

**CITY OF WILCOX
MAYOR AND CITY COUNCIL
SPECIAL MEETING-Statement of Legal Actions
AGENDA**

NOTE DATE: Tuesday, July 6, 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. 2010-79
Ordinance NS299**

- 1. CALL TO ORDER**-Mayor Gerald W. Lindsey called the regular meeting to order on Tuesday, July 06, 2010 at 7:09 p.m. and stated they had a good work session prior to this meeting.
- 2. 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

- 3. PLEDGE OF ALLEGIANCE TO THE FLAG**-Mayor Lindsey.
- 4. 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 County resident supports any move as Council can make or he to get water to his area which if it means becoming part of the City so be it. There will be controversy and sooner or later County will be looking at City to get water. Anything he can do knows Council would support this move and contact him. Mr. Jones thanked the Mayor and Council.
- 5. 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.
- 6. 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.**
- 7. DISCUSSION/DECISION ENTER EXECUTIVE SESSION PURSUANT TO ARIZONA REVISED STATUTES** — Tab 4

~~§ 38-431.03A(3) DISCUSSION OR CONSULTATION FOR LEGAL ADVICE WITH THE ATTORNEY OR ATTORNEYS OF THE PUBLIC BODY~~ Removed by Adoption of the Agenda #7-8-& 9.

~~8. RECESS TO EXECUTIVE SESSION, IF APPROVED~~ Removed by the Adoption of the Agenda.

~~9. RECONVENE FROM EXECUTIVE SESSION~~ Removed by the Adoption of the Agenda.

10. PUBLIC HEARINGS, PETITIONS AND COMMUNICATIONS

Tab 2

Proclamation: The Mayor Lindsey read 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., Tab 3
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. Asked again are there any comments. Hearing no further comments the Mayor closed the public hearing at 7:18 p.m.

11. 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:

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 to Consent Agenda during the Adoption of the Agenda:

#18 Chamber of Commerce & Agriculture use fees waived for Job Fair August 19th

#19 Chamber of Commerce use fees waived entire Community Center Cowboy Hall of Fame Wed 09-29 through Friday, October 1, 2010

#20 Chamber of Commerce use fees waived Apple Festival noon December 1st through noon December 5, 2010.

It was moved and seconded to adopt the Consent Agenda items as listed. **CARRIED.**

12. **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**-it was moved and seconded 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. **CARRIED.** Tab 3
13. **DISCUSSION/DIRECTION TO STAFF REGARDING THE YELLOW RAIL CAR ON PARCEL 203-28-180C ACROSS FROM THE CITY HALL TRAIN DEPOT** –After discussion and review of power point pictures of the deterioration of the Yellow Rail Car Mayor Lindsey direction to staff is to get it moving and search for any avenues we can get help from the community or grants and agrees. He too agreed with everything that has been said and stated “move forward.” Vice Mayor Cronberg stated maybe with initial plan. Councilman Irvin said originally donated by Union Pacific and not Southern Pacific as stated in the staff report. Tab 8
14. **DISCUSSION/DECISION REGARDING REQUEST TO SUSPEND GUNFIGHT PERMIT FOR ONE WEEKEND** Tab 9
City Manager McCourt explained the motion is to remove from table and then take discussion. It was moved and seconded to take the matter off the table to discuss the request to suspend Gunfight Permit for one (1) weekend. **CARRIED.**

The motion and second from the previous meeting is to suspend gunfight on Saturday. **Vote Ayes**-Councilman Johnson. **Nays**-Mayor Lindsey, Vice Mayor Cronberg, Councilmen Klump, Holloway and Irvin. **Absent**-Councilman Donahue. **5-1-1 Motion Failed.**

15. **DISCUSSION/DECISION AND/OR DIRECTION TO STAFF ON THE SELECTION OF DESIGN FOR CITY BILLBOARD**-It was moved and seconded to use the 2nd page sample and change ‘Historical’ to ‘Historic’ Willcox in yellow with the screws and steel and round circle. **CARRIED.** Tab 10
16. **DISCUSSION/DECISION REGARDING THE WASTEWATER TREATMENT PLANT OPTIONS** Tab 11
It was moved and seconded direct staff to peruse the oxidation treatment plant. **CARRIED.**
17. **DISCUSSION/DECISION REGARDING THE APPOINTMENT TO FILL THE TWO (2) VACANCIES ON THE PLANNING & ZONING COMMISSION** Tab 12
MOTION: Councilman Johnson moved to appoint Nancy Guerrero and Sharon Nigh to fill the two (2) vacancies on the P&Z 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.** 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 two (2) then that are welcomed to the Planning & Zoning Commission.” (**CARRIED not stated although majority vote affirmative**)
- ~~18. DISCUSSION/DECISION REGARDING 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. MOVED TO CONSENT AGENDA!~~ Tab 13
- ~~19. DISCUSSION/DECISION REGARDING 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 MOVED TO CONSENT AGENDA!~~ Tab 14

20. **DISCUSSION/DECISION REGARDING 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. MOVED TO CONSENT AGENDA!** Tab 15
21. **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-It was moved and seconded to approve Resolution NO. 2010-74, as stated, to formally approve and authorize the Write-off of certain terminated utility accounts. CARRIED.** Tab 16
22. **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-It was moved and seconded to approve Resolution NO. 2010-75, as stated relating to Fraud Risk Management Policy. CARRIED.** Tab 17
23. **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.-It was moved and seconded to approve Resolution NO. 2010-76, as stated relating to the contract for the Public Safety Complex Façade. VOTE: Ayes: Mayor Lindsey, Vice Mayor Cronberg Councilmen Johnson, Holloway and Irvin. Nays: None. Absent: Councilman Donahue. Conflict of interest: Councilman Klump. CARRIED. 5-1-1** Tab 18
24. **DISCUSSION/DIRECTION TO STAFF REGARDING TITLE 5, SECTION 2-4, UNLAWFUL ACTS** Tab 19
After discussion was held by Mayor and Council members and staff the staff was directed to go ahead and proceed with it and put into form for City Attorney and bring back to mayor and Council for decision.
25. **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. It was moved and seconded 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. CARRIED.** Tab 20
26. **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-It was moved and seconded to approve Resolution No. 2010-78, as stated relating to formally approve and authorize the Franchise Tax Refund to SSVEC. CARRIED.** Tab 21
27. **REPORTS BY THE CITY MANAGER PAT McCOURT** Tab 22
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. 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.
- **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.

28. 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.

29. ADJOURN-8:32 p.m.

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 and beginning July 2010 on the City's website www.cityofwillcox.org .

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.