

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 20TH DAY OF DECEMBER 2010**

CALL TO ORDER –Mayor Gerald W. Lindsey called the regular meeting to order on Monday, December 20, 2010 at 7:00 p.m.; and stated it was so quiet in here he couldn't resist waking everyone up. Welcomed all to the Council meeting this evening and welcomed City of Safford personnel here this evening they are here to hear presentation coming up later on.

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
Building Inspector Jeff Stoddard

PLEDGE OF ALLEGIANCE TO THE FLAG-Mayor Lindsey.

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

DECLARATION ON CONFLICT OF INTEREST-There was no response from the Mayor, Council members or staff.

ADOPTION OF THE AGENDA

MOTION: Vice Mayor Cronberg moved to adopt the agenda with moving item #15 relating to the power point presentation on the Annual Gas Liaison before agenda #12 Public Hearings, Petitions and Communications.

SECONDED: Councilman Johnson 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**~~-Mayor Lindsey do not have anything tonight and eliminate those items through #9.

RECESS TO EXECUTIVE SESSION, IF APPROVED

RECONVENE FROM EXECUTIVE SESSION

DISCUSSION/DECISION REGARDING MATTER RELATING TO THE EXECUTIVE SESSION

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.

11A. **THE REGULAR MEETING MINUTES HELD ON DECEMBER 6, 2010**

11B. **RESOLUTION NO. 2010- 124 APPROVING THAT PORTION OF THE PURCHASES THROUGH MEMBERS OF ITS GOVERNING BODY**

11C. **APPOINTMENTS TO THE PARKS & RECREATION ADVISORY COMMITTEE TO FILL THE THREE (3) VACANCIES, TERMS TO EXPIRE DECEMBER 2014**

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**11D. APPOINTMENTS TO THE WILLCOX HISTORIC PRESERVATION COMMITTEE TO FILL TWO (2) OF THE FOUR
(4) VACANCIES. TERMS TO EXPIRE DECEMBER 2014**

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

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

Consider #15 at this time per motion.

POWERPOINT PRESENTATION ON THE ANNUAL GAS LIAISON MEETING WITH THE CITY OF WILLCOX OFFICIALS

Mr. John Bowen, Utilities Supervisor, addressed the Mayor and Council members and reported Liaison meeting was held last Thursday and had a good attendance from City of Willcox Gas Department, City Manager, Librarian and various others were here, City of Benson, City of Safford, EPNG, Southwest Gas, and the first time attendance from the Cochise County Emergency Preparedness Group which gave them information, DPS and Border Patrol. We are required to do this by the Federal Pipeline Safety Regulation establishing and maintaining liaison with appropriate Fire, Police and other public officials. They are required to do this every calendar year. Arizona Corporation Commission as well as the Federal entities also requires this. Concern is protecting life first and then property. Recently in San Bruno, CA all aware of the occasion that happened. Pacific Gas & Electric working on controls for valves 39 miles away and had a drop in voltage causing a valve to open over pressuring their line which lines were within parameters and caused rupture in a 30" line and 47.6M cu.ft. of gas escaped and caught fire. For any gas department this would be the worse case scenario for any gas company. We are constantly working on gas system and looking at gas system and performing maintenance. An example of emergency is vehicles; we could have main or service line rupture caused by digging in or vehicle hitting or pulling a line loose and it could be caused by corrosion or mechanical failure. Usually it is outside damage from construction or excavation and boring companies are more suspect because not as much control with i.e. backhoe. They seem to find them even though Blue Staked and located. We live in area where natural disasters could be a problem. We have ground fissures or cracks opening up. We have not had any within the City that he is aware of although we have had some not far away and those could be serious problem for emergency gas problem. We could have earthquakes, floods and vandalism which are not a large problem within the City. Other types we have odor complaints, carbon monoxide which is concern and serious problem, high gas usage, low gas usage, high gas pressure and low gas pressure. Every one of these can be something that comes through their office, Police or Dispatchers or 911 and every one requires service attention and City workers sent out in every case. There may not be a problem although we need to be notified due to potential corrosion.

Periodically seen yellow pipe dug up and have to be careful. Need to make public and contractors if they do nick the line let us know. There may not be a leak and in front of Dunlap's there are pipes full of concrete because when dug those holes many years ago they nicked the coating on the steel pipe. Have had corrosion because they dug in and didn't damage the pipe at all but did damage the coating and that is corrosion point. Chain of Command: Utility Worker or On Call who will respond to those calls and the Utility Supervisor or designee or the Public Services & Works Director. In the event of a fire then Fire Department takes control. This requires coordination and cooperation from various departments. Within the City we have the Willcox Volunteer Fire Fighters, Police Department, Street Division because they had done some of this work in the past and very helpful, and Parks & Maintenance help also. In case of large incident where we need Incident Command Center then City Hall or Library staff could be called in to help. If this is an emergency the City's Utility crew will remain on site until deemed safe. They will allow customers back only when deemed safe. Natural way to find gas leak is that you will smell it El Paso Gas injects Mercaptan (smells like rotten eggs). By the time gets to us or distribution system we do not have the smell. This is checked monthly and if low we will inject Mercaptan and they will notify City Hall, Utilities and Dispatch because we will get lots of gas odor complaints. We have to respond to all these calls in case it shows that we have a leak in the line. If customer suspects leak leave the area immediately, do not turn anything on or off or open doors and windows don't use telephone and cell phones. Leave it as it is! Evacuate immediately. Contact us from remote location, the neighbor's house, contact 911 or City offices and meet the Utility Technician outside and do not go back to your home or go back inside. Do not go back to open doors to vent the odors. The Technician has fire proof suits, breathing apparatus, and "sniffers" to find where the problem is. If problem is on your side gas is left off until repaired. If on City side we would repair and let you know when clear to return to your house. Always call Blue Stake 2-days before you dig anything. That means driving a fence post that would do just as much damage to a gas line. This is a free service and good for 15 work days after the Blue Stake clears. The color codes red is electric, white is marking area where planning to excavate or do work. The other colors are the colors

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for utilities that might be in there. Be careful how you dig. When doing excavation within 2-feet of marked line must be very careful of that line so that would not use excavator or hand dig. City has vacuum excavator with a wand which turns dirt into soup. The City of Willcox main priority is the safety of the citizens and providing safe natural gas to the public. It is relatively inexpensive and it is safe when used properly. The City does conduct annual leak surveys, currently replacing gas meters, and the meter readers are visually inspecting the meter system monthly. Annual Leak Survey done in June or July of every year. Recheck all leaks or repairs found during the summer. All Gas Technician attends training on maintenance and repair and he is very proud of them and doing a good job and responding very well. Kudos for City of Willcox & Police Department received a call gas odor from Officer on Patrol and he backed car, turned off vehicle and got out and waited for gas technician. That is good thing and proper thing to do.

Mayor Lindsey asked how many incidences per year. Ms. Linda Stoddard replied if meter or service line and said all total maybe one or two. Mr. Bowen stated that periodically meters hit by a car. New buildings now have new meter guards especially those in narrow alleys or whenever replace a service line or new service line. Mayor Lindsey thanked him for the presentation.

Return to #12.

PUBLIC HEARINGS, PETITIONS AND COMMUNICATIONS

Communications: Mayor Lindsey read the Second 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 hearings 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;

(2) public hearing on Monday, January 3, 2011 Regarding Application For Liquor License Series #13 Domestic Farm Winery Gallifant Cellars, LLC, Iryln Kathleen Gallifant 112 N. Railroad Avenue, Willcox, AZ.

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.

Mayor Lindsey opened the public hearing on Ordinance NS303 at 7:24 p.m. and explained that is the Ordinance adopting Health and Sanitation and asked if anyone wanted to comment. City Manager Pat McCourt stated there were two (2) minor scripeter errors on page 7 of 19 line 44; and on page 9 of 19 line 30 "F" should be "H". Mayor Lindsey asked if there were any comments or discussion from the public or council members. Again the Mayor asked if there is any further discussion. Hearing none Mayor Lindsey closed the public hearing at 7:26 p.m.

DISCUSSION/DECISION 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.

MOTION: Councilman Johnson moved to approve Ordinance NS303, as stated, 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.

SECONDED: Vice Mayor Cronberg and Holloway seconded the motion. **CARRIED.**

DISCUSSION/ DECISION REGARDING RESOLUTION NO. 2010-123 DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED TITLE 5, CHAPTERS 4 AND 5 ("RESERVED") AND CHAPTER 6 ("SOLID WASTE").

MOTION: Councilman Johnson moved to approve Resolution No. 2010-123, As Stated, Relating To Declaring As A Public Record That Certain Document Filed With The City Clerk And Entitled Title 5, Chapters 4 And 5 ("Reserved") And Chapter 6 ("Solid Waste"), as presented.

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

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DISCUSSION/DECISION REGARDING 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.

MOTION: Councilman Klump moved to approve Resolution No. 2010-120, as stated, relating to the TPT Administration Agreement with RDS.

SECONDED: Councilman Donahue seconded the motion. **DISCUSSION:** Vice Mayor Cronberg stated given input from City officials from BHC and some of her skepticism was addressed and appreciated the answers and the time given for information. Still a little unsure how effective it will be since we are such a small municipality and hoping it will prove to be a good thing as well. **VOTE: Ayes-**Mayor Lindsey, Vice Chairman Cronberg, Council members Klump, Donahue, Holloway and Irvin. **Nays-**Councilman Johnson. **CARRIED 6-1.**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-125 APPROVING AND ADOPTING THE PLASTIC SEAL AWARD TO CACTUS ASPHALT [“CONTRACTOR”] IN THE AMOUNT OF \$46,179.21 FOR THE PURPOSE OF APPLYING PLASTIC SEAL AT THE WILLCOX JUDICIAL FACILITIES, WILLCOX FIRE DEPARTMENT #2, THE CHAMBER OF COMMERCE, AND THE COMMUNITY CENTER AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.

MOTION: Councilman Irvin moved to adopt Resolution NO. 2010-125, as stated, relating to the Award of the Plastic Seal to Cactus Asphalt.

SECONDED: Councilman Donahue seconded the motion. **DISCUSSION:** City Manager McCourt explained as Mayor read the title thinks important to mention that actually facilities are a small part of Plastic Seal. Heading is on the staff report and most is part of Street Maintenance and also listed on second page of staff report. Mayor Lindsey said he was “having a little trouble following the bids” and we do not have anyone from Streets tonight. Mr. McCourt stated the Street Foreman asked him if he should be here and he said in his “Holiday Cheer” told him he did not need to be here. This subject was discussed during the budget process and if Mayor and Council wanted to they can put off the decision until the next meeting. Mayor Lindsey said having trouble following the bids themselves with so many Cactus. Trouble keeping them separated. And was curious as to why so much more than the others were. Also had a question on the one we are accepting, Cactus, it also had \$5,000 for traffic control and for parking lot stripping and is assuming we are not going to approve that. City Manager McCourt explained we can do the parking lot stripping ourselves we have the equipment. Mayor Lindsey stated then we are also not going to do anything as far as traffic control for \$5,000.00 requested. Mr. McCourt replied if read correctly “no.” Councilman Holloway said backup information states we are working with Cochise County for the stripping and bid only dealing with the \$46,179.21. Mayor Lindsey stated he also looking for explanation regarding the difference between Fog Seal and Plastic Seal and the City Manager replied he is unable to answer that question. Councilman Klump said we could put it off for 2-weeks to get more information. He does not think it is going to affect the bid. The City Manager stated he discussed that with Street foreman and could be put off until January. Councilman Klump stated and this is not expected to happen until it warms up.

MOTION: Councilman Johnson moved to table.

SECONDED: Vice Mayor Cronberg seconded the motion. **CARRIED.**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-126 APPROVING AND ADOPTING THE FUND AWARD FROM THE ARIZONA STATE LIBRARY [“ASL”] FOR THE LIBRARY AND DECLARING AN EMERGENCY TO EXIST.

MOTION: Councilman Holloway moved to approve Resolution NO. 2010-126, as stated, relating to the Fund Award from the ASL for the Library.

SECONDED: Councilman Donahue seconded the motion. **DISCUSSION:** ML question is the matching fund available in the Library budget and Pat replied in the affirmative. Happy to get grant when we have use for it and money is there.

CARRIED.

REPORTS BY THE CITY MANAGER PAT McCOURT

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

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- **Report on Willcox High Basketball Teams**-Boys & Girls both won against Tombstone. Staff will not talk about Safford. Game, the Boys beat Pima and Benson and girls did not do so well. Next game is in San Carlos. Tournament Boys in Thatcher on Thursday.
- **Report on change to meet with the public, Mayor and Council due to Holidays**-the meeting date has been changed from Thursday, December 30th to Wednesday, December 29th due to Holidays and will have packets ready at that time.
- **Report on Rotary Raffle**-Fire Works raffle he has tickets on Sale!
- **Report on City Offices Closed Holidays**-All City Offices (except Public Safety) will close at noon on Thursday, December 23 through 26th and open regular hours on Monday, December 27th. Closed at noon on Thursday, December 30 until January 2, 2011 for Observed Holidays and open regular hours on Monday, January 3, 2011.
- **Report on Notices Posted on Web site prior to changes to rates**-New postings on web site to include all notices that rates will be considered for changes.
- **Wished everyone a Merry Christmas and Happy New Year!** City Manager thanked them for allowing him to serve as City Manager for the past couple years and looks forward to continuing serving.

COMMENTS NOT FOR DISCUSSION FROM MAYOR AND COUNCIL MEMBERS.

Mayor Lindsey offered congratulations to those appoint to Parks & Recreation and Historic Committee and reminded everyone there are still 2-vacancies on the Historical Committee and invited anyone who has an interest ins serving those committees to join. Often have vacancies on Committees and work with the City and certainly appreciate their services.

Vice Mayor Cronberg "wished everyone regardless of what particular celebration you embrace during this time of the year that you do find joy of the season and peace of your heart and have a wonderful holiday."

Councilman Holloway thanked staff on work they did with RDS. Thinks we have opportunity and sometimes have to spend some money to make some money.

Councilman Johnson thinks RDS is good system and thinks a little too soon for Willcox. Thinks it is a good thing and believes in free enterprise and too soon for the City of Willcox. Also reported on the 4th Annual Tag Awards for the Tag Magazine which was held last Friday night; it was a well turn out and good presentation. They are magazine, on TV, and Facebook and Twitter. Wished everybody a very happy safe Holiday and see you next year.

Councilman Irvin asked staff for each Council member a list of each Committee along with the ex-officio to those committees and wished everybody Happy Holidays and Merry Christmas.

ADJOURN

There being no further business before the Mayor and Council, Mayor Lindsey adjourned the meeting at 7:44 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 20th day of December 2010. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 9th day of March 2011

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

PASSED, APPROVED AND ADOPTED this 21st day of MARCH 2011.

/S/ GERALD W. LINDSEY
MAYOR GERALD W. LINDSEY
Signed: 03-24-2011

ATTEST:

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