

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND  
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ  
HELD ON THIS 4<sup>TH</sup> DAY OF OCTOBER 2010**

**CALL TO ORDER** –Mayor Gerald W. Lindsey called the regular meeting to order on Monday, October 04, 2010 at 7:00 p.m. Welcomed all to Council meeting this evening and good to see “a few shining faces” and welcomed all to come any time.

**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 Clerk Cristina G. Whelan, CMC  
Library Director Tom Miner  
Finance Director Ruth Graham  
Public Services & Works Director Dave Bonner

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

**CALL TO THE PUBLIC**- Mr. Paul Sheats addressed the Mayor and Council and thanked them for all they are doing. His next planned event is Harvest Fest on Halloween night at the Community Center and is inviting anyone that wants to pull together and participate. Eight churches have joined and they are not asking the Council to waive the rental fees. The initial fee has been paid and insurance. Mr. Sheats invited all to come down and meet people, youth and encourage kids and anyone else to join in. The event starts at 6:00 p.m. to 8:00 p.m. on Sunday, October 31<sup>st</sup>.

**DECLARATION ON CONFLICT OF INTEREST**-Councilman Donahue declared conflict of interest on all items relating to the Consent Agenda. There was no further response from the Mayor, Council members or staff.

**ADOPTION OF THE AGENDA**

**MOTION:** Councilman Johnson moved to adopt the agenda as presented.

**SECONDED:** Councilman Holloway seconded the motion. **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 Manager Pat McCourt spoke earlier this evening with the City Attorney Hector Figueroa who has an emergency and is available by phone if needed. There is no reason at this time for an Executive Session.

**RECESS TO EXECUTIVE SESSION, IF APPROVED**

**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. THE REGULAR MEETING HELD ON SEPTEMBER 20, 2010**

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND  
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ  
HELD ON THIS 4<sup>TH</sup> DAY OF OCTOBER 2010**

- 10B. RESOLUTION NO. 2010-99 APPROVING AND ADOPTING THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY AND THE NORTHERN COCHISE COMMUNITY HOSPITAL, A HOSPITAL DISTRICT, FOR THE PROVISION OF SERVICES FOR SENIOR CITIZENS AND DECLARING AN EMERGENCY TO EXIST.
- 10C. RESOLUTION NO. 2010-100 APPROVING AND ADOPTING THE TWIN LAKES GOLF COURSE LEASE 2010 AMENDMENT BETWEEN THE CITY OF WILLCOX [“LESSOR”] AND JOHN PETERSON AND BETTY PETERSON D.B.A. ENCORE CATERING UNLIMITED, L.L.C. [“LESSEE”] AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND THE LEASE 2010 AMENDMENT AND DECLARING AN EMERGENCY TO EXIST
- 10D. RESOLUTION NO. 2010-101 RATIFYING, APPROVING AND AUTHORIZING THE SUBMISSION OF THE APPLICATION TO THE ARIZONA STATE LIBRARY [“ASL”] UNDER THE SGIA-CONSTRUCTION GRANT PROGRAM FOR A QUALIFYING AMERICANS WITH DISABILITIES ACT [“ADA”] RENOVATION PROJECT AND DECLARING AN EMERGENCY TO EXIST.
- 10E. RESOLUTION NO. 2010-103 APPROVING AND ADOPTING THE ASSIGNMENT AND CONSENT AGREEMENT FOR THE FORT GRANT CONNECTIVITY ENHANCEMENT PROJECT BY AECOM USA, INC. [“ASSIGNOR”] TO AECOM TECHNICAL SERVICES, INC. [“ASSIGNEE”] AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST

**MOTION:** Councilman Johnson moved to adopt the consent agenda items as presented.

**SECONDED:** Councilman Klump seconded the motion. **CARRIED 6-0-1** Declared Conflict of Interest Councilman Donahue.

**PRESENTATION BY REVENUE DISCOVERY SYSTEMS**

City Manager Pat McCourt stated he attended this presentation at the Annual League Conference and Finance Director Ruth Graham will do the introductions. Ms. Graham introduced Mr. Rob Heimbuch and thanked them for opportunity to stop by and visit with Mayor and Council. Explained what they are about and what they are running in the State of Arizona. Few faces he has seen at the Annual League of Arizona Cities & Towns. Working with Bullhead City who was their first customer and Revenue Discovery Systems (RDS) a few years ago talked about what they are doing in Arizona. He presented a slide presentation and brief overview how came to Arizona and relationship with the League. Meet 2.5 years ago with Ken Strobeck and Tom Belsche and presented what their company does and if felt market in Arizona. Mr. Belsche was tasked to research them and response. They have been in Alabama since 1980 and in Louisiana, Texas, District, Puerto Rico, Georgia and moving West to Arizona and California.

RDS is government Service Company provides management services to the public section. It is Tax Administration and become the Arizona Department of Revenue (ADOR). Rather than contract with ADOR collect taxes they collect them and City's employee. Currently the City receives a huge report monthly from ADOR. They now have 1/3 less people than they had a couple years ago. Use Retail, Restaurant and not names since that is Confidential. The report is much more manageable. They will give staff more information to make better decisions. Taxpayers remit to Alabama instead of Phoenix and now 2-forms rather than one. The State Tax form goes to State and Willcox Tax will go to Birmingham, Alabama. They encourage on-line filing. Make life simpler because when fill out form the first time there is field Gross Sales and next month put dollar amount and calculates everything. Still have exemptions and have to do that. There are 13-15 Self Collecting and their tax payers have to fill out 2-forms. That is inconvenience but big positive. They are not Arizona Model City Tax Experts and that is not their function they are trying to collect dollars that belongs to the City's bank account. The Tax Code is on their computer screens in Alabama and able to answer some questions. Your City Auditor and City Attorney are there to answer questions. They only observe 4-Holidays, Christmas, Thanksgiving, New Years and 4<sup>th</sup> of July otherwise they are open. Open 7-5 Arizona time Monday-Friday. If not open leave message and they will return the call the next working day.

Revenue Discovery Recovery is what they first do when take client on. That is part of 90 day implementation and will take from Willcox and ADOR data base and match that with City's and do a scrub. May have Arizona License but forgot to pay City of Willcox and they will find those during implementation process or annually at a different fee. Receivable Management is Debt Collection and they are owned by Portfolio Associates

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND  
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ  
HELD ON THIS 4<sup>TH</sup> DAY OF OCTOBER 2010**

The Proposed Contract is 5-years and first is 1.05% of the monthly fee and deducted from payment before sent and year's 4-5 rate is 1.20%. There is no internet and every staff is addressing that.

City Manager McCourt stated staff has no faith in the ADOR and we are not getting the service nor are the businesses and see this as vast improvements. Staff thinks this is better for our Community and the City runs more efficient. Mayor Lindsey asked a hypothetical question: John Doe Appliance is suspected of not paying sales tax and the City asks them to audit what the cost will be to the City. Mr. Heimbuch replied \$85/hour when they walk-in to do Audit. Mayor Lindsey agreed the immediate benefit is the reports which show who did or did not pay and how much. Mr. Heimbuch explained that the decision is up to staff to determine to call for an Audit. Councilman Klump asked if State charges City to collect our taxes. Pricing model is based on the other 48 states. Mayor Lindsey asked if at the present time is the State doing any auditing and Mr. Heimbuch said "they are not." The State is down 33% of its workers. Councilman Donahue asked how this effects the collection of taxes during special events when they put all the vendors under one license Mr. McCourt replied each of those vendors should have tax number and should report sold in our community. Mr. Heimbuch added anybody that holds event should have license. Councilman Klump said the State used to do quarterly and with this company form on or off months. Mr. Heimbuch replied RDS prefers it that way and because of SASB 70 they will call businesses and walk them through and send those 3-months to do on-line.

Mayor Lindsey thanked Mr. Heimbuch for the presentation and he thanked the Mayor and Council for opportunity. Mr. Heimbuch also learns from questions asked and staff has his card and is here to answer questions and if not he will get the answers.

Mayor Lindsey directed staff to go ahead and look at process and refine a little better and bring that back to Mayor and Council for consideration.

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-102 APPROVING AND ADOPTING THE TWIN LAKES GOLF COURSE LEASE ASSIGNMENT BY JOHN PETERSON AND BETTY PETERSON D.B.A. ENCORE CATERING UNLIMITED, L.L.C. ["ASSIGNOR"] TO JASON AND CARRIE JONES D.B.A. JNC VENTURES, LLC ["ASSIGNEE"] AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION, THE LEASE ASSIGNMENT AND DECLARING AN EMERGENCY TO EXIST**

**MOTION:** Councilman Johnson moved to approve Resolution No. 2010-102, as stated, relating to the Twin Lakes Golf Course Lease Assignment by John and Betty Peterson DBA Encore Catering Unlimited, LLC to Jason and Carrie Jones DBA JNC Ventures, LLC.

**SECONDED:** Councilman Donahue seconded the motion. **DISCUSSION:** Vice Mayor Cronberg commented on the passion of the letter from Jason Jones presented and appreciates all here and willing to do it. **CARRIED.**

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-104 TO RATIFY, APPROVE AND ADOPT THE CONTRACT AMENDMENTS NO; 3 AND 4 BETWEEN THE CITY OF WILLCOX ["CITY"] AND AECOM TECHNICAL SERVICES, INC. ("AECOM") FOR POST DESIGN SERVICES AND PROFESSIONAL CONSTRUCTION MANAGEMENT SERVICES FOR THE FORT GRANT CONNECTIVITY ENHANCEMENT PROJECT AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.**

**MOTION:** Councilman Johnson moved to approve Resolution NO. 2010-104, as stated, to ratify, approve and adopt the Contract Amendments No. 3 and 4 between the City and AECOM for Post Design Services and Professional Construction Management Services for the Ft. Grant Connectivity Enhancement Project.

**SECONDED:** Councilman Donahue seconded the motion. **DISCUSSION:** Councilman Johnson stated this has been a long time coming. Councilman Klump said this \$417,000 asked if that falls within and Mr. Bonner replied that is the grant. Mr. Bonner said the remaining portion \$81,508 was previously approved and paid for the Environmental Studies. Councilman Klump said then we have no more outlay and Mr. Bonner said we have \$23,813 or 5.7% of project and that is requirement. Councilman Johnson stated that is in-kind as well right? And Mr. Bonner replied believes all in-kind. Councilman Klump Pat said paying for that from Highway Users Fund. The earlier amount of \$81,000 has already been paid from Local Highway Users Fund. **CARRIED.**

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND  
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ  
HELD ON THIS 4<sup>TH</sup> DAY OF OCTOBER 2010**

**DISCUSSION REGARDING THE JUNE 30, 2010 INVESTMENT REPORT**

Finance Director Graham reported this is snap shot of cash balances as of June 30. This report does not necessarily reflect the activity for the year. Staff has complied with the directive from Council in our Industrial Park. The primary objective of the City is safety and collateralization. Safety has 2-CD's fully insured CDARS, we have money in the Local Government Investment Pool 700; CDARS money market .25% earnings and just moved \$2.3M back to which is 1.05%. The goal is not to tie the money up too much until we see if rates will improve. This snap shot is as of June 30 and on September 30<sup>th</sup> will show projections and audit. City Sales Tax came in higher than projections. At the first meeting in November staff will have the September 30<sup>th</sup> reports on the first quarter.

**REPORTS BY THE CITY MANAGER PAT McCOURT**

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

- **Report on the Willcox High School Football Team**-the Cowboys beat Pima Roughriders 34-0; next game anticipated difficult game in Morenci Wildcats and Cowboys ended up on top 36-6. Encouraged all to attend game on Friday against Tombstone and it is also Homecoming.
- **Report on City Clean Up Day**-held on Saturday, September 25, 2010; and big lots are being cleaned due to Code Enforcement. Working on getting large lots in town and Jeff ill and no report.
- **Report on Rex Allen Days**- 59<sup>th</sup> Annual Rex Allen Days held! Had a lot of work to do and had enjoyable time. Saturday night Show was 3-hours none stop.
- **Report on Senior Center**-Ribbon Cutting held and Open House.
- **Report on Public Safety Ordinance and schedule work sessions**-draft Public Safety Ordinance ready and next work session at 6:00 p.m. on Monday, October 18, 2010. Had scheduled a Solid Waste meeting but the City Manager is scheduled to be out-of-town and staff will hold work session on the Public Safety Ordinance. There are two (2) new areas (1) fireworks and (2) Social Hosting that is term used when adults allow minors to have parties and do illegal activity at their homes/residences.
- **Report on Skate Park Board Meeting**- meeting was held on September 21, 2010. Went over where we are, what we are doing, where we are at, and what is next step.
- **Report on Library New Technology Tools Presentation**-Library presents information on New Technology Tools Library "guru" is not here and wait until November 1<sup>st</sup> meeting.
- **Report on the AMRRP bulletin**-Article regarding Reality Check (School Violence) and how we have to get ready for that. There is more that always needs to be done.
- **Report City Manager to ICMA Training**-the City Manager will be gone from the 15<sup>th</sup> through the 20<sup>th</sup> of October to attend the ICMA training in San Jose, CA. During that time Chief Weaver is Acting City Manager.

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

Councilman Holloway enjoyed weekend during Rex Allen Day's, lots of people, very well run and appreciates staff help.

Councilman Donahue enjoyed the weekend festivities and understands good time was had by all.

Vice Mayor Cronberg thanked everyone that worked, behind and in front of the scenes.

Mayor Lindsey echoed those comments. There were lots of people in town, attendance better than last few years; lots of activities well attended and well represented. Lots of local people participated in events to help make it a success.

Johnson echoed the same as far as the success. Participation of the community and comments received from outside from the stars they want to come back, they had a lot of fun and no where else they could find atmosphere of Western Heritage and loving people and kudos to Rex Allen Days and successful 59<sup>th</sup> and next year 60<sup>th</sup> and Arizona's Anniversary and it should be huge.

Councilman Irvin stated he is glad it is over with! Congratulations to Councilman Holloway and meet a lovely woman this weekend and turns out to be his fiancé.

Mayor Lindsey announced that the Extended Hands Ministry float was presented the Mayor's Award!

**ADJOURN**

There being no further business before the Mayor and Council, Mayor Lindsey adjourned the meeting at 8:18 p.m.

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND  
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ  
HELD ON THIS 4<sup>TH</sup> DAY OF OCTOBER 2010**

**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 4<sup>th</sup> day of October 2010. I further certify that the meeting was duly called and held, and that a quorum was present.

**Dated this 30<sup>th</sup> day of November 2010**

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

**PASSED, APPROVED AND ADOPTED** this 6<sup>th</sup> day of DECEMBER 2010.

/S/ GERALD W. LINDSEY  
MAYOR GERALD W. LINDSEY  
Signed: 12-06-2010

ATTEST:

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