Mayor Lindsey asked do we have any alternatives, Vice Mayor Cronberg said it is a big hit and it is their mistake. City Manager McCourt said we can tell them no and does not know what the Courts they will pursue. Councilman Johnson asked if there is any tool in place that we can whether periodic auditing different accounts for things like this or double billing so that it does not happen again. Had couple businesses have approached him having been billed in excess by City utilities. Asked if anything we could put in place so that something like this does not happen again, although, it does happen. Mr. McCourt in this particular case we do not have any way because they do not reveal and we do not have access to proprietary information. **CARRIED.**

REPORTS BY THE CITY MANAGER PAT MCCOURT

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

- **Report on Capital Asset Threshold**-Ruth Graham, Finance Director, reports on the Capital Asset Threshold –Pat following GFOAZ advise on what assets to capitalize changed from \$1500 to \$5,000
- **Report on Attendees to the League of Arizona Cities & Towns**-Pat McCourt, City Manager, and the City Clerk needs to finalize the reservations for the conference and the hotel for those persons definitely attending. Also need to delegate the coordinator and co-coordinator for the Festival and the Flag Bearer for the Parade of Flags.
- **Report on City Manager Vacation days**-Pat McCourt, City Manager, will be on vacation from the afternoon of July 7th through July 9th, 2010.
- **Report on Departmental Energy Conservation on-going efforts**-Pat McCourt, City Manager, departmental memo listing of on-going energy conservation efforts.
- **Report on Chip Seal**-Dave Bonner, Public Services & Works Director, reporting on Chip Seal Projects. June 18 performed Chip Seal on Grant, McCourt, Downen and Soto one (1) block between Haskell and Railroad Avenue and improved drainage and turned out real well. Mayor said very good job.
- **Report on the Brown & Caldwell Underground Storage Tanks**-Dave Bonner PS&W Director, reports "No problem." The City Manager reported the file was never closed with the State. Brown & Caldwell came back and copy of report is available in the Clerk's office and their recommendation was to close file and give us clean bill of health. It is not to say there is no problem and not ours and today received letter from State they are not ready to close.
- **Report on Ramada Roof Repair**-Dave Bonner, PS&W Director reports on the roof repair work done in-house at the Keiller Park Ramada. City Manager added there were some shingles missing and re-roof and City staff done repairs and looks very good.
- **Report on 4th of July Celebration**-Jake Weaver, Public Safety Director Reports on the 4th of July. As of July 2nd donations received total \$7,385 and we are a little short of \$700 to pay those off. Donations usually continue to come in and get it paid off. There were no sustained injuries or fires. Discussion of incident during National Anthem the City or staff did not drop the flag. The Willcox Unified Schools rope apparatus broke. It is not the City's flag pole and it was a freak accident. Appreciates all the support and work the Fire Fighters did and appreciates support from Community and Council. **APPLAUSE.**
- **Report on Joint Work Session with Planning & Zoning Commission**-Pat McCourt, City Manager, the joint work session with the Planning & Zoning Commission has been scheduled for Monday, July 19, 2010 at 6:00 p.m., City Council Chambers.
- **July 15 schedule meeting with SEAGO**- City Manager reported that SEAGO would like to attend the Mayor and Council briefing on the Thursday before the next Council meeting. This is good opportunity for staff to meet their staff.

**THE MINUTES OF THE SPECIAL MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 6TH DAY JULY 2010**

- **Report City Manager attending training**-Pat McCourt, City Manager, will be attending the City Manager's Annual Conference in Tucson beginning on July 27, 2010 and returning late the afternoon of July 30, 2010. Chief Weaver in charge whenever he is gone.
- **Report on Update on Senior Center Agreement with NCCH**-Pat McCourt, City Manager, reports on the Update on the Senior Center Agreement with NCCH. This is the first draft and Vice Mayor Cronberg said it came from Tracy Zerkle from the Hospital.

COMMENTS NOT FOR DISCUSSION FROM MAYOR AND COUNCIL MEMBERS.

Councilman Johnson stated wonderful job at fireworks! Thanks Chief!

Councilman Klump fireworks were great!

Councilman Holloway spent the last 3-days in Prescott's 5,800' and very nice. They do a lot of wonderful things in Prescott, although they do not put on fireworks and sorry missed ours.

Vice Mayor Cronberg thanked the Chief for wonderful 4th of July and really very please it was a very safe 4th of July.

Mayor Lindsey reported he heard the booms and saw some of them and cannot attend because held on Sunday when some can not attend. He stated the Department always does a great job and citizens and those in whole area partake in that and it is a great thing for our City.

ADJOURN

There being no further business before the Mayor and Council, Mayor Lindsey adjourned the meeting at 8:32 p.m.

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the special meeting of the City Council of the City of Willcox held on the 6th day of July 2010. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 15th day of September 2010

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

PASSED, APPROVED AND ADOPTED this 20th day of SEPTEMBER 2010.

/S/ GERALD W. LINDSEY
MAYOR GERALD W. LINDSEY
Signed: 09-21-2010

ATTEST:

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