

**CITY OF WILLCOX
MAYOR AND CITY COUNCIL AGENDA
STATEMENT OF LEGAL ACTIONS**

Monday, July 2, 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- 64
Ordinance NS311**

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1. CALL TO ORDER

2. ROLL CALL- City Clerk Virginia A. Mefford, called 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

ABSENT

Councilwoman Monika Cronberg (excused)

STAFF

City Manager Pat McCourt
City Clerk Virginia A. Mefford
Public Safety Director Jake Weaver
Finance Director Ruth Graham
Public Services & Works Director Dave
Development Services Jeff Stoddard

3. PLEDGE OF ALLEGIANCE TO THE FLAG- Led by Mayor Robert "Bob" Irvin

4. 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.

5. DECLARATION ON CONFLICT OF INTEREST

None Declared

6. ADOPTION OF THE AGENDA

It was moved and seconded to adopt the agenda as presented removing items #20-23 related to executive Session. **CARRIED.**

7. 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., **Tab 1**
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 (2nd Public Hearing on July 16th) 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 16th and August 6th)

8. DISCUSSION/ DIRECTION ON INFORMATION REGARDING DIRECTION TO STAFF CONCERNING THE CITY'S INDUSTRIAL PARK PROPERTY **Tab 2**

Mayor and Council gave direction to staff concerning the City's Industrial Park property.

9. DISCUSSION/ DIRECTION ON INFORMATION REGARDING DIRECTION TO STAFF CONCERNING ECONOMIC DEVELOPMENT **Tab 3**

Mayor and Council gave direction to staff concerning Economic Development.

10. DISCUSSION/DECISION REGARDING APPOINTMENT TO THE CORONADO RESOURCE CONSERVATION AND DEVELOPMENT COMMITTEE **Tab 4**

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 that he would be okay with that.

11. DISCUSSION/DECISION REGARDING APPOINTING DON ULSES TO FILL THE VACANCY ON THE PLANNING AND ZONING COMMISSION FILL THE NEW TERM EXPIRING JUNE 30, 2016 **Tab 5**

It was moved and seconded to Appoint Don Ulses to Fill The Vacancy On The Planning And Zoning Commission fill the new term expiring June 30, 2016 **DISCUSSION:** Councilman Lindsey stated I don't think we could 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**

12. DISCUSSION/ SCHEDULING WORK SESSION REGARDING PROPERTY ON CIRCLE I ROAD **Tab 6**

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 24th we do not have a work session scheduled on the 16th. Mayor Irvin asked does anyone have problem for the 16th of July. Councilman Hallway and Councilman Lindsey stated he would be out of town that day. Mr. McCourt stated we could do the 9th if you like we could schedule the meeting on July 13th at 6:30 pm. The council agreed on July 9, 2012 at 6:30 pm.

13. DISCUSSION/DECISION REGARDING APPROVAL TO SPEND MONEY FROM COUNCIL BUDGET FOR WOW (WINGS OVER WILLCOX) ADVERTISEMENT **Tab 7**

It was moved and seconded to spend money from Council Budget for WOW Advertisement. **CARRIED**

14. 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. **Tab 8**

It was moved and seconded to approve the Resolution No. 2012-59 The Elsie S. Hogan Community Library ["Library"] Library General Policy **DISCUSSION:** Mr. Miner 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 thing 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**

**15. DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-61 FOR THE AMENDED Tab 9
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.**

It was moved and seconded 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 **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 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**

**16. DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-62 THE EXISTING LLC ("VALLEY") Tab 11
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**

It was moved and seconded 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. **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**

**17. DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-63 APPROVING AND AUTHORIZING Tab12
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**

It was moved and seconded 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**

18. REPORTS BY THE CITY MANAGER PAT MCCOURT

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

- **Report City Manager Vacation**-City Manager is on vacation from July 24th 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 4th of July Fireworks**-The Willcox Department of Public Safety is accepting donations towards the 4th of July Fireworks!

19. 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 state parks 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.

~~**20. DISCUSSION/DECISION ENTER INTO AN EXECUTIVE SESSION PURSUANT TO ARIZONA REVISED — Tab 13 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.~~

~~**21. RECESS TO EXECUTIVE SESSION, IF APPROVED**~~

~~**22. RECONVENE FROM EXECUTIVE SESSION**~~

~~**23. 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.~~

24. ADJOURN at 8:15 PM

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.