

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND  
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ  
HELD ON THIS 4<sup>TH</sup> DAY OF JUNE 2012**

**CALL TO ORDER** – Gerald W. Lindsey called the regular meeting to order on Monday, June 4, 2012 at 7:10 p.m. and Welcomed all to this City Council meeting and is happy to have all of them here and thinks will be hearing from some of you.

**ROLL CALL**-City Clerk Cristina Garcia Whelan, called the roll

**PRESENT**

Mayor Gerald W. Lindsey  
Vice Mayor Monika Cronberg  
Councilman Elwood A. Johnson  
Councilman William "Bill" Holloway  
Councilman Robert "Bob" Irvin  
Councilman Earl Goolsby  
Councilman William "Bill" Nigh

**STAFF**

City Manager Pat McCourt  
City Attorney Hector M. Figueroa  
City Clerk Cristina Garcia 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** - Led by Mayor Lindsey

**CALL TO THE PUBLIC**

Kathy Smith addressed the Mayor and Council and stated this is her last City Council meeting and thanked them for putting up with her for the past 7-years. She introduced Alan Baker as the new Chamber Director and he started today and if anything is needed from Chamber please call Mr. Baker. I have enjoyed working with the staff and worked a lot with Pat, Dave and Ruth. "I planned this as a Call to the Public so that the Council members can not say a word."

**DECLARATION ON CONFLICT OF INTEREST**

No Conflicts were declared by Council or Staff

**ADOPTION OF THE AGENDA**

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

**SECONDED:** Councilman Irvin seconded the motion. **DISCUSSION:** Mayor Lindsey stated no Executive Session this evening. City Attorney Figueroa agreed. Councilman Johnson amended the motion with removal of items 23-26 Executive Session. **CARRIED**

**DISCUSSION/DECISION REGARDING TO APPOINT A MAYOR TO A TWO (2) YEAR TERM**

Mayor Lindsey announced nominations for Mayor are now open. Councilman Johnson nominated Councilwoman Cronberg; Councilman Goolsby moved to nominate Irvin; Mayor Lindsey asked are there any other nominations. Mayor asked twice with pause. Mayor and Council moved to close nominations. Mayor and Council announced to appoint a Mayor to a 2-year term. Mayor Lindsey by alpha asked for **vote for Councilwoman Cronberg by raise of hands:** Councilman Johnson, Councilwoman Cronberg and Councilman Holloway. **For Councilman Irvin:** Councilman Nigh; Councilman Irvin; Councilman Lindsey and Councilman Goolsby.

**DISCUSSION/DECISION REGARDING TO APPOINT A VICE MAYOR TO A TWO (2) YEAR TERM**

Mayor Lindsey announced nominations for Vice Mayor to a 2-year term open. Councilman Nigh nominated Goolsby; Goolsby nominated Holloway; Mayor Lindsey asked any further nominations? Pause asked again are there any further nominations. Hearing none he moved to close nominations for Vice Mayor. Mayor Lindsey **vote by alpha order for Councilman Goolsby by raise of hands:** Councilman Nigh. **For Councilman Holloway:** Councilman Irvin; Councilman Holloway; Mayor Lindsey; Councilman Johnson; Councilwoman Cronberg; Councilman Goolsby.

Congratulations Mayor Irvin and Vice Mayor Holloway! 5-Minute recess was given to change Council members seating.

**PRESENTATION BY WILLCOX HISTORIC THEATER PRESERVATION INC., REGARDING THE RE-OPENING OF THE REX ALLEN THEATER**

Curt Edelman representative of the Willcox Historic Theater Organization a non-profit presented on the re-open of the Rex Allen Theater. In any business, to re-open it needs to determine what to do to make it run, i.e. cost and profitability; however, another reason for Theater to be re-opened is for the community. The Community needs a theater; the kids

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need a place to entertain themselves and be safe and a theater can offer that type of need. We went to the Rex Allen Museum who owns the Theater and asked them for a Letter of Intent, so we could do a study on assets, concession stands, projectors (the ones we have are the oldest in the State), the seating, the Bingo machine, lighting, plumbing, roofing and HVAC and we came up with a lot of information on what was needed in just those areas to get this moving forward. All this will need to be decided to determine what is needed to be raised. I went back and looked at receipts i.e. to buy popcorn, soda, rent movie, salaries water etc. I have looked at other theaters of the same size and demographics in AZ and NM, and a couple in Ohio. We researched what they cost to operate in an environment similar to ours, which is not finished yet. That money is needed and we will accomplish this through donations from local companies and fundraisers a targeted date is mid-August. If we get a percentage of funding we will move forward and if not the theater will not open and that is where we are. Councilman Goolsby asked if he had a figure. Mr. Edelman stated \$30,000. Councilman Goolsby asked if they were on way to garden that money. Mr. Edelman stated we opened an account and we need \$29,000 more. Councilman Goolsby stated that is a good start. Councilman Nigh asked if a 501C3 has been established. Mr. Edelman stated the paperwork has been done and need AZ Commission to approve Corporation EIN. Councilman Johnson asked if he was looking for dollar amount from City of Willcox. Mr. Edelman stated that was not our intent. Councilman Nigh stated no money can be donated until 501C3 is approved. Mr. Edelman stated once it is approved it can be retroactive. It can be Retro to the date of May 11, 2012 when we got the 501C3 by Gayle Berry. Mayor Irvin asked if they have looked at fundraisers. Mr. Edelman stated Terry Rowden has sent out letters and pledge letters and we are getting some response from those but it is slow process. Mayor Irvin asked who the members were. Mr. Edelman replied Terry, Gayle and Carol Adcock. He stated he opened an account at Cochise Credit Union and is accepting pledges or donation or contact one of the members. Councilman Lindsey asked if considering 2<sup>nd</sup> run as opposed to first. Mr. Edelman stated yes, and they are less expensive He thanked the Mayor and Council.

**DISCUSSION/DECISION REGARDING THE WILLCOX ELKS LODGE REQUEST FEES BE WAIVED FOR THE ANNUAL 4<sup>TH</sup> OF JULY SWIM MEET, THURSDAY, JULY 4, 2012 FROM 8:00 A.M. THROUGH 6:00 P.M.**

**MOTION:** Councilman Lindsey moved to approve the Elk's request fees be waived for the Annual 4<sup>th</sup> of July Swim Meet, Thursday, July 4, 2012 from 8 am - 6 p.m.

**SECONDED:** Councilwoman Cronberg seconded the motion **6 AYES-** Mayor Irvin; Vice Mayor Holloway; Councilman Lindsey; Councilman Johnson; and Councilman Nigh, **1 Nay** Councilman Goolsby. **CARRIED**

**DISCUSSION/DECISION REGARDING THE REQUEST TO ACCEPT A \$100 (AND FUTURE) DONATION TO THE WILLCOX DEPARTMENT OF PUBLIC SAFETY FROM PRIVATE DONOR.**

**MOTION:** COUNCILMAN JOHNSON moved to approve the donation accept a \$100 (and future) donation to the Willcox Department of Public Safety from private donor.

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

**DISCUSSION/DECISION REGARDING THE REQUEST TO ACCEPT A \$150 (AND ONGOING) DONATION TO THE WILLCOX DEPARTMENT OF PUBLIC SAFETY FROM PRIVATE DONOR.**

**MOTION:** Councilman Johnson moved to approve acceptance of \$150 (and ongoing) donation to the Willcox Department of Public Safety from private donor. **SECONDED:** Vice Mayor Holloway seconded the motion. **CARRIED**

**DISCUSSION/DECISION REGARDING THE ATTENDANCE AND PARTICIPATION AT THE LEAGUE OF OF ARIZONA CITIES AND TOWNS ANNUAL CONFERENCE IN SCOTTSDALE, AZ**

**MOTION:** Councilman Johnson moved to forego the attendance and participation at The League of Arizona Cities and Towns Annual Conference in Scottsdale, AZ due to economy and possible raise to City staff. **MOTION FAILED WITHOUT SECOND.**

**MOTION:** Vice Mayor Mr. Holloway moved to approve the attendance and participation at The League of Arizona Cities and towns Annual Conference in Scottsdale, Arizona. **SECONDED:** Councilman Lindsey seconded the motion.

**DISCUSSION:** Councilman Lindsey intends to participate in the League of Arizona Cities and Towns Annual Conference. Councilwoman Cronberg stated she was going and right now who all is attending. Clerk stated Nigh, Lindsey, Cronberg and Holloway. City Manager McCourt stated it showcase the Cities and Representatives on Resolutions Committee and a person to carry the Flag for the City of Willcox **6 AYES-** Mayor Irvin; Vice Mayor Holloway; Councilman Lindsey; Councilman Goolsby; and Councilman Nigh, **1 Nay-** Councilman Johnson. **CARRIED**

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-46 APPROVING AND ADOPTING THE PARKING LEASE BETWEEN THE CITY OF WILLCOX ["LESSOR"] AND JACOBS COMPANY ["LESSEE"] FOR PARKING AND PASSENGER PICKUP AREA AT QUAIL PARK ON PARCEL #202-43-015B, AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.**

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**MOTION:** Councilman Johnson moved to approve Resolution NO. 2012- 46 as presented, regarding The Parking Lease Between The City Of Willcox ["Lessor"] and Jacobs Company ["Lessee"] For Parking And Passenger Pickup Area At Quail Park On ParcEL #202-43-015B.

**SECONDED:** Vice Mayor Holloway & MC seconded the motion. **DISCUSSION:** Vice Mayor Holloway asked Mr. Bonner if there were any issue with maintenance on that lot size. Mr. Bonner replied it has been cleaned up and leveled off he would like to recommend for some of that money go to Streets for reimbursement for work that has been done and the remainder for the future. Mayor Irvin asked if we have railroad ties already. Mr. Bonner stated yes by the ball fields. Councilwoman Cronberg asked if we need to address recommendation by Mr. Bonner since its going to General Fund. City Manager McCourt stated it is going to General Fund and will bring costs incurred by Streets Department at the next meeting. **CARRIED**

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-47 AUTHORIZING AND APPROVING THE CONTRACT EXTENSION WITH HINTON BURDICK HALL & SPILKER, PPLC ["HINTON BURDICK"] FOR AUDIT SERVICES FOR FY2011-2012 ANNUAL AUDITED FINANCIAL STATEMENTS AND SINGLE AUDIT [IF REQUIRED] AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST-**Vice Mayor Holloway asked how much was paid for the last audit. Ms. Graham replied we paid \$18,000 and this year it was quoted \$750 higher. We have now exceeded \$500,000 and will now have a single audit.

**MOTION:** Councilman Lindsey moved to approve Resolution NO. 2012-47, as stated, regarding Hilton Burdick, PLLC Fiscal 2011-12 Annual Audit Contract.

**SECONDED:** Councilwoman Cronberg seconded the motion. **CARRIED**

**LEASE AGREEMENT RENEWAL BETWEEN THE CITY OF WILLCOX ["CITY"] AND ARIZONA DEPARTMENT OF PUBLIC SAFETY ["ADPS"] CONTRACT NO. 98-206 FOR PARCEL OF LAND AT 1101 N. CIRCLE I ROAD AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND THE LEASE RENEWAL AND DECLARING AN EMERGENCY TO EXIST.**

**MOTION:** Vice Mayor Holloway moved to approve Resolution NO. 2012-48, as presented, regarding the Arizona Department of Public Safety Fiscal Year 2012-13 Lease Agreement Renewal.

**SECONDED:** Councilman Lindsey seconded the motion. **DISCUSSION:** Councilman Lindsey stated not this year but in the future the City of Willcox needs to see negotiate for them to at least pay for the water and trash removal. **CARRIED**

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-49 FOR THE PURPOSE OF APPROVING THE APPOINTMENT OF PATRICK MCCOURT AND THE CITY MANAGER SERVICES AGREEMENT WITH AMENDED VACATION BENEFITS AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION, THE AGREEMENT AND DECLARING AN EMERGENCY TO EXIST.**

**MOTION:** Councilman Lindsey moved to approve Resolution NO. 2012-49, as stated, regarding The City Manager Services Agreement with Amended Vacation Benefits.

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

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-50 APPROVING AND AUTHORIZING COMMUNITY CENTER PHASE III IMPROVEMENTS, AUTHORIZING CITY STAFF TO PROCEED WITH THE PROPOSED PROJECT AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST**

**MOTION:** Councilman Johnson moved to approve Resolution NO. 2012-50, as presented, regarding the Community Center Phase III Improvements.

**SECONDED:** Councilwoman Cronberg seconded the motion. **DISCUSSION:** Mayor Lindsey asked Mr. Bonner to bring them up to date. Mr. Bonner wanted to make sure everyone was aware of current situation; there was additional money after the bid of \$90,000 to do additional work and some change orders and money was returned as it was not used. Change's to replace the doors. The paint number from Architect and actual number came in at \$1,900 more. After change orders i.e. re-stucco stairwell, windows on Westside and stucco to match the rest of the adobe; a window pane on the Southside that was broken due to vandalism was replaced. East side venting going to basement looked bad with plumbing and it was decided to put that underneath. Repair of Phase II Stucco some areas were coming loose from quick break, and when they paint that area it will seal that off and prevent that from happening again. We did not accept proposal of putting brick in patio in front of building. Proposal is to get as much of that patio done with money and stopping at a logical point; or at the edge of sidewalk where brick stops or a little half of patio area. Councilwoman Cronberg stated it seems like there are always a lot of change orders. Mr. Bonner stated it was because they had monies left over and they were trying to get as much work as possible. **CARRIED**

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**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-51 APPROVING THE EXPENDITURE OF \$3,866.37 FOR THE COST OF A 4" PE LINE TO SERVE CURRENT AND FUTURE SERVICE AND EXTENSIONS, AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST**

**MOTION:** -Councilman Johnson moved to approve Resolution NO. 2012- 51, as presented, regarding the Expenditure of \$3,866.37 for the cost of a 4" PE Line to serve current and future service and extensions.

**SECONDED:** Councilwoman Cronberg seconded the motion **DISCUSSION:** Councilman Johnson stated take it out of Economic Development that is what it is there for. Mr. Bonner stated there are ways to handle the water & sewer and could not find anything in Code for Gas. Additional amount is \$3,866 and total amount is \$8,100.00. Mayor And Council think it is a good idea and try to work with contractor to make that happen and both parties win. Mr. Bonner already 4" to extend that was logically size. **CARRIED**

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012- 52 DESIGNATING AUTHORIZED SIGNATORIES FOR THE CITY OF WILLCOX FINANCIAL ACCOUNTS, PROPERTIES, AFFAIRS, BOOKS AND CORPORATE RECORDS OF THE CITY AND DECLARING AN EMERGENCY TO EXIST**

**MOTION:** Vice Mayor Holloway moved to approve Resolution NO. 2012-52, as stated, regarding the Designating Authorized Signatories for the City of Willcox Financial Accounts.

**SECONDED:** Councilwoman Cronberg seconded the motion. **DISCUSSION:** City Manager McCourt stated we will fill in blank spaces with the names of Mayor and Vice Mayor. **CARRIED**

**REPORTS BY THE CITY MANAGER PAT MCCOURT**

Consideration, discussion, and/or decision regarding the following topics by the City Manager: ~~RECONVENE FROM EXECUTIVE SESSION~~

- **Report on Collection of Donations for the 4<sup>th</sup> of July Fireworks**-Mentioned at the last meeting that the Willcox Department of Public Safety is accepting donations towards the 4<sup>th</sup> of July Fireworks! Donations are coming in slowly.
- **Report Swimming Pool** – Opened for business on Sunday, May 27, 2012
- **Skateboard Equipment**- should have arrived last week and anticipate it will arrive this week.
- **Roof on City Hall**-did get that done.
- **Representation on various Boards and Committees**-Items on the next agenda for representatives to the P&Z, P&R, Library, a memo will be sent out in advance to remind them.

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

Councilman Nigh stated at the seminar he will visit the Sewer Treatment Plant and water purification for the future and thinks someone should be looking at that and he would be happy to cover that.

Mayor Irvin thanked staff and our going Mayor Lindsey for the time put in as Mayor and has "big shoes to fill".

Councilman Holloway thanked Kathy Smith for 7-years of service he did not assume she would spend the 7-years and appreciates that. Councilwoman Cronberg ditto to what Councilman Holloway stated and welcomed Alan and "Good Luck" to both of you.

~~DISCUSSION/DECISION ENTER INTO AN 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~~

~~Consideration, discussion and/or decision 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.~~

~~22 RECESS TO EXECUTIVE SESSION, IF APPROVED~~

~~23. RECONVENE FROM EXECUTIVE SESSION~~

~~RECONVENE FROM EXECUTIVE SESSION~~

~~DISCUSSION/DECISION/DIRECTION TO STAFF REGARDING MATTERS DISCUSSED IN EXECUTIVE SESSION~~

~~Consideration, discussion, decision and/or direction to staff regarding matters discussed in Executive Session and/or consultation for legal advice from City Attorney.~~

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| **2524**ADJOURN-8:00 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 4th day of June, 2012. I further certify that the meeting was duly called and held, and that a quorum was present.

**Dated this 4th day of June, 2012**

\_\_\_\_\_  
*Transcribed by City Clerk VIRGINIA A. MEFFORD*

**PASSED, APPROVED AND ADOPTED** this 19th day of November 2012.

\_\_\_\_\_  
MAYOR ROBERT A. IRVIN

Signed: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Clerk VIRGINIA A. MEFFORD