

**THE REGULAR MINUTES OF THE MAYOR AND CITY COUNCIL  
OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ  
HELD ON THIS 2<sup>nd</sup> DAY OF JULY 2012**

**CALL TO ORDER**-Mayor Robert "Bob" Irvin called the regular session meeting to order on Monday, July 2, 2012 at 7:00 p.m.

**ROLL CALL**-City Clerk Virginia A. Mefford, called the roll

**PRESENT**

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

**STAFF**

City Manager Pat McCourt  
City Clerk Virginia A. Mefford  
Public Services & Works Director Dave Bonner  
Library Director Tom Miner  
Finance Director Ruth Graham  
Development Services Jeff Stoddard

**ABSENT**

Councilwoman Monika Cronberg (excused)

**PLEDGE OF ALLEGIANCE TO THE FLAG** led by Mayor Robert "Bob" Irvin

**DECLARATION ON CONFLICT OF INTEREST**

No Conflicts were declared.

**CALL TO THE PUBLIC**

Bo Downey addressed the Council and city officials and started out congratulating the new councilman. He briefly spoke about the gunfight show on Railroad Ave. which has been welcomed and stated that we are having a 2:00 and 4 o'clock show. Since then it has gotten a quite a bit of notice around AZ. He has raised money for the Military Families and just won an award from the Marine League for their contributions for the support. He stated that he was very surprised by the award and indicated they were the on of the top 5 gun fight shows in AZ. Has since then added some history before the gun show, and Willcox has a lot of history to tell. He stated they are getting ready to gear up for the future gunfight shows on Railroad Ave; he also stated he is working on obtaining the one million dollar insurance policy. Each member of the show spends about \$1800 per person per year. We did have about six gunfighters who had to leave and it actually made us fall short for the insurance and so I had to go to the public for support which many of you assisted. We are 70% there, all we need is \$300 therefore; I would like to ask that the \$50 reservation fee be waived for Railroad park. With six people leaving we fell short. I am asking the council to donate the \$300 plus waive the \$50 fee.

**DECLARATION ON CONFLICT OF INTEREST**

None Declared

**ADOPTION OF THE AGENDA**

**MOTION** made by Councilman Lindsey to accept the agenda as presented removing items #20-23 related to executive Session. **SECOND:** Vice Mayor Holloway **CARRIED.**

**PUBLIC HEARINGS, PETITIONS, AND COMMUNICATIONS**

**Public hearings:** The Mayor and Council will hold Public Hearings on Monday, July 2, 2012 at 7:00 p.m., City Council Chambers, 300 W. Rex Allen Drive, relating to:

- (1) Mayor Irvin read the following: the Licensing Agreement with Valley Connections, LLC;  
Mayor Irvin opened the Public Hearing at 7:10 PM, Hearing no comments the PH was closed at 7:11 pm.
- (2) Public Hearing on final Budget (2<sup>nd</sup> Public Hearing on July 16<sup>th</sup>) 7:12 PM PH was closed at 7:15 PM.  
Mayor Irvin opened the Public Hearing at 7:10 PM, Hearing no comments the PH was closed at 7:11pm.
- (3) Property Tax Levy (July 16<sup>th</sup> and August 6<sup>th</sup>)

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**DISCUSSION/ DIRECTION ON INFORMATION REGARDING DIRECTION TO STAFF CONCERNING THE CITY'S INDUSTRIAL PARK PROPERTY**

Mr. McCourt explained the industrial Park accoutrement. Since that time it has been leased by El Paso Natural Gas (ENG) and the lease is coming up on April 24, 2015 and at that time they have the right for \$50 lease and after the third time they will have the right to \$25 lease. That parcel is leased and the other parcels are not being used at this time. We were going to the city at this time because we have been approached by two individuals that want to get that property developed. If we sale the land under the terms of the Farmers Home Administration (FmHA) agreement we will be responsible for 83.9% of that to them. The city would keep the remainder of the cost and it would go into the General Fund. At this time we could look at this we could do one of two things, if we resale the land the city would receive a portion and the FMHA would receive a portion and we would gain revenue taxes on this, but we will have to obtain a commercial appraisal on this land and this is the question the staff is asking. The only thing with commercial appraisals is it only last for limited time and if we wait too long we would have to do this again so we would have to act on this as soon as we can. At this time we are asking to get permission to acquire an appraisal for these percales. Councilman Lindsey asked have we collect anything form ENG have we received anything for this monthly? City Manager McCourt stated they did prepaid this for a total of \$900. Councilman Lindsey stated I see no real advantage selling the property and develop it and property built on the land is taxable. The land itself is not really worth much. The appraisal is good for about 6 months, if we are going to payback 83.9%. Vice Mayor Holloway asked are they looking to do something with it. City Manager McCourt stated they are looking to doing something with it as far as they are telling him. Mr. Stoddard stated there were two interested. Councilman Goolsby asked Councilman Lindsey what t is you're hesitation with this. Councilman Lindsey stated if we got the right business to come in here to create jobs we could then review it. Councilman Goolsby asked is there merit to get some kind of tax. Councilman Lindsey stated the land is worth very little the building would have the taxation. Mr. Stoddard stated we could write a letter to the FmHA to waive the 83.9%. Councilman Johnson asked what the property tax on this land is. Councilman Lindsey stated the city doesn't pay taxes on this land but they do on the buildings. Councilman Johnson stated we have made zero dollars on this and the city is not in the land business and if the city is willing to sell it to make money on it I think we could the reason we go into correct me if I'm wrong the three reasons we go into executive session for is employment, real estate, and discipline, I do want to be as transparent as possible, but were talking property and money here maybe we should have gone into executive session here, correct me if I'm wrong. City Manager McCourt stated we are not asking to sell the property we are asking to have an appraisal, so we could get a third party to have a pricing structure. Councilman Johnson stated are they really interested in buying it. Mr. Stoddard stated they are very interested. Councilman Johnson stated are they interested in buying or leasing. Mr. Stoddard stated they are for either or, if we keep delaying it the price will change and I would like to have something to say how much it is worth and say would you like to buy it. Councilman Goolsby stated Mayor I'm I understanding correctly, what the City Manager is requesting is to get an appraisal. Councilman Johnson asked do we would go out for a RFQ or RFP in order to move forward or not. City Manager McCourt stated all we are asking for is an appraisal that would cost about \$300 and this will of course double our purchasing value. Mayor Irvin stated the council is giving direction to get an appraisal of the property.

**DISCUSSION/ DIRECTION ON INFORMATION REGARDING DIRECTION TO STAFF CONCERNING ECONOMIC DEVELOPMENT**

Mr. Stoddard stated we are using Apple Annie's as an example and mentioned various presenters that came and they stated 8 people received a grant of \$60,000 we got a long term lease on it and we could do one wine selling and the other part do a farmers market and swat meet. Mr. Doyle stated this was a good idea and get with Willcox Regional Economic Development Association (WREDA) and Chamber of Commerce to get this started. Councilman Lindsey asked is WREDA with this. Mr. Stoddard stated they are the ones taking the lead on this. Councilman Lindsey asked would we have to go out for proposal. Mr. Stoddard stated we would go out into the community. We are not sure about this; we are just trying to get the grant money. Vice Mayor Holloway asked we are just proposing a plan to try and get this grant. City Manager Mr. McCourt stated we know this is a lot. Mayor Irvin stated at this time we don't have any interested parties. Mr. Stoddard stated we don't, we do not own the land the Railroad does but we could do a long term lease. Councilman Lindsey stated what this was built for was for grain storage and it is not insulated there are a lot of things that need to be done. Mr. Stoddard stated what we liked was it has a farmers market look to it. Councilman Lindsey stated well it use to be called the Farmers Grain Company (laughter). Holloway stated it is an opportunity to have WREDA and Chamber of Commerce on board. Nigh stated

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these are very strong organizations and they are very interested in doing something. I actually looked at that building when I moved here but it is very hot and needed a lot of work. Mr. Stoddard stated it will take a lot of leverage to get this grant. Councilman Nigh stated it does take leverage to get that grant. Vice Mayor Holloway asked what the largest grant is since doing this. Mr. Stoddard indicated the biggest grant they have given out was for about \$415,000. Mr. Lindsey stated it is my inclination to move forward with this. Mayor Irvin stated we are trying to Encourage Economic Development and this would help do this. Mr. McCourt stated to understand this, you are giving the staff direction to proceed with this and come back to you once we have this together. Mayor Irvin stated that is my understanding.

**DISCUSSION/DECISION REGARDING APPOINTMENT TO THE CORONADO RESOURCE CONSERVATION AND DEVELOPMENT COMMITTEE**

**APPOINTMENT:** Mayor Irvin appointed Councilman Lindsey to the Coronado Resource Conservation and Development Committee

**DISCUSSION:** Councilman Lindsey asked if anyone else would like to serve on this RD &D Committee he would be okay with that.

**DISCUSSION/DECISION REGARDING APPOINTING DON ULSES TO FILL THE VACANCY ON THE PLANNING AND ZONING COMMISSION FILL THE NEW TERM EXPIRING JUNE 30, 2016**

**MOTION:** Councilman Johnson moved To Appoint Don Ulses to Fill The Vacancy On The Planning And Zoning Commission fill the new term expiring June 30, 2016

**SECOND:** Councilman Lindsey **DISCUSSION:** Councilman Lindsey stated I don't think we could not ask for a better person to serve on this than Mr. Ulses and Councilman Goolsby seconded that comment and Mayor Irvin stating it has been his pleasure to have Mr. Ulses serve on the PZ committee. **CARRIED**

**DISCUSSION/ DECISION SCHEDULING WORK SESSION REGARDING PROPERTY ON CIRCLE I ROAD**

**DISCUSSION:** City Manager Mr. McCourt explained the City of Willcox owns quite a bit of property out on Circle I road and that particular property is not serviced by the city sewer and we thought, at first, it would not be a problem but the further we have gone the more expensive it has gotten. I have instructed the staff to stop as we are looking at \$60,000 in repairs. We would like to suggest a work session on this item. I would like to have this work session to be before I go on Vacation July 24<sup>th</sup> we do not have a work session scheduled on the 16<sup>th</sup>. Mayor Irvin asked does anyone have problem for the 16<sup>th</sup> of July. Councilman Hallway and Councilman Lindsey stated he would be out of town that day. Mr. McCourt stated we could do the 9<sup>th</sup> if you like we could schedule the meeting on July 13<sup>th</sup> at 6:30 pm. The council agreed on July 9, 2012 at 6:30 pm.

**DISCUSSION/DECISION REGARDING APPROVAL TO SPEND MONEY FROM COUNCIL BUDGET FOR WOW (WINGS OVER WILLCOX) ADVERTISEMENT**

**MOTION:** Vice Mayor Holloway moved to spend money from Council Budget for WOW Advertisement.

**SECONDED:** Councilman Lindsey **DISCUSSION:** Councilman Lindsey stated we do need to show our support for WOW. **CARRIED**

**DISCUSSION/ DECISION REGARDING RESOLUTION NO. 2012-59 THE ELSIE S. HOGAN COMMUNITY LIBRARY ["LIBRARY"] LIBRARY GENERAL POLICY AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.**

**MOTION:** Councilman Goolsby moved to approve the Resolution No. 2012-59 The Elsie S. Hogan Community Library ["Library"] Library General Policy

**SECOND:** Councilman Lindsey **DISCUSSION:** Mr. Minor stated this is pretty standard for our policies. There were not very many changes made. We insured this was consistent throughout. He stated we live by County, and Federal Rules, we inserted into our policy for example of the allocation that was mandated by the state so we implemented them into our personal local policy. Councilman Lindsey stated he has a personal moral issue with item number 9. I know this is standard but the policy related here in item 8d I have trouble with this one this I think we should be able to put a rating system on books like they do for movies, if it seems to have explicit and vulgar content we could get into politics on this issue that is my personal view on this. **CARRIED**

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**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-61 FOR THE AMENDED 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.**

**MOTION:** Vice Mayor Holloway motioned to approve Resolution NO. 2012-61 as stated, for the amended 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:** Councilman Goolsby **DISCUSSION:** City Manager McCourt stated if this looks familiar it should, we do have a month to month lease instead of the 6 month lease. Lindsey stated I have a question on this I would hate to go to month to month on this. City Manager McCourt stated I wrote this agenda report on 6-26-12 and I was not able to gather all the info due to vacations. The parking lot is already done and understands the railroad ties. Dave Bonner stated the leveling of the land and telephone polls are in front of the property those are the things that have been done. Councilman Lindsey asked can you get into trouble with this. Dave stated that is a good question and I don't have the answer for that. Councilman Lindsey stated this property per say, but this may back us into a corner. City Manager McCourt stated he is not aware of this and the county is very strict with things like this. Councilman Johnson asked how many vehicle do we have parked out there? Jeff Stoddard stated about 150 vehicles are parked out there. Councilman Johnson asked what dollar amount is spent on this parking lot. City Manager McCourt stated he didn't have that number. Councilman Johnson stated about \$100,000. City Manager McCourt stated it is about that much. **CARRIED**

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-62 THE EXISTING LLC ("VALLEY") CABLE TELEVISION SERVICES LICENSE AND THE FORMER COX CABLE TELEVISION LICENSE ("COX") UNDER THE SERVICES AGREEMENT ("AGREEMENT") IN THE CITY OF WILLCOX ("CITY") AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND DECLARING AN EMERGENCY TO EXIST.**

**MOTION:** Councilman Johnson moved to approve Resolution NO. 2012-62 as stated, relating to the existing LLC ("Valley") Cable Television Services License And the former Cox Cable Television License ("Cox") under the services agreement.

**SECONDED:** Vice Mayor Holloway **DISCUSSION:** Councilman Lindsey stated my first question is after reading this was what kind of agreement are we entering into. Mr. McCourt stated what this does is they have fiber optics and this is a different Councilman Lindsey stated the reason I asked this question was because of the Cox did not carry the community station 4, if we do offer that. Mr. McCourt stated it was Environment Government channel (EG channel) and staff is not suggestion we do this we just want to reserve that right. Councilman Lindsey stated will this be something available in the future. Read item 3.A. Mr. McCourt stated this is the do not have to obtain a permit to update the system and there is no cost to Valley. Councilman Lindsey stated so this is the Franchise. **CARRIED**

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-63 APPROVING AND AUTHORIZING THE WRITE-OFF ALLOCATION OF LEHMAN BROTHERS INVESTMENT IN THE LOCAL GOVERNMENT INVESTMENT POOL ("LGIP") FOR GAS FUND AND FIREMEN'S PENSION FUND HOLDINGS, AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST**

**MOTION:** Councilman Lindsey moved to approve Resolution NO. 2012-63 as stated, relating to The Write-Off Allocation of Lehman Brothers Investment in the Local Government Investment Pool ("LGIP") for Gas Fund and Firemen's Pension Fund. **SECOND:** Councilman Goolsby **DISCUSSION:** Ms. Graham read the history and fact to the council and explained what each entity of the write off was and is requesting the balance be written off. If we do have additional funds Lindsey asked if we do write this write off does this clear the account? City Manager McCourt stated we could do this Ms. Graham stated with the current information that occurred was this pool. It has been Mr. Nigh stated the 1901 is on your front of your page and the other two are there are also. Lindsey suggested having the math checked on this. **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 City Manager Vacation**-City Manager is on vacation from July 24<sup>th</sup> to August 10, 2012 Chief Weaver is covering; per contract City Manager is authorized to use paid hours prior to their accrual.
- **Report on Arizona League of Arizona Cities & Towns Annual Conference**-will be held on August 28-31, 2012 at the Hyatt Regency Scottsdale at Gainey Ranch. The registrations, booth and hotel have been reserved for those who have RSVP'd and if you anyone else would like to attend or anyone needs to cancel please let us know as soon as possible.
- **Report on Collection of Donations for the 4<sup>th</sup> of July Fireworks**-The Willcox Department of Public Safety is accepting donations towards the 4<sup>th</sup> of July Fireworks! Thanked the paper for the publicity of the donations needed. We have started work on the Ramada and corrected it by raising the awnings.

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

Councilman Nigh stated he was rethinking on Item 9 in the library policies. The swamp meets would be a good idea. Councilman Johnson had nothing at this time. Councilman Lindsey stated the skate park is in operation at this time but have not seen too many skaters. It looks like we need to find more skaters. Mayor Irvin gave his condolences to Councilwoman Cronberg as she has lost her father on behalf of the board. He announced it would be Councilman Lindsey last Chemo treatment. Vice Mayor Holloway stated if Mr. McCourt wins \$500,000 in Vegas we want 2% cut. **(Laughing)** Goolsby stated he Echo's on Councilman Lindsey on the Public Library he really doesn't know how this really relates to this subject but wanted to announce a ruling from the Supreme Court regarding we can lie about my military service but this guy claimed he was a recipient of the congressional medal of honor and when someone can access anything and when can we draw the line I did have a top secret clearance but I am not about to lie about my service of what they did. I am stunned about the affordable healthcare but I am stunned I can lie about my military service and it is okay.

**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.~~

**RECESS TO EXECUTIVE SESSION, IF APPROVED**

**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.~~

**ADJOURN at 8:15 PM**

Dated this 2<sup>nd</sup> day of July 2012

  
City Clerk Virginia A. Mefford

PASSED, APPROVED AND ADOPTED this 20<sup>th</sup> day of August 2012.

  
MAYOR ROBERT A IRVIN  
Signed 08-22-12

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ATTEST:

  
City Clerk, Virginia A. Mefford