

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 1ST DAY OF NOVEMBER 2010**

CALL TO ORDER –Mayor Gerald W. Lindsey called the regular meeting to order on Monday, November 01, 2010 at 7:00 p.m.

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
Library Director Tom Miner
Public Safety Director Jake Weaver
Finance Director Ruth Graham
Public Services & Works Director Dave Bonner
Development Services Jeff Stoddard

PLEDGE OF ALLEGIANCE TO THE FLAG-Mayor Lindsey.

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

DECLARATION ON CONFLICT OF INTEREST-Councilman Johnson declared conflict of interest on the Consent Agenda 10C relating to GOER of the Public Safety Stabilization Program. 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 Irvin 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; AND §38-431.03(A)(4) DISCUSSION OR CONSULTATION WITH THE ATTORNEYS OF THE PUBLIC BODY IN ORDER TO CONSIDER ITS POSITION AND INSTRUCT ITS ATTORNEYS REGARDING THE PUBLIC BODY’S POSITION REGARDING CONTRACTS THAT ARE THE SUBJECT OF NEGOTIATIONS, IN PENDING OR CONTEMPLATED LITIGATION OR IN SETTLEMENT DISCUSSIONS CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION.

[This item was considered later on at the request of the City Attorney Hector Figueroa because there is a reason to hold an Executive Session and there are lots of items on the agenda. Once the agenda is adopted the Mayor and Council can move around the items and they do not have to take them in order presented.]

(Item considered after the Report by the City Manager)

MOTION: Councilman Johnson moved 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; and ARS §38-431.03A(4), as stated regarding the public body’s position regarding contracts that are the subject of negotiations, or in settlement discussions conducted in order to avoid or resolve litigation.

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

RECESS TO EXECUTIVE SESSION-Time: 8:09 p.m. Mayor Lindsey recessed the regular meeting.

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 1ST DAY OF NOVEMBER 2010**

RECONVENE FROM EXECUTIVE SESSION-Time: 8:40 p.m. Mayor Lindsey reconvened the regular meeting. City Attorney Figueroa was directed to locally take care of forfeiture procedures. Councilman Klump voiced his concern and is not in favor of this.

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 JULY 19, 2010 AND OCTOBER 18, 2010 AND THE WORK SESSION HELD ON OCTOBER 18, 2010
- 10B. REQUEST FROM WILLCOX CHAMBER OF COMMERCE & AGRICULTURE TO CLOSE RAILROAD AVENUE TO HOST THEIR CHRISTMAS LIGHTED PARADE ON SATURDAY, DECEMBER 4, 2010 FROM 5:00 P.M. TO 9:00 P.M.
- 10C. RESOLUTION NO. 2010-108 APPROVING THE GRANT AWARD IN THE AMOUNT OF \$37,000 FROM THE GOVERNOR'S OFFICE OF ECONOMIC RECOVERY ("GOER"), PUBLIC SAFETY STABILIZATION PROGRAM ("PSSP") FOR THE PURCHASE OF ONE (1) PATROL VEHICLE WITH POLICE PACKAGE AND DECLARING AN EMERGENCY TO EXIST.
- 10D. RESOLUTION NO. 2010-111 APPROVING AND ADOPTING THE U.S. DEPARTMENT OF INTERIOR, BLM RURAL FIRE ASSISTANCE GRANT ["RFA 10-006"] IN THE AMOUNT OF \$9,000.00 TO BE USED FOR TRAINING, PURCHASING EQUIPMENT, PPE'S, AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.
- 10E. RESOLUTION NO. 2010-112 APPROVING THE PARKING LEASE AGREEMENT BETWEEN THE CITY OF WILLCOX [LESSEE] AND ROBERT BRUCE AND SANDRA KAY YUNGEWALTER [LESSORS] FOR PARKING LOT KNOWN AS PARCEL NO: 203-28-187 AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST

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

SECONDED: Councilman Donahue seconded the motion. **CARRIED. 10C: Vote: Ayes**-Mayor Lindsey, Vice Mayor Cronberg, Councilmen Klump, Holloway and Irvin. **Nays-0. CARRIED 6-0-1 Declared Conflict of Interest**-Councilman Johnson only on 10C.

PUBLIC HEARINGS, PETITIONS AND/OR COMMUNICATIONS

Communications: First Reading of Ordinance NS301 Creating, Approving And Adopting City Code Title 6, Chapters 1 Through 6 [Police And Public Safety], By Reference, Repealing Title(S), Chapter(S), Section(S) , And All Ordinances Passed And Adopted Relating To All Repealed Title(S), Chapter(S), Section(S) , And All Ordinances Enumerated In Section 2 Below; and

First Reading of Ordinance NS302 Amending The Willcox City Code, Title 4, Chapter 1, Article A [Business Permit Regulations], Section 4-1A-11 [Sunset Clause], By Reference, Repealing The Current Section 4-1A-11 And Part Of Ordinance NS298 Relating To Repealed Section 4-1A-11 With All Remaining Provisions Remaining Unchanged As Enumerated Herein.

Public Hearing: The Mayor and Council will hold two (2) public hearings on Monday, November 15, 2010 at 7:00 p.m., 300 W. Rex Allen Drive, regarding Ordinance NS301 Creating, Approving And Adopting City Code Title 6, Chapters 1 Through 6 [Police And Public Safety], By Reference, Repealing Title(S), Chapter(S), Section(S) , And All Ordinances Passed And Adopted Relating To All Repealed Title(S), Chapter(S), Section(S) , And All Ordinances Enumerated In Section 2 Below; and

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 1ST DAY OF NOVEMBER 2010**

Ordinance NS302 Amending The Willcox City Code, Title 4, Chapter 1, Article A [Business Permit Regulations], Section 4-1A-11 [Sunset Clause], By Reference, Repealing The Current Section 4-1A-11 And Part Of Ordinance NS298 Relating To Repealed Section 4-1A-11 With All Remaining Provisions Remaining Unchanged As Enumerated Herein.

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

PRESENTATION BY NATHAN RUNDHAUG LIFE SCOUT AND EAGLE SCOUT PROJECT ON THE COLLECTION AND RETIRING CEREMONY OF TATTERED FLAGS

Nathan Rundhaug, Life Scout and Eagle Scout reported on his Project which is replacing tattered flags. He will be working with the Rotary the community and invited residents of Willcox and surrounding area on November 20th at the Willcox High School Football Field. This project is to wrap up his Eagle Scout. Scout Rundhaug has asked the Rotary to set aside tattered flags after Veteran's Day and has requested Rotary assistance on Saturday, November 13th to replace flags at Safeway. He will be replacing the first 50 tattered flags received with new ones. The Retirement Ceremony on November 20th the Boy Scouts and Cub Scouts are helping him too. To properly dispose of the flags Scout Rundhaug has obtained assistance from the Elk's Club members. He also asked assistance from the Mayor and Council and local clergy and various dignitaries. Scout Rundhaug said it is very important that they follow the safety of using the fire pit stands.

Mayor Lindsey asked how many flags he anticipates replacing. Scout Rundhaug said he does not know how many. City Attorney Figueroa asked Scout Rundhaug how much was needed to meet goal. Young Rundhaug replied \$50 and Dr. Rundhaug said the family has paid it. (Mr. Figueroa gave him the cash.)

Scout Rundhaug passed out invitations to the City Council members. **APPLAUSE!**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-106 APPROVING AND ADOPTING REVISIONS TO SECTION 517 (FLEET SAFETY POLICIES AND PROGRAM) OF THE WILLCOX EMPLOYEE HANDBOOK FOR THE PURPOSE OF REVISING THE MOTOR VEHICLE RECORD GUIDELINES; ADOPTING THE VEHICLE POLICY; ESTABLISHING THE EFFECTIVE DATE AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.

MOTION: Councilman Donahue moved to approve Resolution NO. 2010-106, as stated, relating to the revisions to Section 517 (Fleet Safety Policies and Program) of the Employee Handbook-Vehicle Policy.

SECONDED: Vice Mayor Cronberg seconded the motion. **DISCUSSION:** Councilman Johnson stated overall impact supersedes previous policy. HR Generalist Sherry Van Allen stated this policy helps in savings with Workers Comp. It will depend on saving by all employees following it and how the policy is enforced. **CARRIED.**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-107 FOR THE PURPOSE OF APPROVING AND AUTHORIZING A SELECTED OPTION FROM AMONG FOUR OPTIONS RELATED TO CITY EMPLOYEES AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.

MOTION: Councilman Johnson moved to approve Resolution No. 2010-107, as stated relating to the selection option from among four options related to City employees.

SECONDED: Councilman Irvin seconded the motion. **DISCUSSION:** Mayor Lindsey said need to look at that at this point. City Manager Pat McCourt explained staff needs more direction on the 4-options to apply. Mayor Lindsey said there are 4-options and Councilman Irvin said he is in favor of Option #1. (Present our full time employees with an appreciation award in the net amount of \$50.00) City Attorney Figueroa suggested discuss the 4-options and then decide where to go. Mayor Lindsey explained Option #1 full time net \$50 overall \$3,085.98 which exceeds budget and charge to Mayor and Council line 10-402-9690 the \$85.98 leaving a balance in that account of \$375.00 available. Option #2 is full time \$45 each net at cost of \$2,923.80. Option #3 is Schedule an Annual Banquet. Option #4 is not to do anything for any purpose.

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 1ST DAY OF NOVEMBER 2010**

Councilman Johnson said they can not give employee a raise to those that give the “biggest bang for our buck.” Banquet or Gift Certificate and Hr Van Allen replied talked with employees and a lot of them are okay without a banquet and have in the past done both. Last year did not have a banquet or gift certificates. Councilman Johnson stated the average cost for a banquet and meal is \$3,000 and does not end. He asked what about pot luck. Ms. Van Allen explained local merchant offered her business for City event but nothing has been talked about.

Mr. Kelly Rowden asked if gift certificate for local business and Ms. Van Allen replied “yes, they always are.” Councilman Johnson asked what about both and Ms. Vann said if he can find the money. If Option #1 is approved will be paper check and everyone will get it at the All Employee Meeting.

AMEND MOTION: Councilman Irvin moved to give all \$50.00.

AMENDMENT SECONDED: Vice Mayor Cronberg. **AMENDMENT CARRIED.**

ORIGINAL MOTION: CARRIED.

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-109 APPROVING AND ADOPTING THE USDA RURAL HOUSING SERVICE [“RHS”] AGREEMENT UNDER THE COMMUNITY FACILITY GRANT PROGRAM IN THE AMOUNT OF \$117,700.00 TO BE USED FOR PUBLIC LIBRARY IMPROVEMENTS AND EQUIPMENT, AUTHORIZING AND DECLARING AN EMERGENCY TO EXIST.

MOTION: Councilman Johnson moved to approve Resolution No. 2010-109, as stated, relating to the USDA Rural Housing Service Agreement to be used for Public Library Improvements and equipment.

SECONDED: Councilman Donahue seconded the motion. **DISCUSSION:** City Manager McCourt stated we do have presentation and passed out packet to City Council members. Library Director Tom Miner has been working on this additional grant for quite a few months and knew did not have enough money the way it was designed two (2) years ago. We are not dipping into taxpayers except for what was approved in 2003. This should complete renovations project at \$\$117,700 at no additional cost to the “Willcox” taxpayers. Mayor Lindsey stated the facility is something to be proud of and lots of use all over from the County and asset to our community. **CARRIED.**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-110 APPROVING AND ADOPTING THE PAYMENT PLAN AGREEMENT [“AGREEMENT”] BETWEEN THE CITY OF WILLCOX [“CITY”] AND RONALD & CORRINE STOUT D.B.A. STOUT’S CIDER MILL [“STOUT’S”] AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND THE PAYMENT PLAN AGREEMENT AND DECLARING AN EMERGENCY TO EXIST.

MOTION: Councilman Donahue moved to approve Resolution No. 2010-110 as stated relating to the Stout’s payment plan agreement.

SECONDED: Councilman Holloway seconded the motion. **DISCUSSION:** Mayor Lindsey asked if Mr. Ronald Stout has read this agreement. Finance Director Ruth Graham replied he and Mrs. Stout met with her on Wednesday, October 27th. They had items changed and incorporated and changes sent to City Attorney and Stouts on October 28th. Mayor Lindsey asked Mr. Stout if he had any comments he did not. The Mayor asked is there any comments from the audience; any comments from the Council members? Vice Mayor Cronberg stated she appreciates everyone working together. **CARRIED.**

DISCUSSION REGARDING CITY’S FINANCIALS AS OF SEPTEMBER 30, 2010

Finance Director Ruth Graham explained the City’s Financials as of September 30, 2010. City Manager Pat McCourt stated the City is on track as far as income estimates and Franchise Tax came in as lump sums. We are as planned for deficit in General Fund and it is great up less than anticipated. City Sales due to lump sum looks like will be higher. State does do some audits and that is why lump sums came in.

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 Thatcher 21-20! The game against Benson was very exciting and Cowboys won 27-0! Friday is the first game of the playoffs Willcox against Thatcher.
- **Report on Library New Technology Tools Presentation**-Library staff presenting information on New Technology Tools. Without increase to the Library budget technology improvements will be available at the Library as training so that citizens when they buy them they can learn how to use them. The Library staff will provide assistance and offer free WiiFi.

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 1ST DAY OF NOVEMBER 2010**

- **Report on change meet with Council members and public** –November 11th is Veteran's Day Holiday and the meeting with the City Manager and Council members and/or public is changed from Thursday, November 11th to Wednesday, November 10th at 4:00 p.m.
- **Report on Work Session Sales Tax Collection**-Revenue Delivery Services representative and invited League of Arizona Cities and Towns Representative Tom Belsche to the work session on Monday, November 15, 2010 at 6:00 p.m.
- **Report on Septage**-staff reporting on update to the Septage. Appears City Code can only except certain strengths and have not been followed. This mandate goes back to the Clean Water Act Effluent Standards on the intake of publicly owned facility we are covered under it and have to establish standard which was done in 1990 & 1992. An option is to establish pre-treatment on the sludge to meet standards. These are built into estimate to upgrade WWTP and that does not help us today. Staff continues to work on ways to arrange pre-treatment and have couple of ideas and plan to meet with the haulers.
- **Report hold vacant position**-Public Services & Works Department is holding another position vacant in Streets Department pending Election results.
- **The Rotary Raffle encouraged to donate and reminded everyone tomorrow is Election Day!**
- **Façade on this building looks very nice and working on the landscape.**

(Return to Executive Session-recessed at 8:09 p.m.)

(Reconvened from Executive Session: 8:40 p.m.)

COMMENTS NOT FOR DISCUSSION FROM MAYOR AND COUNCIL MEMBERS.

Councilman Johnson reported on the huge success last night at the Halloween at the Community Center. Note to staff Stewart/Wilson, Bowie/Cochise and closer to McCourt the pot holes are so big we could lose a VolksWagon. "Don't forget to vote tomorrow."

ADJOURN

There being no further business before the Mayor and Council, Mayor Lindsey adjourned the meeting at 8:44 p.m.

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 1st day of November 2010. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 21st day of February 2011

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

PASSED, APPROVED AND ADOPTED this 7th day of MARCH 2010.

/S/ GERALD W. LINDSEY
MAYOR GERALD W. LINDSEY
Signed: 03-08-2011

ATTEST:

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