

**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 15TH DAY OF NOVEMBER 2010**

1. **CALL TO ORDER** - Mayor Gerald W. Lindsey called the regular meeting to order at 7:00 p.m. on Monday, November 15, 2010. The Mayor welcomed all and stated we gained a few more persons and lost a few from work session and welcomed those interested in our council 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 Christopher Donahue
Councilman Robert "Bob" Irvin

ABSENT

Councilman William "Bill" Holloway

STAFF

City Manager Pat McCourt
City Attorney Hector M. 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
Building Inspector Jeff Stoddard

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

4. **CALL TO THE PUBLIC**-John Cropper, stated he is a County resident and is very grateful to receive gas services from the City of Willcox. Statement he has is on the Solid Waste Ordinance that they will be considering him soon and how effects him as non City resident. They are being asked to approve it is not surcharge to non city residents it is requirements of non-City residents to purchase from City vendors it is that he will have to comply with 19 pages not related to what he is purchasing from the City. Thanked the Mayor and Council.

5. **DECLARATION ON CONFLICT OF INTEREST**-Vice Mayor Cronberg declared conflict on agenda item #22 relating to Resolution No. 2010-116 LTAF II and Councilman Donahue declared the same conflict. Councilman Klump declared conflict on agenda item #19 relating to Sulphur Springs Valley Historical Society's request fees waived.

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 § 38-431.03A(3) DISCUSSION OR CONSULTATION FOR LEGAL ADVICE WITH THE ATTORNEY OR ATTORNEYS OF THE PUBLIC BODY**-HF no request tonight.

City Attorney Hector Figueroa stated he had no request tonight.

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

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

~~10. **DISCUSSION/DECISION AND/OR DIRECTION TO STAFF ON MATTERS RELATING TO THE EXECUTIVE SESSION**~~

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.

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- 11A. **RESOLUTION NO. 2010-113 APPROVING AND ADOPTING THE CDBG CONTRACT #112-11 BETWEEN THE CITY OF WILLCOX [“CITY”] AND THE SOUTHEASTERN ARIZONA GOVERNMENTS ORGANIZATION [“SEAGO”] FOR THE PURPOSE OF ADMINISTERING THE DEPARTMENT OF HOUSING (ADOH) FY2010 REGIONAL ACCOUNT AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST-**It was moved and seconded to adopt the Consent Agenda item as presented regarding Resolution NO. 2010-113. **CARRIED.**

12. PUBLIC HEARINGS, PETITIONS AND/OR COMMUNICATIONS

Communications: Mayor Lindsey read the Second 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

The Second 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; and

Public Hearing: The Mayor announced that 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

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; and

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.

Mayor Lindsey opened the public hearing regarding Ordinance NS301, as stated, at 7:14 p.m. and asked if anyone wished to comment on this particular Ordinance. Again the Mayor asked is there any comments. Hearing none Mayor Lindsey closed the public hearing regarding Ordinance NS301 at 7:15 p.m.

Mayor opened public hearing for Ordinance NS302 and asked for any comments. Again the Mayor asked is there any comments. Hearing none Mayor Lindsey closed the public hearing regarding Ordinance NS302 at 7:16 p.m.

13. **DISCUSSION/DECISION AND/OR DIRECTION TO STAFF REGARDING TO PURSUE A CONTRACT WITH REVENUE DISCOVERY SYSTEMS (RDS)** – It was moved and seconded to pursue a contract with Revenue Discovery System. **CARRIED.**
14. **DISCUSSION/DECISION 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-** It was moved and seconded to approve Ordinance NS301, as stated, relating to City Code Title 6, Chapters 1-6 [Police and Public Safety] with the amended Fireworks Section 6.6.1-6 option “to allow use of fireworks in the City.” **CARRIED.**
15. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-114 DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED “TITLE 6, CHAPTERS 1, 2, 3, 4, 5, 6 OF THE WILLCOX CITY CODE, BE AND IS HEREBY ADOPTED, BY REFERENCE, AS “TITLE 6, POLICE AND PUBLIC**

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SAFETY”-It was moved and seconded to approve Resolution NO. 2010-114, as stated, relating to Declaring as a Public Record and filed with the City Clerk on “Title 6 Chapters 1,2,3,4,5,6 of the Willcox City Code, be and is hereby adopted, by Reference as “Title 6, Police and Public Safety: and with the added amendment to Title 6.6. **CARRIED.**

16. **DISCUSSION/DECISION REGARDING 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.**-It was moved and seconded approve Ordinance NS302 as stated relating to City Code Title 4, Chapter 1, Article A [Business Permit Regulations], Section 4-1A-11 [Sunset Clause]. **VOTE: Ayes-**Mayor Lindsey, Vice Mayor Cronberg, Council members Johnson, Donahue and Irvin. **Nays-**Councilman Klump. **Absent-**Councilman Holloway. **CARRIED 5-1-1.**
17. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-115 DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED “TITLE 4, CHAPTER 1, ARTICLE A, SECTION 4-1A-11 [SUNSET CLAUSE]” OF THE WILLCOX CITY CODE, BE AND IS HEREBY ADOPTED, BY REFERENCE, AS THE BUSINESS PERMIT REGULATIONS.**- It was moved and seconded to approve Resolution No. 2010-115, as stated, relating to Declaring as a Public Records and filed with the City Clerk and entitled “Title 4,...” relating to Sunset Clause as the Business Permit regulations. **CARRIED.**
18. **DISCUSSION/DECISION REGARDING ART LEAGUE OF WILLCOX REQUEST FEES BE WAIVED FOR USE OF THE COMMUNITY CENTER, SETTING UP ON SUNDAY, APRIL 3, 2011 THROUGH SUNDAY, APRIL 10, 2011-** It was moved and seconded to approve the Art League of Willcox request fees be waived for use of the Community Center, setting up on Sunday, February 20, 2011 through Sunday, February 27, 2011. **CARRIED.**
19. **DISCUSSION/DECISION REGARDING REQUEST FROM SULPHUR SPRINGS VALLEY HISTORICAL SOCIETY FEES WAIVED FOR USE OF THE COMMUNITY CENTER ON SATURDAY, MARCH 19, 2011-**It was moved and seconded to approve the request from Sulphur Springs Valley Historical Society fees waived for use of the Community Center on Saturday, March 19, 2011. **VOTE: Ayes-**Mayor Lindsey, Vice Mayor Cronberg, Council members Johnson, Donahue and Irvin. **Absent-**Councilman Holloway. **Abstained:** Councilman Klump. **CARRIED 5-0-1-1.**
20. **DISCUSSION/DECISION/DIRECTION TO STAFF REGARDING THE CONSENT ORDER FROM ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY & CONTROL (AZDEQ) CONCERNING THE WASTEWATER TREATMENT PLANT (WWTP)-**It was moved and seconded to table this item. **CARRIED.**
21. **DISCUSSION/DECISION/DIRECTION TO STAFF REGARDING AMENDING THE SOLID WASTE ORDINANCE OPTIONS ON REQUIRING SERVICE-**It was moved and seconded to go to Alternate 1 regarding Amending the Solid Waste Ordinance Options on Requiring Service. **CARRIED.**
22. **DISCUSSION/DECISION/DIRECTION TO STAFF RESOLUTION NO. 2010-116 APPROVING THE DISTRIBUTION OF ARIZONA DEPARTMENT OF TRANSPORTATION LOCAL TRANSPORTATION ASSISTANCE FUNDS [“LTAF II”] TO SELECTED RECIPIENTS FOR THE PURPOSE OF FUNDING SPECIFIC PROJECTS AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST** – It was moved and seconded to approve Resolution No. 2010-116, as written relating to the Distribution of Arizona Department of Transportation LTAFII to selected recipients. **VOTE: Ayes -**Councilman Klump. **Nays-**Mayor Lindsey, Councilmen Johnson and Irvin. **ABSENT:** Councilman Holloway. **ABSTAINED:** Vice Mayor Cronberg and Councilman Donahue. **FAILED: 1-3-2-1**
- It was moved and seconded to approve Resolution No. 2010-116 allocating 50/50 to the School and NCCH. **VOTE: Ayes-**Mayor Lindsey, Councilmen Johnson, Klump and Irvin. **ABSENT:** Councilman Holloway. **DECLARED CONFLICT:** Vice Mayor Cronberg and Councilman Donahue. **CARRIED 4-0-1-2.**

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- 23. DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-117 RATIFYING, APPROVING AND AUTHORIZING THE SUBMISSION OF THE APPLICATION TO THE BORDER ENVIRONMENT COOPERATION COMMISSION [“BECC”] UNDER THE ENVIRONMENTAL PROTECTION AGENCY FOR FUNDS FOR THE REHABILITATION/RECONSTRUCTION OF THE WASTE WATER TREATMENT PLANT AND DECLARING AN EMERGENCY TO EXIST.** It was moved and seconded to approve Resolution No. 2010-117, Ratifying, Approving and Authorizing the Submission of the Application to the BECC under the Environmental Protection Agency for funds for the Rehabilitation/Reconstruction of the WWTP. **CARRIED.**
- 24. DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-118 APPROVING THE PURCHASE OF A HALE 2.1 FOAM SYSTEM FOR FIRE ENGINE 1 AND DECLARING AN EMERGENCY TO EXIST** – It was moved and seconded to approve Resolution No, 2010-118, as presented, relating to purchase of a Hale 2.1 Foam System for Fire Engine 1. **CARRIED.**
- 25. DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-119 RATIFYING AND APPROVING THE TRANSFER OF RESPONSIBILITY FOR FORFEITURE PROCEEDINGS FROM THE COCHISE COUNTY ATTORNEY’S OFFICE [CCAO] TO THE CITY ATTORNEY’S OFFICE AND DECLARING AN EMERGENCY TO EXIST.**- It was moved and seconded to approve Resolution No. 2010-119, as stated, relating to ratifying and approving the Transfer of Responsibility for Forfeiture Proceedings from CCAO to the City Attorney’s office. **CARRIED.**
- 26. 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 the Benson Bobcats! Ended the season 10-0 and unfortunately got outplayed and lost to Thatcher 28-41.
 - **Report on All Employee Meeting/Letter of Appreciation**-on Friday, November 19, 2010 at 2:30 p.m., City Council Chambers draft letter to be distributed to employees needing their signature.
 - **Report on new Chairs at Community Center**-We have new folding chairs joint venture with the Chamber. Thank You to the Willcox Chamber of Commerce & Agriculture for purchasing chairs for the Community Center. Councilman Irvin asked what will be done with the old chairs. City Manager McCourt replied if no use within City we may save part or put up for auction. Mr. Bonner stated we need to continue using 100 chairs we have until get another 100 chairs. In October the Cowboy Hall of Fame used 300 chairs. Can be used in other outside activities. Mayor Lindsey asked if City has storage for i.e. Rex Allen Days or Special Events that they could be used. City Manager McCourt explained when SEACAP moved to the Depot it opened up a room at the Community Center and we have quite a bit of storage to maintain that equipment.
 - **Report on Library Grant**-The Arizona State Library, Archives & Public Records has approved the \$5,000 Grant application for full funding! Funds are matching funds and will allow the Library Renovation Project to be fully completed mostly dealing with ADA access into the Library.
 - **Reported Medical Marijuana Bill has passed**-The City Manager understands that the Arizona Department of Health Services (AZDHS) has 120 days to write regulations. During that time the City will be reviewing that and perhaps consider steps the City has to make for implementation.
 - **Report Chamber 50/50 Raffle**-City Manager McCourt reported on the 50/50 Raffle by the Chamber of Commerce. The drawing is December 14, 2010 and the Chamber has tickets.
- 27. COMMENTS NOT FOR DISCUSSION FROM MAYOR AND COUNCIL MEMBERS.**
Councilman Johnson requested copies of the 92-95 Ordinance on Septage and Sewer and copy of Section 5 which is the residential weeds pick up as well. Wished everyone Happy Thanksgiving!
Councilman Irvin’s concern about what is going on in our community with the gas prices which are fluctuating daily. While in Tucson on Saturday paid \$2.57 and Circle K in Willcox is \$2.91 and no one else followed and eventually some did. Today Circle K is \$2.95 and wished there was something as a City we could do to stabilize the gas prices.

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28. ADJOURN

There being no further business before the Mayor and Council, Mayor Lindsey adjourned the meeting at 8:35 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 15th day of November 2010. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 10th day of January 2011

City Clerk Cristina G. Whelan, CMC

PASSED, APPROVED AND ADOPTED this ____ day of _____ 2011.

MAYOR GERALD W. LINDSEY
Signed: _____

ATTEST:

City Clerk Cristina G. Whelan, CMC