

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 6TH DAY OF DECEMBER 2010

CITY OF WILLCOX
MAYOR AND CITY COUNCIL MEETING
AGENDA-Statement of Legal Actions

***REVISED!**

Monday, December 6, 2010

7:00 p.m.

City Council Chambers

300 W. Rex Allen Drive

Willcox, AZ 85643

(Mayor or Designee will read only **BOLD** print of each agenda item,
except for Public Hearings, Petitions and Communications.)

Resolution No. 2010-121

Ordinance NS302

1. **CALL TO ORDER** –Mayor Gerald W. Lindsey called the regular meeting to order on Monday, December 06, 2010 at 7:00 p.m.; and welcomed those present to our Council meeting and good to have you all here.
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 M. Figueroa
City Clerk Cristina G. Whelan, CMC
Library Director Tom Miner
Public Safety Director Jake Weaver
Finance Director Ruth Graham
Building Inspector Jeff Stoddard

3. **PLEDGE OF ALLEGIANCE TO THE FLAG**-Mayor Lindsey.
4. **CALL TO THE PUBLIC**-Paul Sheats, addressed the Mayor and Council and on behalf of the Salvation Army he invited the Mayor and City Council all persons present to come and ring the bells for one hour. Contact Nell Collins Warden at 253-0357 or 766-HELP which is his number. All monies raised stays here in Willcox or for those that are passing through or are living here. Good way to meet people and see the people in the City and again invited them to come and ring the bells for Salvation Army.
5. **DECLARATION ON CONFLICT OF INTEREST**-There was no response from the Mayor and Council members or staff.

ADOPTION OF THE AGENDA-It was moved and seconded to adopt the agenda, with the removal of Consent Agenda item #10C to be considered later, and the remainder 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**-The Mayor and City Attorney Hector M. Figueroa stated there is no reason to go to into Executive Session this evening.
8. **RECESS TO EXECUTIVE SESSION, IF APPROVED**

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~~9. RECONVENE FROM EXECUTIVE SESSION~~

~~*9A. DISCUSSION/DECISION REGARDING MATTER RELATING TO THE EXECUTIVE SESSION~~

Consideration, discussion and/or decision regarding matters relating to the 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 OCTOBER 4, 2010

Tab 2

**10B. AMENDED 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**

Tab 3

Removed from Consent Agenda per Adoption of the Agenda:

**10C. RESOLUTION NO. 2010-120 APPROVING AND ADOPTING THE TRANSACTION PRIVILEGE TAX
("TPT") ADMINISTRATION AGREEMENT WITH THE PRA GOVERNMENT SERVICES D/B/A REVENUE
DISCOVERY SYSTEMS ("RDS") TO PERFORM COMPREHENSIVE REMITTANCE PROCESSING AND
COMPLIANCE FOR TPT TAXES, USE TAXES, BED TAXES AND ANY OTHER TAXES AS DESIGNATED BY THE
CITY AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY
TO EXIST**

Tab 4

It was moved and seconded to adopt only the consent agenda items #10A and 10B as presented. **CARRIED.**

10C. Considered at this time:

**RESOLUTION NO. 2010-120 APPROVING AND ADOPTING THE TRANSACTION PRIVILEGE TAX
("TPT") ADMINISTRATION AGREEMENT WITH THE PRA GOVERNMENT SERVICES D/B/A REVENUE
DISCOVERY SYSTEMS ("RDS") TO PERFORM COMPREHENSIVE REMITTANCE PROCESSING AND
COMPLIANCE FOR TPT TAXES, USE TAXES, BED TAXES AND ANY OTHER TAXES AS DESIGNATED BY THE
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TO EXIST**

Tab 4

The City Manager requested Finance Director Graham address this issue. Ms. Graham asked if specific questions if not she would briefly discussed RDS proposal. After a brief report and questions and answers staff was directed to consider comments made tonight and go back and work with RDS to see if they can clarify some of those issues that are troubling to the Mayor and Council. Ms. Graham said she will do that.

***11A. PUBLIC HEARINGS, PETITIONS AND COMMUNICATIONS**

Tab 10

Communications: Mayor Lindsey read the First reading of Ordinance NS303 Creating and Adopting Health and Sanitation, Title 5, Chapters 4 And 5 ("Reserved") And Chapter 6 ("Solid Waste"), By Reference, Affirming The Repeal Of Title 8, Chapter 8.12 ("Garbage") Included In NS292.

Public Hearing: The Mayor announced that the Mayor and Council will hold a public hearing on Monday, December 20, 2010 regarding Ordinance NS303 Creating and Adopting Health and Sanitation, Title 5, Chapters 4 And 5 ("Reserved") And Chapter 6 ("Solid Waste"), By Reference, Affirming The Repeal Of Title 8, Chapter 8.12 ("Garbage") Included In NS292.

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All members of the public are invited to attend such public hearing. 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.

**11. PRESENTATION BY ROB JONES AND ETHAN ORR ON THE LINKAGE PROGRAM TO HELP DISABLED Handout
PERSONS WITH EMPLOYMENT**

Mr. Rob Jones and Ethan Orr thanked Mayor and Council for the opportunity to come talk to them tonight. Mr. Orr briefly explained the Linkage Program. They are looking for volunteer jobs for the disabled in the community which includes students and adults. The idea is that everyone should have opportunity for employment either volunteer or otherwise and be a part of the community and not isolated. They thanked the Mayor and Council.

12. DISCUSSION/DECISION REGARDING APPROVAL OF FISCAL YEAR 2009-2010 ANNUAL AUDIT REPORT Tab 5
It was moved and seconded to approve the FY2009-2010 Annual Audit Report. **CARRIED.**

**13. DISCUSSION/DECISION REGARDING RESPONSE LETTER FOR THE FISCAL YEAR 2010 ANNUAL Tab 6
AUDIT-It was moved and seconded to approve the response letter for the FY2010 Annual Audit as presented.
CARRIED.**

**14. DISCUSSION/ DECISION REGARDING THE APPOINTMENT OF CITY REPRESENTATIVES TO THE Tab 7
ADVISORY BOARD SET UP BY CITY AND NORTHERN COCHISE COMMUNITY HOSPITAL (NCCH)**
It was recommended and seconded to accept Vice Mayor Cronberg and Tom Miner as the City's representative.
CARRIED.

**15. DISCUSSION REGARDING CONSENT ORDER FROM ARIZONA DEPARTMENT OF ENVIRONMENTAL Tab 8
QUALITY & CONTROL (AZDEQ) CONCERNING THE WASTEWATER TREATMENT PLANT (WWTP)**
City Manager McCourt reported this is ongoing item. Staff has put off the acceptance by the City of the Consent Order until January. The State is receptive to that. That is to allow us sufficient time to get engineering firm on board to make sure we can fulfill the ADEQ requirements. There are some minor modifications such as we do not have to bring the polishing ponds back on line. Mayor Lindsey question is concerning the permit to use the water on the Golf Course. In the Consent Order we are relinquishing our permit to do that and asked where we stand. City Manager McCourt replied we will be able to continue to use the water but we have to get into compliance with the requirements. Want us to amend existing requirements. Councilman Johnson asked if already soliciting Engineering Firms? The City Manager replied we do have an RFP out and will be reporting on that under his report. Copies of the RFP will be placed in the Council members' mail boxes.

16. REPORTS BY THE CITY MANAGER PAT McCOURT Tab 9

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

- **Report on Willcox High Basketball Teams**-The Boys Basketball Team won last against Ft. Thomas, game tomorrow against Safford at home, Thursday at Tombstone and next Tuesday at Pima and here Thursday against Benson. Girls Basketball has not faired quite as well and sure they will improve as season continues. Game Thursday at Tombstone.
- **Report on Employee Luncheon**-staff asked to do Holiday Event for the employees and scheduled at the Community Center on Friday, December 10, 2010 from 11:30 to 1:30 and if Council members would like to bring something need chips.
- **Report on Apple Festival & Christmas Tree Lighting Parade**-Held on December 3 & 4, 2010 Parade Awards First Place: Encore Dance Academy, Second Place: Ms. King's Class Bus, and Third Place: Sun Cor Underground. The Chamber gave out approximately 350 cups of hot chocolate.
- **Report on Rotary Raffle**-Tickets on Sale! Unique opportunity to participate in world safety Rotary Raffle for fireworks and tickets are available through the end of January. The Chamber is also having a 50/50 drawing for \$10 and if anyone would like to participate in that he also has tickets for sale.

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- **Report on Chamber Annual Meeting**-the Chamber of Commerce & Agriculture o be held on Tuesday, December 14, 2010 at 6:00 p.m. KIVA Room RSVP needed for dinner \$20.00 to the Chamber.
- **Report on City Offices Closed Holidays**-Reminder we have 2-Holidays this month Christmas and New Year's Eve. All City Offices (except Public Safety) will close at noon on Thursday, December 23 through 26th and open regular hours on Monday, December 27th. Then closed at noon on Thursday, December 30 until January 2, 2011 for the City's Observed Holidays and open regular hours on Monday, January 3, 2011.
- **Report on Notices Posted on Web site prior to changes to rates**-New State Law requires we have to put notices on web site before consider rate changes or tax increases. It is to include all notices that rates will be considered for changes. Also have ongoing rate change that occurs in our Gas Company which is basically a fixed charge and then floating which allows the consumer the immediate impact on the price of gas for that month. The cost of living increases that have been built into the rate structure and has to be announced and should be very small for the last year. These notices on the web site bring us into compliance.
- **Report on Request For Qualifications (RFQ) on the WasteWater Treatment Plant (WWTP) Engineering Services**-the RFQ for the WWTP Engineering Services due January 7, 2011 at 3:00 p.m. USDA is not perceptive to the Design Built option.

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

Councilman Klump reported he took his kids to the Lighted Parade and thinks more people there than he can ever remember. Mayor Lindsey stated more entries this time too.

Councilman Johnson reported there was very good turnout and community participation.

Mayor Lindsey reported there has been several activities over last couple of weeks and well attended. He sat close to hot chocolate factory to keep warm and did enjoy those activities. Received a card from Representative Pat Fleming she was defeated at the last election. She has worked hard to keep the City informed and thinks owe her vote of thanks for her service. The Mayor read the card.

Councilman Holloway when looked at 20-35-40 pages did go through that very detail. We usually thanked staff and supervisors and supervisors are the staff. Look at graphs and numbers and iln these hard time unrestricted cash balances are hanging in there and quite noticeable and wanted to say that to probably to 2-people.

18. ADJOURN-8:15 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.