

**THE STATEMENT OF LEGAL ACTIONS OF THE REGULAR MEETING OF THE
MAYOR AND CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 18TH DAY OF OCTOBER 2010**

1. **CALL TO ORDER**-Mayor Gerald W. Lindsey called the regular meeting to order on Monday, October 18, 2010 at 7:10 p.m. and welcomed all. Staff is having technical computer problems and meeting will not be recorded.

2. **ROLL CALL**-City Clerk Cristina G. Whelan, CMC, called the roll:

PRESENT

Mayor Gerald W. Lindsey
Councilman Elwood A. Johnson
Councilman Stephen Klump
Councilman Christopher Donahue
Councilman William "Bill" Holloway
Councilman Robert "Bob" Irvin

STAFF

Public Safety Director Jake Weaver
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
HR Generalist Sherry Van Allen
Building Inspector Jeff Stoddard

ABSENT

Vice Mayor Monika Cronberg

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

4. **CALL TO THE PUBLIC**

Ms. Kathy Smith, Executive Director, Willcox Chamber of Commerce & Agriculture, had conversation with staff i.e. Community Center utility cost. When they asked for fees waived for the rental of the Community Center its because they can to events if had to pay the set rental fee. Although they do feel they should pay the utility cost and has a check for 2-days and apologized did not do that in the past and will here on do it in the future. **APPLAUSE!**

Mr. Kelly Rowden asked if the Council is still thinking about Skate Park at the old Police Station location. He read a prepared statement and said he does not think the Skate Park in that spot is viable. Concerned with lighting; concrete slab is useless, it was poured in 3-levels; possibly it would take lots of work to make it usable; area is far from hub and very little adults around after dark and users will probably cause vandalism after dark in this area. Physical hazards need to be removed and best use is for public parking lot for events such as Rex Allen Day's. The Parks & Recreation Commission (P&R) made very good progress last 10 years at Keiller Park with the walking trails, basketball courts and ball fields. There is a lot of adult presence and P&R have suggest keep ball rolling at Keiller Park and construct a Skate Park at this location. Thanked the Mayor and Council for their time.

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 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 Legal Counsel if there was a need to enter into an Executive Session pursuant to ARS § 38-431.03A(3), as stated, relating to consultation for legal advice with the attorney(s) of the public body. City Attorney Hector Figueroa replied "no."

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

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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 OCTOBER 4, 2010 AND THE WORK SESSIONS HELD ON JUNE 21, 2010, OCTOBER 2, AND 4, 2010** Tab 2
- 10B. RESOLUTION NO. 2010-105 APPROVING AND AUTHORIZING THE CITY OF WILLCOX TO PARTICIPATE IN THE ARIZONA STATE RETIREMENT SYSTEM (ASRS) SECTION 457(b) SUPPLEMENTAL SALARY DEFERRAL PLAN (SSDP) FOR THOSE CITY EMPLOYEES DESIRING TO ELECT SUCH PLAN, AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.** Tab 3
It was moved and seconded to adopt the Consent Agenda items as presented. **CARRIED.**
- 11. DISCUSSION/DECISION REGARDING APPOINTMENT TO THE PARKS & RECREATION ADVISORY COMMISSION (Note: Should be Committee) TO FILL UNEXPIRED TERM, TERM TO EXPIRE DECEMBER 31, 2010** Tab 4
It was moved and seconded to appoint RaeAnn Kiesling to the Parks & Recreation Advisory Committee to fill the unexpired term, term to expire December 31, 2010. **CARRIED.**
- 12. DISCUSSION/DECISION REGARDING REQUEST FOR EXTENSION OF TIME TO MAKE RENT PAYMENTS BY STOUT'S CIDER MILL (RON STOUT)** Tab 5
It was moved and seconded to approve the request for Extension of Time to make rent payments by Stout's Cider Mill. **DISCUSSION:** Mr. Stout stated written in haste and offered to pay \$500 every 2-weeks until paid off in March. **VOTE: Ayes -0-. Nays-**Mayor Lindsey, Council members Johnson, Klump, Donahue, Holloway and Irvin. **MOTION: FAILED 0-6-1 Absent-**Vice Mayor Cronberg.
- Mayor Lindsey directed staff to put together agreement in writing and bring it back to the Mayor and Council for decision.
- 13. DISCUSSION REGARDING CONSENT ORDER FROM ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY & CONTROL (AZDEQ) CONCERNING THE WASTEWATER TREATMENT PLANT (WWTP)** Tab 6
Public Services & Works Director Dave Bonner handed out a copy of the letter sent to AZDEQ on October 8th and reported held a teleconference with them last Wednesday. The Mayor, City Manager and he participated and found AZDEQ to be more amiable to for their time line proposed. Discussion was held on the Consent Order and process needed to not get into fiscal trouble. Staff is waiting for information from Tetra Tech and W.C. Scoutten on engineering services.
- 14. DISCUSSION REGARDING CITY VEHICLE FLEET POLICY**
HR Generalist Sherry Van Allen reported modifications were made to the terms and definitions. Discussion was held regarding mandatory drug testing if employee involved in accident, CDL holders are required to be tested immediately, concern conflict with policy in regards to Drug Treatment if employee suspected of substance abuse enrollment in program for treatment. Also there is provision to check all employees and everyone that drives a city vehicle to check their drivers license to see that it is valid at least once a year.
- 15. REPORTS BY THE CITY MANAGER PAT McCOURT (in his absence Chief Weaver)**
Consideration, discussion and/or decision regarding the following topics by Chief Weaver:
-Report on the Willcox High School Football Team-the Cowboys beat Tombstone 69-0; next game was against Bisbee and Cowboys won 34-0. Next game is against Thatcher and finale with Benson in Willcox. He also reported that the Willcox Soccer Team will host Desert Christian at 4:00 p.m., Thursday here in Willcox.
- Report on next Solid Waste Ordinance work session-the next work session on the Solid Waste Ordinance will be held on Monday, November 1, 2010 at 6:00 p.m.
- Report on Wine Festival-held on 16-17 in Railroad Park and he heard there were lots of positive comments and buses that came in from the Phoenix area.
- Report on new items on web-the Business Permits and Home Occupancy information is now on the web!

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- Report on Business Permits**-Ordinance will be presented and public hearing scheduled for November 1, 2010
- Report on Revenue Discovery Systems**-will be presented on the November 1, 2010 agenda.

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

Councilman Johnson reported the Wine Festival was successful with lots of people locally and outside the City. There were 9-Wineries represented.

Mayor Lindsey read Proclamation from the Rotary "*World Polio Day*" on Sunday, October 24, 2010. This is a great organization and they have done a lot of good work in the projects they have undertaken.

Councilman Holloway feels better about his purchase of Windows Software from Bill Gates which contributed to the Rotary Polio Campaign.

17. ADJOURN-7:57 p.m.