

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

Monday, July 16, 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- 71
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
Councilman Elwood A. Johnson
Councilwoman Monika Cronberg
Councilman Earl B. Goolsby
Councilman William "Bill" Nigh

ABSENT

Vice Mayor William "Bill" Holloway
Councilman Gerald W. Lindsey

STAFF

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

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

4. CALL TO THE PUBLIC

None

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 Item # 18 and items #23-26 related to executive Session. **CARRIED**

7. CONSENT AGENDA

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 Councilmember's 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 on the City's web site or 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.

- 7a. **THE REGULAR MEETING MINUTES OF March 5, 2012, Work Session Meeting Minutes March 5, 2012, Tab 1 Regular Meeting Minutes March 19, 2012, Work Session Meeting Minutes March 19, 2012 and March 26, 2012, Regular Meeting Minutes of June 18, 2012.**

It was moved and seconded to adopt the agenda as presented removing Item # 18 and items #23-26 related to executive Session **DISCUSSION:** City Manager wanted clarification on the removal of item 18 to have a work session at a later time. **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: Public Hearing on final Budget (Public Hearing on July 16th);

Mayor Irvin opened the Public Hearing at 7:06 PM, Hearing no comments the Public Hearing was closed at 7:06 pm.

(2) Mayor Irvin opened the Public Hearing on Property Tax Levy (July 16th and August 6th) at 7:07 PM, Hearing no comments the Public Hearing was closed at 7:07pm.

8. **DISCUSSION/DECISION REGARDING PERMISSION TO BE AN AGENT FOR THE WILLCOX HISTORIC PRESERVATION INC IN GRANT APPLICATION Tab 2**

It was moved and seconded regarding permission to be an agent for The Willcox Historic Preservation Inc. in grant application. **CARRIED**

9. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-64 THE PROPOSAL FOR ADDITIONAL ARCHITECTURAL SERVICES BY DESA ARCHITECTURE FOR THE WILLCOX COMMUNITY CENTER IMPROVEMENTS UNDER PHASE 3 THAT WILL BE FUNDED UNDER CDBG FUNDS ADMINISTERED THROUGH SEAGO AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST Tab 4**

It was moved and seconded regarding proposal for additional Architectural Services by DESA Architecture for the Willcox Community Center improvements Under Phase 3 that will be funded under CBDG Funds administered

DISSCUSSION: Was held to approve Resolution No. 2012-64 **CARRIED**

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:** was held to approve the Resolution No. 2012-59 **CARRIED**

15. 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. Tab 9

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:** Was held to approve Resolution NO. 2012-61 **CARRIED**

16. 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 Tab 11

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:** Was held to approve Resolution NO. 2012-62 **CARRIED**

17. 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 Tab 12

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. **DISCUSSION:** Was held to approve Resolution NO. 2012-63 **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~~

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~~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.~~