

**CITY OF WILLCOX
MAYOR AND CITY COUNCIL AGENDA**

Statement of Legal Actions

Monday, June 04, 2012

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. 2012- 53
Ordinance NS311**

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1. **CALL TO ORDER** -Gerald W. Lindsey called the regular meeting to order on Monday, May 7, 2012 at 7:10 p.m. and welcomed all to this City Council meeting

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

3.

PRESENT

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

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

4. **DECLARATION ON CONFLICT OF INTEREST**-There was no response

5. **ADOPTION OF THE AGENDA**

MOTION: It was moved to adopt the agenda as presented with removal of items 23-26 Executive Session
SECONDED: Motion received a second. **CARRIED**

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

Tab 1

Mayor Lindsey announced nominations for Mayor are now open. **MOTION:** 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 Cronberg by raise of hands: Johnson, Cronberg and Holloway. Irvin: Nigh Irvin Lindsey and Goolsby.

8. **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 Lindsay asked any further nominations? Pause asked again are there any further nominations.

And asked again are there any further nominations? Hearing none he moved to close nominations for Vice Mayor. 2nd Goolsby. Mayor Lindsey vote by alpha order Councilman Goolsby-Councilman Nigh for Councilman Holloway-Councilman Irvin; Councilman Holloway; Mayor Lindsey; EL; Councilwoman Cronberg; Councilman Goolsby.

Congratulations Mayor Irvin and Vice Mayor Holloway!

5-Minute recess to change Council members seating.

9. **PRESENTATION BY WILLCOX HISTORIC THEATER PRESERVATION INC., REGARDING THE RE-OPENING OF THE REX ALLEN THEATER** Tab 2
Kurt Edelman representative of the Willcox Historic Theater Organization. He stated they have formed a non-profit organization in order to see if it is possible to re-open the Rex Allen Theater. Mr. Edelman highlighted paperwork, stating that for any business to re-open we need to determine what to do to make it run, cost and how profitable it could be. However, another reason for Theater is the community. Mr. Edelman presented the findings of the organization to date and the organizations goals for the re-opening.
10. **DISCUSSION/DECISION REGARDING THE WILLCOX ELKS LODGE REQUEST FEES BE WAIVED FOR THE ANNUAL 4TH OF JULY SWIM MEET, THURSDAY, JULY 4, 2012 FROM 8:00 A.M. THROUGH 6:00 P.M.** Tab 3
MOTION: it was moved to approve the Elk's request fees be waived for the Annual 4th of July Swim Meet, Thursday, July 4, 2012 from 8 am - 6 p.m.
SECONDED: motion was seconded. **CARRIED 6-** Mayor Irvin; Vice Mayor Holloway; Councilman Lindsey; EL; and Councilman Nigh, **1 Nay** Councilman Goolsby.
11. **DISCUSSION/DECISION REGARDING THE REQUEST TO ACCEPT A \$100 (AND FUTURE) DONATION TO THE WILLCOX DEPARTMENT OF PUBLIC SAFETY FROM PRIVATE DONOR.** Tab 4
MOTION: it was moved to approve the donation accept a \$100 (and future) donation t the Willcox Department of Public Safety from private donor.
SECONDED: motion was seconded. **CARRIED**
12. **DISCUSSION/DECISION REGARDING THE REQUEST TO ACCEPT A \$150 (AND ONGOING) DONATION TO THE WILLCOX DEPARTMENT OF PUBLIC SAFETY FROM PRIVATE DONOR.** Tab 5
MOTION: it was moved to approve acceptance of \$150 (and ongoing) donation t the Willcox Department of Public Safety from private donor. **SECONDED:** motion received a second. **CARRIED**
13. **DISCUSSION/DECISION REGARDING THE ATTENDANCE AND PARTICIPATION AT THE LEAGUE OF ARIZONA CITIES AND TOWNS ANNUAL CONFERENCE IN SCOTTSDALE, AZ** Tab 6
MOTION: it was 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: it was moved to approve the attendance and participation at The League of Arizona Cities and Towns Annual Conference in Scottsdale, Arizona. **SECONDED:** Motion received a second. **CARRIED 6 AYES-** Mayor Irvin; Vice Mayor Holloway; Councilman Lindsey; Councilman Goolsby; and Councilman Nigh, **1 Nay-** Councilman Johnson.
14. **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.** Tab 7
MOTION: it was 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: motion received a second **DISCUSSION:** Discussion held on the maintenance of an area. **CARRIED**
15. **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-** Tab 8

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

SECONDED: motion received a second. **CARRIED**

16. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-48 APPROVING AND ADOPTING THE 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.** Tab 9

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

SECONDED: motion received a second. **DISCUSSION:** In future city needs to negotiate for them to at least pay for the water and trash removal. **CARRIED**

17. **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.** Tab 10

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

SECONDED: motion received a second. **CARRIED**

18. **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** Tab 11

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

SECONDED: motion received a second. **DISCUSSION:** Director Bonner updated the Council on the project. **CARRIED**

19. **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** Tab 12

MOTION: -it was 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: motion received a second **DISCUSSION:** Mr. Bonner stated additional amount is \$3,866 and total amount is \$8,100.00. **CARRIED**

20. **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** Tab 13

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

SECONDED: motion received a second. **CARRIED**

21. **REPORTS BY THE CITY MANAGER PAT MCCOURT**

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

- **Report on Collection of Donations for the 4th of July Fireworks-**Mentioned at the last meeting that the Willcox Department of Public Safety is accepting donations towards the 4th 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.

22. 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. **APPLAUSE!**

Councilwoman Cronberg ditto to what Councilman Holloway stated and welcomed Alan and "Good Luck" to both of you.

~~23. DISCUSSION/DECISION ENTER INTO AN EXECUTIVE SESSION PURSUANT TO ARIZONA REVISED _____ Tab 14 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.~~

~~24. RECESS TO EXECUTIVE SESSION, IF APPROVED~~

~~25. RECONVENE FROM EXECUTIVE SESSION~~

~~26. 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.~~

27. ADJOURN-8:00 p.m.

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, or the Elsie S. Hogan Community Library during regular business hours Monday-Saturday and 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.