

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

1. **CALL TO ORDER**-Mayor Gerald W. Lindsey called the special meeting to order on Tuesday, September 07, 2010 at 7:00 p.m. and welcomed all and looks like heavy rain outside has left most of the crowd out and hopes more will come in and if not welcomed those present.

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 Christopher Donahue
Councilman William “Bill” Holloway
Councilman Robert “Bob” Irvin

STAFF

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

3. **PLEDGE OF ALLEGIANCE TO THE FLAG**-Mayor Lindsey.

4. **CALL TO THE PUBLIC**-There was no response from the public present.

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 with the removal of item #13 (relating to Wine Festival request by Josh Moffitt). **CARRIED.**

7. **DISCUSSION/DECISION ENTER EXECUTIVE SESSION PURSUANT TO ARIZONA REVISED STATUTES** Tab 1
§ 38-431.03A(3) DISCUSSION OR CONSULTATION FOR LEGAL ADVICE WITH THE ATTORNEY OR ATTORNEYS OF THE PUBLIC BODY-Mayor Lindsey asked counsel if any reason for Executive Session tonight and City Attorney Figueroa replied there was none.

8. ~~**RECESS TO EXECUTIVE SESSION, IF APPROVED**~~

9. ~~**RECONVENE FROM EXECUTIVE SESSION**~~

10. 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.

10A. **RESOLUTION NO. 2010-93 APPROVING AND AUTHORIZING THE WILLCOX DEPARTMENT OF PUBLIC SAFETY TO PURCHASE OF RADIO EQUIPMENT TO BE FUNDED BY THE US DEPARTMENT OF HOMELAND SECURITY FOR THE PURPOSE OF COLLABORATIVE LAW ENFORCEMENT ACTIVITIES AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.** Tab 2

10B. **RESOLUTION NO. 2010-94 APPROVING AND ADOPTING THE AWARD AGREEMENT [A.G. # 2011-056] WITH THE ATTORNEY GENERAL'S OFFICE OF VICTIMS' RIGHTS PROGRAM [“VRP”] ON BEHALF OF THE WILLCOX DEPARTMENT OF PUBLIC SAFETY [“WDPS”], AUTHORIZING THE EXECUTION OF THIS RESOLUTION AND THE AGREEMENT AND DECLARING AN EMERGENCY TO EXIST.** Tab 3

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

11. PUBLIC HEARINGS, PETITIONS AND COMMUNICATIONS

Tab 4

Proclamation: The Mayor read and proclaimed with the Benevolent and Protective Order of Elks September 6-12, 2010 as *****NATIONAL PATRIOTISM WEEK*****; and presented the proclamation to Exulted Ruler Lucy Wilson.

Mayor Lindsey read and proclaimed Saturday, September 25, 2010 as *****CITY CLEAN UP DAY!***** The Mayor encouraged all to participate in that activity and it is before Rex Allen Day's and hopes we have lots of participation.

Communications: Second Reading of Ordinance NS299 Relating To Taxation: Levying Separate Amounts To Be Raised For Primary And Secondary Property Tax Levies Upon Each One Hundred Dollars (\$100.00) Of The Assessed Valuation Of Property Subject To Taxation Within The City Of Willcox For The Fiscal Year Ending June 30, 2011 And Declaring An Emergency To Exist; and **Tab 5**

First Reading of Ordinance NS300 Amending The Willcox City Code, Title 5, [Health And Sanitation], Chapter 2 [Nuisances], Section 5-2-4(A) [Unlawful Acts], By Reference, Repealing The Current Section 5-2-4(A) And Part Of Ordinance NS298 Relating To Repealed Section 5-2-4(A) As Enumerated Herein. **Tab 6**

Public Hearing: The Mayor and Council will hold a public hearing on (1) Tuesday, September 7, 2010, at 7:00 p.m., 300 W. Rex Allen Drive, Willcox, AZ regarding Ordinance NS299 Relating To Taxation: Levying Separate Amounts To Be Raised For Primary And Secondary Property Tax Levies Upon Each One Hundred Dollars (\$100.00) Of The Assessed Valuation Of Property Subject To Taxation Within The City Of Willcox For The Fiscal Year Ending June 30, 2011 And Declaring An Emergency To Exist; and **Tab 5**

Mayor opened public hearing on Ordinance NS299 at 7:09 p.m. and asked if anyone wished to comment. Ms. Delcie Schultz asked how much the tax is going to be raised. Mayor Lindsey stated it is basically the same and asked Finance Director Ruth Graham to explain. Ms. Graham explained that the Primary Tax \$28.90 to \$30.20 based on one hundred dollars of the assessed evaluation and the Secondary Property Tax will increase by \$1.34 from \$65.56 to \$67.00 on one hundred assessed evaluations. Mayor Lindsey asked any other questions or comments. Again the Mayor asked are there any other comments. Hearing none the Mayor closed the public hearing at 7:11 p.m.

(2) The Mayor announced that on Monday, September 20, 2010, at 7:00 p.m., 300 W. Rex Allen Drive, Willcox, AZ regarding Ordinance NS300 Amending The Willcox City Code, Title 5, [Health And Sanitation], Chapter 2 [Nuisances], Section 5-2-4(A) [Unlawful Acts], By Reference, Repealing The Current Section 5-2-4(A) And Part Of Ordinance NS298 Relating To Repealed Section 5-2-4(A) As Enumerated Herein; and **Tab 6**

(3) on Monday, September 20, 2010, at 7:00 p.m., 300 W. Rex Allen Drive, Willcox, AZ regarding Application for Liquor Store Series #9 Sampling Privileges (09020037S), Safeway Inc., #272, Janice Louise Martin, 650 N. Bisbee Avenue, Willcox, AZ **Tab 7**

All members of the public are invited to attend such meeting. For those persons unable to attend, written comments will be accepted until 4 p.m. the day of the public hearing in the Office of the City Clerk, 101 S. Railroad Avenue, Suite B, Willcox, AZ 85643.

- 12. DISCUSSION/DECISION REGARDING ORDINANCE NS299 RELATING TO TAXATION: LEVYING SEPARATE AMOUNTS TO BE RAISED FOR PRIMARY AND SECONDARY PROPERTY TAX LEVIES UPON EACH ONE HUNDRED DOLLARS (\$100.00) OF THE ASSESSED VALUATION OF PROPERTY SUBJECT TO TAXATION WITHIN THE CITY OF WILLCOX FOR THE FISCAL YEAR ENDING JUNE 30, 2011 AND DECLARING AN EMERGENCY TO EXIST-It was moved and seconded to adopt Ordinance NS299, as stated, relating to Tax Levy. **Vote: Ayes-**Mayor Lindsey, Vice Mayor Cronberg, Council members Donahue, Holloway and Irvin. **Nays-** Council members Johnson and Klump **CARRIED 5-2.** **Tab 8****

- 13. DISCUSSION/DECISION REGARDING THE REQUEST FROM ARIZONA VINES & WINES, JOSH MOFFITT, ~~_____~~ **Tab 9****

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~~TO HOLD A WINE FESTIVAL ON SEPTEMBER 18, 2010~~

~~Should be removed from agenda! Consideration, discussion and/or decision regarding the request from Arizona Vines & Wines, Josh Moffitt, to hold a Wine Festival on September 18, 2010.~~

- 14. DISCUSSION/DECISION REGARDING THE REQUEST FROM THE REX ALLEN ARIZONA COWBOY MUSEUM, INC., STANDARD FEES FOR THE COMMUNITY CENTER BE WAIVED FOR THE SECOND ANNUAL WESTERN LEGENDS AWARDS ON FRIDAY, OCTOBER 1, 2010** Tab 10
It was moved and seconded to approve the request from The Rex Allen Arizona Cowboy Museum, Inc., standard fees for the Community Center be waived for the Second Annual Western Legends Awards on Friday, October 1, 2010. **CARRIED.**
- 15. DISCUSSION/DECISION REGARDING THE REQUEST FROM THE REX ALLEN ARIZONA COWBOY MUSEUM, INC., LIQUOR PERMIT AT RAILROAD PARK FOR OCTOBER 1,2,&3 FOR A WINE GARDEN DURING REX ALLEN DAYS** Tab 11
It was moved and seconded to approve the request from The Rex Allen Arizona Cowboy Museum, Inc., Liquor Permit at Railroad Park on October 1,2&3 for a Wine Garden during Rex Allen Days. **CARRIED.**
- 16. REPORTS BY THE CITY MANAGER PAT McCOURT** Tab 12
Consideration, discussion and/or decision regarding the following topics by the City Manager:
- **Report on Refuse (Garbage) Ordinance and schedule work session**-City Manager Pat McCourt reported on the Refuse (Garbage) Ordinance and stated major revisions are due to changes in State Law. Old Ordinance dated 1970's and lots of changes and terminology. This is going to take major rewrite and the City Manager and staff would like to schedule work sessions to review and get it into place. The Refuse Contract ends June 30, 2011 and we will need to go out for request for proposals and hopes to start that in January and adopt the Ordinance by December. It will be extensive rewrite to bring it current to State Law and maybe we will need more than a couple of work sessions. Mayor Lindsey asked if he had proposed date for work session. City Manager McCourt suggested first meeting in October prior to regular meeting. Vice Mayor Cronberg asked how much input is needed from them at work session because she is not well versed in requirements and suggested it would be better for staff to bring something to them. Mr. McCourt said that is what staff will do is bring a draft and Vice Mayor Cronberg requested copies be sent to them before the work session to make intelligent comments. The City Manager and staff will do that before the end of September and present them with a draft for review.
 - **Report on Golf Course and schedule work session**-City Manager Pat McCourt reporting on the Golf Course end December 31, 2010 and current vendor wants to continue. It will not be as difficult as garbage and would like to schedule a work session on September 20th before the next regular council meeting.
 - **Report on Mayors & Manager Luncheon**-Pat McCourt, City Manager, the City of Willcox will host the Mayor's/Manager's Luncheon on Thursday, September 16, 2010 at 12 Noon, Brass Rail. If able to attend please RSVP by Friday, September 10, 2010 to the City Clerk.
 - **Report on Adding Quail Park to the General Plan**-City Manager, Pat McCourt reported this item is not present concern but it has been in the works for some time. It was presented to the Planning & Zoning Commission and ready to come to Mayor and Council for consideration to add Quail Park to the General Plan. Mayor Lindsey asked what is the time table and City Manager McCourt explained there is no set time on this item. Staff has received the recommendation from Planning & Zoning and citizen committee has reviewed it and they presented it to Planning & Zoning. The Mayor suggested it be moved to mid or the latter part of October.
 - **Report on the Willcox Cowboys Football Season**-City Manager Pat McCourt reported on the Willcox Cowboys Football Season which is going well. Won game against Lordsburg and won Friday with Junior Varsity playing a large portion of that game.
 - **WIFA Loan** -and tentative closing scheduled Friday of this week.
 - **Recycle item**-City working with County to crush concrete and they keep a portion and we keep a portion for our streets.

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

Vice Mayor Cronberg reported on the Magic Circle Bike Ride held Saturday and it was very well done.

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18. ADJOURN-7:25 p.m.

Misc. Tab: ____.

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.