

THE STATEMENT OF LEGAL ACTIONS OF THE MEETING OF THE MAYOR
AND CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 20TH DAY OF DECEMBER 2010

CITY OF WILLCOX
MAYOR AND CITY COUNCIL MEETING
AGENDA-Statement of Legal Actions
Monday, December 20, 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. 2010-127
Ordinance NS304**

1. **CALL TO ORDER** –Mayor Gerald W. Lindsey called the regular meeting to order on Monday, December 20, 2010 at 7:00 p.m. Welcomed all and welcomed City of Safford personnel here this evening to hear presentation later on.
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 Clerk Cristina G. Whelan, CMC
Library Director Tom Miner
Finance Director Ruth Graham
Building Inspector Jeff Stoddard

3. **PLEDGE OF ALLEGIANCE TO THE FLAG**-Mayor Lindsey.
4. **CALL TO THE PUBLIC**-There was no response from those present.
5. **DECLARATION ON CONFLICT OF INTEREST**-There was no response from Mayor, Council Members or staff.
6. **ADOPTION OF THE AGENDA**-It was moved and seconded to adopt the agenda and move item #15 Gas Liaison before #12 Public Hearings, Petitions and Communications. **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 stated we do not have anything tonight and eliminate those items through #10.
8. ~~**RECESS TO EXECUTIVE SESSION, IF APPROVED**~~
9. ~~**RECONVENE FROM EXECUTIVE SESSION**~~
10. ~~**DISCUSSION/DECISION REGARDING MATTER RELATING TO THE EXECUTIVE SESSION**~~
~~— Consideration, discussion and/or decision regarding matters relating to the Executive Session.~~
11. **CONSENT AGENDA**

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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 Tab 2
- 11B. RESOLUTION NO. 2010- 124 APPROVING THAT PORTION OF THE PURCHASES THROUGH MEMBERS OF ITS GOVERNING BODY Tab 3
- 11C. APPOINTMENTS TO THE PARKS & RECREATION ADVISORY COMMITTEE TO FILL THE THREE (3) VACANCIES, TERMS TO EXPIRE DECEMBER 2014 –Les Wolslagel, Tim Atwell and RaeAnn Kiesling. Tab 4
- 11D. APPOINTMENTS TO THE WILLCOX HISTORIC PRESERVATION COMMITTEE TO FILL TWO (2) OF THE FOUR (4) VACANCIES, TERMS TO EXPIRE DECEMBER 2014-“Marshall Bo” Downing and Ronnie Calvert. Tab 5
It was moved and seconded to adopt the agenda items as presented. **CARRIED.**

Consider #15 at this time per motion.

15. POWERPOINT PRESENTATION ON THE ANNUAL GAS LIAISON MEETING WITH THE CITY OF WILLCOX OFFICIALS Tab 9

Mr. John Bowen addressed the Mayor and Council members and reported the City's held their Annual Gas Liaison meeting last Thursday and had good attendance from the City's Gas Department, the City's of Benson and Safford, El Paso Natural Gas (EPNG), Cochise County Emergency Preparedness group, State Department of Public Safety and Border Patrol. We are required to do this annually. Protecting life first then property and the department are constantly looking at gas system and maintenance. Mr. Bowen explained the types of gas service calls and emphasized the importance to call any gas suspicious odor. EPNG injects Mercaptan to make the gas smell like rotten eggs because it has no natural odors and the City does this too after each monthly inspection of our main lines. If customers plan to dig anything, even a fence post, they need to call Blue Stake 2-days prior and that is a free service and good for 15 days. The City does annual leak survey, currently replacing gas meters, and the meter reader visually inspects the meter system monthly. Gas Technicians attend training and he is very proud of them and doing a good job.

Mayor Lindsey asked how many incidences per year. Ms. Linda Stoddard, Administrative Assistant, replied meter or service line and said all maybe 1-2. Mr. Bowen added that periodically vehicles will hit a gas meter. New buildings now have new meter guards especially those in narrow alleys. Mayor Lindsey thanked him for the presentation.

Return to #12.

12. PUBLIC HEARINGS, PETITIONS AND COMMUNICATIONS Tab 6
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 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, Irlyn Kathleen Gallifant 112 N. Railroad Avenue, Willcox, AZ. Tab 7

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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.

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

- 13. 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.** Tab 6
It was moved and seconded 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. **CARRIED.**
- 14. 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").** Tab 8
It was moved and seconded 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. **CARRIED.**
- 16. 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.** Tab 10
It was moved and seconded to approve Resolution No. 2010-120, as stated, relating to the TPT Administration Agreement with RDS. **VOTE: Ayes**-Mayor Lindsey, Vice Chairman Cronberg, Council members Klump, Donahue, Holloway and Irvin. **Nays**-Councilman Johnson. **CARRIED 6-1.**
- 17. 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.** Tab 11
It was moved and seconded to adopt Resolution NO. 2010-125, as stated, relating to the Award of the Plastic Seal to Cactus Asphalt. **DISCUSSION** was held. It was moved and seconded to table this item. **CARRIED.**
- 18. 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.** Tab 12
It was moved and seconded to approve Resolution NO. 2010-126, as stated, relating to the Fund Award from the ASL for the Library. **CARRIED.**
- 19. REPORTS BY THE CITY MANAGER PAT McCOURT** Tab 13
Consideration, discussion and/or decision regarding the following topics by the City Manager:
- **Report on Willcox High Basketball Teams**-Boys & Girls both won against Tombstone. Staff will not talk about Safford. 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.

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- **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.

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20. 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.

21. ADJOURN-7:44 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.