

**THE REGULAR MINUTES OF THE MAYOR AND CITY COUNCIL  
OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ  
HELD ON THIS 20<sup>th</sup> DAY OF AUGUST 2012**

**CALL TO ORDER**-Mayor Robert "Bob" Irvin called the regular session meeting to order on Monday, August 20, 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  
Councilwoman Monika Cronberg  
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  
City Attorney Hector Figueroa

**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**

Jim Main a representative of Safeway put together a fundraiser walk for cancer research last year, we had approximately 130 participants last year and we are asking for approval for this event and gave a T-shirt with sponsors on it to the Mayor and handout participation form to all council members. He thanked the Council for this opportunity to do a call to the public.

Sharon Nigh addressed the Mayor and Council regarding the Parade because of history and tradition asked to keep the parade route the same and asked the Council to review the ADOT report regarding this subject. It was her opinion that the vote should have been made in two separate motions.

**DECLARATION ON CONFLICT OF INTEREST**

None Declared

**ADOPTION OF THE AGENDA**

**MOTION** Vice Mayor Holloway moved to approve agenda as presented with removing items 18-21 executive session made **SECOND: Councilman Goolsby CARRIED**

**PUBLIC HEARINGS, PETITIONS, AND COMMUNICATIONS**

The Mayor and Council will hold Public Hearing on Monday, August 20, 2012 at 7:00 p.m., City Council Chambers, 300 W. Rex Allen Drive, relating to: Public Hearing on Property Tax Levy Open at 7:08 with no comments, Closed at 7:09 pm.

Ordinance NS311 Relating To Taxation: Levying separate amounts to be raised for Primary and Secondary Property Tax Levies upon each one hundred dollars (\$100.00) of the assessed valuation of Property subject to Taxation within the City Of Willcox for the Fiscal Year ending June 30, 2013 and declaring an emergency to exist.

and

The Mayor and Council will hold a Special Meeting with Public Hearing on **Tuesday, September 4, 2012**, (due Monday is a Holiday) at 7:00 p.m., City Council Chambers, 300 W. Rex Allen Drive, Willcox, AZ regarding: Liquor Licensed Series #13 for Aridus Winery Company, LLC

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All members of the public are invited to attend such meeting. For those persons unable to attend, written comments will be accepted until 4 p.m. the day of the public hearing in the Office of the City Clerk, 101 S. Railroad Avenue, Suite B, Willcox, AZ 85643

**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 Council members 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.

**MINUTES OF REGULAR MEETING- July 18, 2011, July 2, 2012, July 16, 2012, August 6, 2012 and Special Meeting of September 6, 2011, April 5, 2012, and Work Session of July 9, 2012 and July 30, 2012, August 6, 2012.**

**MOTION:** Councilwoman Cronberg motioned to move item 8A to regular agenda **SECOND:** Councilman Johnson **CARRIED**

**Discussion:** Councilwoman Cronberg stated several of the minutes are still problematic, we have a clerk doing her very best to transcribe verbatim minutes, it would ease some of her burden to allow her to do summary minutes as she doesn't have the proper equipment or training to transcribe verbatim. Mayor Irvin stated some of these minutes are when the outgoing clerk was still here, I think the current clerk is doing an excellent job. Councilwoman Cronberg stated I also think she is doing a great job, she has big shoes to fill; it is just very tough to keep up with all the other duties she has to perform. Vice Mayor Holloway stated I haven't seen verbatim minutes in a very long time. Councilman Johnson stated we do need to finalize minutes or they may get lost, I do think Virgie has this experience we need to have a true record to keep of actions taken. Councilman Lindsey asked for Councilwoman Cronberg to state the minor corrections on the three she would approve with correction. Councilwoman Cronberg went over the minor corrections on the ones she would approve, **MOTION:** Councilwoman Cronberg made a motion approve minutes with corrections of July 18, 2011 and September 6, 2011. **SECOND:** Councilman Lindsey **CARRIED**

**MOTION:** Vice Mayor Holloway made a motion to approve July 2, 2012 and July 30, 2012 **SECOND:** Councilwoman Cronberg **CARRIED**

**DISCUSSION/ DECISION REGARDING ORDINANCE NO. NS-311 RELATING TO TAXATION: LEVYING SEPARATE AMOUNTS TO BE RAISED FOR PRIMARY AND SECONDARY PROPERTY TAX LEVIES UPON EACH ONE HUNDRED DOLLARS (\$100.00) OF THE ASSESSED VALUATION OF PROPERTY SUBJECT TO TAXATION WITHIN THE CITY OF WILLCOX FOR THE FISCAL YEAR ENDING JUNE 30, 2012 AND DECLARING AN EMERGENCY TO EXIST.**

**MOTION:** Councilman Lindsey made a motion to approve Ordinance No. Ns-311 relating to taxation: Levying separate amounts to be raised for primary and secondary Property Tax Levies upon each one hundred dollars (\$100.00) of the assessed valuation of property subject to taxation within the City Of Willcox for the Fiscal Year ending June 30, 2012 **SECOND:** Vice Mayor Holloway **DISCUSSION:** Councilman Johnson asked how much will Property tax go up and what the City is doing. Ms. Graham explained the Property tax will go up on the PowerPoint presentation and explained how the property tax bill looks like for the City of Willcox. Councilman Johnson asked did you do the maximum amount. Ms. Graham stated it is using the maximum, and gave several examples of other cities around our area. Councilman Johnson asked if there was a report that shows the delinquent property taxes in Willcox. Ms. Graham stated we have not accessed that report it is available, but I will check into this and let you know. Councilwoman Cronberg asked if some tax payers pay the half/half type of scenario and others pay the whole thing at once how this does impact us. Ms. Graham stated they pay in May/November so it is in the same fiscal year so it doesn't impact us but we do have some delinquent tax payers. Councilman Johnson asked Ms. Graham if she knew how much was collected last year on property taxes. Ms. Graham pointed this out on the PowerPoint presentation. Councilman Johnson asked if we don't raise property taxes how this will affect the revenue. Ms. Graham explained this on the PowerPoint presentation. City

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Manager asked the secondary taxes is not used for operational uses right. Ms. Graham stated no, it is strictly for Bond purposes. City Manager McCourt asked this was voted by the voter right? Ms. Graham stated that was correct in the 2004 election. Councilman Goolsby asked the Council is raising taxes as the voters have requested it. Ms. Graham stated yes. **CARRIED 6- ayes:** Mayor Irvin; Vice Mayor Holloway, Councilman Lindsey; Councilwoman Cronberg; Councilman Goolsby; Councilman Nigh **1 Nay:** Councilman Johnson

**DISCUSSION/DECISION REGARDING REX ALLEN DAYS REQUEST PERMISSION TO HOLD CARNIVAL AT KEILLER PARK AND WUSD PROPERTY FROM OCOBER 5, 2012 THRU OCTOBER 7, 2012**

**MOTION:** Councilman Johnson moved to approve the Rex Allen Days request Permission to hold carnival at Keiller Park **SECOND:** Councilman Lindsey **DISCUSSION:** Councilwoman Cronberg asked if this was being approved by the WUSD. Ms. Mullins stated it was going to be presented to them at one of the school board meeting. **CARRIED**

**DISCUSSION/AND/OR DICSSSION REGARDING REX ALLEN DAYS INC. ARE REQUESTING A WAIVER OF FEES FOR QUAILPARK FOR GRAND CANYON PRO RODEO AND A PRE RODEO EVENT FOR CHILDREN.**

**MOTION:** Councilman Johnson moved to approve the Rex Allen Days Inc. requesting a waiver of fees for Quail Park for Grand Canyon Pro Rodeo and a pre rodeo event for children **SECOND:** Councilman Cronberg **DISCUSSION:** City Manager McCourt stated I have seen this request before Councilman Johnson asked RAD how much does this bring in. Ms. Mullins stated this in the thousands but I'm not really sure. Councilwoman Cronberg stated we have waived this in the past. **CARRIED**

**DISCUSSION/ DECISION REGARDING LETTER OF RESIGNATION FROM CODY BOWMAN FROM THE PARKS AND RECREATION ADVISORY COMMITTEE.**

**MOTION:** Councilman Johnson moved to approve the letter of resignation from Cody Bowman from the Parks and Recreation Advisory Committee **SECOND:** Councilwoman Cronberg **DISCUSSION:** Mayor Irvin asked if anyone is interested there is an opening for this. **CARRIED**

**DISCUSSION/ DECISION REGARDING RESOLUTION NO. 2012-74 APPROVING AND ADOPTING THE ASSIGNMENT OF THE CITY ATTORNEY LEGAL SERVICES CONTRACT TO ANN P ROBERTS, ESQ. OF THE LAW FIRM OF BATTAGLIA & ROBERTS, P.C. AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION, THE CONTRACT ASSIGNMENT AND DECLARING AN EMERGENCY TO EXIST**

**MOTION:** Councilman Johnson moved to approve Resolution No. 2012-74 approving and adopting the assignment of the City Attorney Legal Services Contract to Ann P Roberts, Esq. of the Law Firm of Battaglia & Roberts, P.C. **Second:** Vice Mayor Holloway and Councilman Lindsey **DISCUSSION:** Cronberg asked was the other interested party also involved in the discussion about this. Mr. Figueroa stated at the last meeting I did say there was another interested party and I was asked to give my recommendation and it was my professional opinion to recommend Ms. Roberts as she more than capable do the job and I did mention to her I would provide her all my files for the past five years and computer files. Councilwoman Cronberg noted that her resume speaks well to that confidence along with the experience of the practice of Municipal law I just wanted to make sure we were clear with that. She also asked Ms. Roberts about the travel back and forth as she lives in Benson. Ms. Roberts stated she was okay with the current contract of the flat rate. Councilman Lindsey stated we are not bound by Mr. Figueroa contract to do this but it really makes sense because it gives us a chance to work with Ms. Roberts and make a better decision when we do decide to renew the contract. **CARRIED**

**DISCUSSION/DECISION REGARDING ACCEPTING THE RESIGNATION OF HECTOR FIGUEROA AS CITY ATTORNEY (ENDING THE LEGAL SERVICES CONTRACT) AND ADVISING STAFF ON HOW TO PROCEED**

**MOTION:** Councilman Johnson to approve accepting the resignation of Hector Figueroa as City Attorney (ending the Legal Services Contract) And Advising Staff On How To Proceed **Second:** Councilman Cronberg **DISCUSSION:** City Manager McCourt suggest we accept the previous request. Councilman Johnson asked what happens if we don't accept his resignation. Mr. Figueroa stated that is why I put that in my resignation you don't have to accept it. Councilman Johnson stated with that said he moved to accept Attorney Figueroa. Mr. Figueroa thanked the Mayor and Council, and stated the City Attorney doesn't work for the City Manager but for the City Council. **CARRIED**

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**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-75 APPROVING AND ADOPTING AN AMENDED JOB DESCRIPTION FOR THE POSITION OF ACCOUNTING CLERK II IN THE FINANCE DEPARTMENT PURSUANT TO SECTION 208 OF THE EMPLOYEE HANDBOOK AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.**

**MOTION:** Councilman Lindsey moved to approve Resolution No. 2012-75 approving and adopting an amended Job Description for the position of Accounting Clerk II In the Finance Department pursuant to Section 208 of The Employee Handbook **SECOND:** Councilman Cronberg **DISCUSSION:** City Manager McCourt stated anytime a job description changes it has to go to Mayor and Council, the change is due to the ADA **CARRIED**

**REPORTS BY THE CITY MANAGER PAT MCCOURT**

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

- **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 **We will repost for the Council agenda meeting for Friday instead of Thursday.**
- **Work Session JT with P&R Park Fees**- will be held on September 4, 2012 at 6:00 pm due to conflict of scheduling on August 27, 2012.
- **Special Council Meeting**- Will be held on Tuesday, September 4, 2012 due to Labor Day Holiday on Monday, September 3, 2012.
- **Update on old Border Patrol Building**- construction is proceeding as planned.
- **Ramada at Railroad Park**- project has been completed.
- **Appraisals** to City for Circle I Road, we did get back two quotes on this.
- **Vacancy**- (1) Parks and Recreation and (1) Planning and Zoning CM McCourt stated anyone interested please do so.

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

Mayor Irvin no commit; Vice Mayor Holloway no commit; Councilman Lindsey Change in parade route I would still work with you an not against you and I would like to see an alternative; Councilman Johnson no commit; Councilwoman Cronberg thanked Mr. Figueroa for his service to the City and committed on the stake park dedication, there was a good showing and lots of good things were said and has been accomplished; Councilman Goolsby no commit; Councilman Nigh no commit

~~**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(1) and (3), as stated, relating to consideration of employee and 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 8:00 pm.**

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**CERTIFICATION**

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the special meeting of the City Council of the City of Willcox held on the 6<sup>th</sup> day of August 2012. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 20<sup>th</sup> day of August 2012

  
City Clerk Virginia A. Mefford

PASSED, APPROVED AND ADOPTED this 17<sup>th</sup> day of September 2012.

  
MAYOR ROBERT A IRVIN  
Signed 09-18-2012

ATTEST:

  
City Clerk, Virginia A. Mefford