



**NOTICE OF PUBLIC HEARING**  
**MAYOR AND CITY COUNCIL**

In accordance with Resolution No. 370 of the City of Willcox, and Section 38-431.01 of the Arizona Revised Statutes **NOTICE IS HEREBY GIVEN** that the **MAYOR AND COUNCIL** of the City of Willcox, County of Cochise, Arizona, will hold a **PUBLIC HEARINGS**, during the **REGULAR** meeting, on **MONDAY** the **August 20<sup>th</sup>** at **7:00 p.m.**, in the **CITY COUNCIL CHAMBERS, 300 W. REX ALLEN DRIVE, WILLCOX, AZ.**

Public Hearing on:

**PROPERTY TAX LEVY**

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.

DATED AND POSTED this 16<sup>TH</sup> day of August 2012 AT 4:00 P.M.

CITY OF WILLCOX, ARIZONA

**/s/Virginia A. Mefford**

**CITY CLERK**

Publichearing/fy2012-1-2013 Tax Levy



**NOTICE OF PUBLIC HEARING**  
**MAYOR AND CITY COUNCIL**

In accordance with Resolution No. 370 of the City of Willcox, and Section 38-431.01 of the Arizona Revised Statutes **NOTICE IS HEREBY GIVEN** that the **MAYOR AND COUNCIL** of the City of Willcox, County of Cochise, Arizona, will hold a **PUBLIC HEARING**, during the **SPECIAL** meeting, on **TUESDAY**, the **4<sup>th</sup>** day of **SEPTEMBER**, 2012 at **7:00 p.m.**, in the **CITY COUNCIL CHAMBERS**, **300 W. REX ALLEN DRIVE, WILLCOX, AZ.**

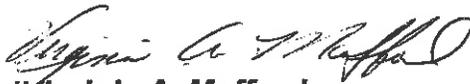
Public Hearing on:

**APPLICATION FOR LIQUOR LICENSE**  
**SERIES #13 ARIDUS WINE COMPANY, LLC**  
**NEW LICENSE**  
**1126 N. HASKELL AVENUE**  
**WILLCOX, AZ.**

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.

**DATED AND POSTED this 16<sup>TH</sup> day of AUGUST 2012 AT 4:00 P.M.**

**CITY OF WILLCOX, ARIZONA**

  
**Virginia A. Mefford.**  
**CITY CLERK**

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND  
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ  
HELD ON THIS 18<sup>TH</sup> DAY OF JULY 2011**

**CALL TO ORDER-** Mayor Gerald W. Lindsey called the regular meeting to order at 7:00 p.m. on Monday, July 18, 2011 and welcomed all to the meeting this evening. There is a fairly long agenda and will try to move along and welcomed all here.

**ROLL CALL-**City Clerk Cristina G. Whelan, CMC, called the roll:

**PRESENT**

Mayor Gerald W. Lindsey  
Vice Mayor Monika Cronberg  
Councilman Elwood A. Johnson  
Councilman Stephen Klump  
Councilman Christopher Donahue  
Councilman William "Bill" Holloway  
Councilman Robert "Bob" Irvin

**STAFF**

City Manager Pat McCourt  
City Attorney Hector M. Figueroa  
City Clerk Cristina G. 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

**PLEDGE OF ALLEGIANCE TO THE FLAG-**Mayor Lindsey.

**CALL TO THE PUBLIC-** Ms. Penney Bell addressed the Mayor and Council and commends Mr. Dave Bonner and Public Works Department for their incredible job they are doing at Quail Park Arena. It is beautiful it's always clean and the grounds are awesome. Ms. Bell stated she puts on Barrel Races and other events over there and the girls that are coming from Tucson, Safford, Sierra Vista, and all over the State they have nothing but great things to say about the grounds. It has been really good and appreciates that. Concern is that the City is now locking the arena and locking people out of the arena for those that want to use it on a leisurely basis. Her feelings are that her tax dollars pay for that just like other peoples tax dollars pay for the ball fields. You want to take your family over to the ball fields on a Saturday afternoon and have a little scrimmage game or play catch with your kids they are not being locked out. Ms. Bell is being locked out of the arena because wants to take her horse over there and work her horse in the arena and do something different and now not allowed to. She has an issue with that. She understands there is a maintenance issue with the arena. Now sprinklers are going off during the night and the girls when they run barrels pretty soon you will get a rut around the barrel that's what happens. Ms. Bell asked what the difference is if go over and throw 100 pitches from the pitchers mound and will have a hole and will have to maintain it and fix it. That is why we have a Public Works Department. There is an ARS Statutes and has seen it at every arena in the State she has gone to that states "you enter this premises at your own risk." Suggested City staff look up that ARS Statute and get that and post it and allow that facility to be usable for anybody that wants to go there and use it on a leisurely basis. Very grateful for the arena thinks it is an incredible facility and Ms. Bell has been to places all over the State and all over the Country and we have one of the finest. She wants to keep it usable and friendly for everybody. Mayor Lindsey appreciates her thoughts and they can not respond to Call to the Public and will take note of it. Ms. Bell thanked the Mayor and Council. Mayor Lindsey asked if anyone else wanted to address the Council.

**DECLARATION ON CONFLICT OF INTEREST-** Councilman Donahue declared a Conflict of Interest on agenda #12 relating to the Senior Meals and Vice Mayor Cronberg as Chairman of that Committee declared conflict and did Mayor Lindsey. The Mayor asked Councilman Johnson to take over on that item.

**ADOPTION OF THE AGENDA**

**MOTION:** Councilman Klump moved to adopt the agenda as presented and moving agenda items #7-10 relating to Executive Session to after agenda item #22 relating to Comments not for discussion by the Mayor and Council.

**SECONDED:** Councilman Holloway seconded the motion. **CARRIED.**

**PRESENTATION BY ZOE G. RICHMOND, UNION PACIFIC (UP)**

Ms. Richmond thanked the Mayor and Council for opportunity to be here tonight. Stated it was an honor to work with City Manager Pat McCourt for several months in order to have UP Foundation and presenting this evening a Commemorative Check to the City in the amount of \$5,000 for the Restoration of the Train Car. The real check was sent to the City previously. The Foundation works with non-profit organizations through the community and thinks it is important that the City of Willcox recognizes that this was and is a railroad town and UP is very proud to share in that history as well. Also Ms. Richmond is

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happy to announce as Part of AZ Centennial UP is bringing Steam Engine #844 through the state. What they are doing is bringing the Steam Locomotive to be an Ambassador for the State to remind people of 100 years the State is celebrating and the role that the Railroad played in creating the State of Arizona. Ms. Richmond is happy to announce that Willcox will be the first stop on its tour and traveling East to West. What they will be doing in the following months is getting specific information, working with the City, and this stop is a way to celebrate mutual history of the area. Looking at first couple weeks in November and as more details come out will share that information and plan on working with city leadership and Mayor and Council to make sure it is a very memorable event for the community.

Councilman Irvin brought a Train Magazine and Ms. Richmond said Steam Locomotive is a pretty impressive piece of equipment and UP has not had steam locomotive in the State of Arizona since the 1970's. Mayor Lindsey stated Councilman Irvin wants to purchase a ticket. Ms. Richmond stated it will stop in Willcox and this will be the first stop in Arizona. She will keep Mayor and Council involved as well as the City and the community. Thinks they are planning on doing is maybe selling couple of tickets in more urban areas in order to help the Centennial Foundation Fundraise and thinks that in some of the smaller communities they will work with City leadership to figure out who might be interested on maybe taking some ride. It may be limited on space and somewhat exclusive. They will work with the Council and City to figure out where that desire might be.

Vice Mayor Cronberg asked what might be the length of the Whistle Stop here and what sort of activity might be part of it. Ms. Richmond explained a Whistle Stop can be usually 15 minutes to an hour depending on the location. An old Steam Locomotive needs to stop every 50-30 miles to get tinkered with. That's way we have towns spaced out they way that they do so that they might need to get more water. Depending on the maintenance that it will need to happen will depend on length of the stop. Usually they coordinate with community and invite City Council to be a part of the official celebration and because this is the first stop they will try to get more elected officials from the area to be a part of that to kick off the event. Also this train has a business car on the back where people might be able to get up and pose for photos like politicians did in the olden days when they were doing their own political stops. Partnering with the community and seeing what other event they can have around that and if there is a Historical Society that would like to participate by educating folks while they are waiting for the train and enjoying that experience and maybe reliving some of that historical past in the area. That is what they sometimes do and hope to use that template as they move from town-to-town.

Mayor Lindsey stated we appreciate her being here and appreciate cooperation that we have with Union Pacific and wish they would participate with us in the reconstruction of Stewart Street so that we can have Willcox as "no blow City." Ms. Richmond said they are happy to continue to work with City Manager on this and other issues. She thanked the Mayor and Council.

**DISCUSSION/DECISION REGARDING THE CITY SPONSORING THE SENIOR MEALS EVENT TO BE HELD AT THE COMMUNITY CENTER.**

City Manager McCourt stated since most Council members have conflict to discuss this item what the City and Hospital decided to work jointly to help get Senior Center established and support organization to run the Senior Program. The Hospital is lead agent in our Memorandum of Understanding and the Hospital has through a grant through SEAGO to operate meals for the seniors last year. The grant money ran out early May and Hospital kept running the program. They do not feel they can financially continue that program even with additional grant do not have sufficient funds through fiscal year. There is an official organization that was set up made up with representatives from Council, City employee and community. In this particular group there are two (2) of our Council members and a City employee seat as members. There is another group established by Senior's themselves working towards the 501-C process and that group have asked Advisory Council to approach the City to see about potentially using the Community Center to start up a Volunteer Meals Program with donations from community Monday through Thursday. They are asking the City to do this because the City has a Commercial kitchen which is part of the requirements for operation of a meals program. The Senior Center can serve meals but they do not have place to prepare and store the food in that particular building. Mr. McCourt has had some discussions and included in packet that there maybe there reservations for use of that building that could be conflict with reservation during the week with others wanting to use it during lunch hour although usually not busy. Additionally the Community Center had renovations delayed and will be back on line in the Spring which will not allow use of the Community Center for any purpose. There is utility type costs mentioned during work session that would be increase with use and there are with fixed and variable costs. We would

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have increase, i.e. water, sewer and maybe on the trash depending on the container size. The program would be staffed by volunteers the food collected by contributions and City would not provide money, volunteers or staff. The City would arrange for person to get keys they would use tables and chairs, oven, refrigerators, and the cooler. This would be a City sponsor in support of Senior Center as Hospital is supporting the seniors through Meals Program.

Councilman Klump asked if we do decide to do thinks should have time period i.e. 3 months; and if there is a big rise in utility costs should look at that or if it becomes a big hassle and need City staff to control it. Councilman Johnson asked how many lunches and who prepares the lunches? City Manager McCourt replied when the Hospital was preparing it was 25 lunches per day. He wanted to clarify that this is just one of the programs the Seniors' are running. Vice Mayor Cronberg asked if it is permissible to remove herself from dais and Council to be able to answer questions. Staff nodded negatively. She said her request is because she is very frustrated. The City Manager explained it will be staffed by volunteers, paid by donations or funds that were collected within that group or purchased. Councilman Johnson said the facility there now for the Senior's because of health regulations they can not prepare food there and so idea came up to prepare them at the Community Center. The Seniors' would have to take break from the Center and driven or drive to Community Center for lunch and then driven back to the Center for the rest of the day's activities. He asked if Community Center is used daily for any other purposes and Mr. McCourt said typically it is not. There is occasion use on Friday when setup for events to be held on the weekend. Councilman Johnson stated if a Senior was to slip and falls is City held liable and Mr. McCourt said if City was negligent. Councilman Klump stated that doesn't make sense to cook it there and take it back and serve it. City Manager McCourt stated that could be conceivably done and have to have special handling and equipment to accomplish that goal. He expects that would be difficulty and more like Meals on Wheels and we do not have any of that handling type of equipment. There are certain temperatures that have to be maintained and it does become difficult to do. Councilman Johnson thinks biggest part of Senior Center is lunch they get and for some seniors' that is the only hot meal they get sometimes for the whole day. Mr. McCourt agrees and as he understands it, it is not the biggest part and the Range News had a nice article in last week's paper about the types of activities at the Senior Center. It is in part for some of the seniors that this is their main socialization and perhaps the only time they do get a hot meal.

**MOTION:** Councilman Klump moved to approve the City Sponsoring the Senior Meals Event to be held at the Community Center for a 3-month and re-visit to be sure we are working for the same goals as they are.

**SECONDED:** Councilman Holloway seconded the motion. **VOTE:** Ayes-Councilmen Johnson, Klump, and Holloway. Nays-Councilman Irvin. **CARRIED: 3-1-3-Abstained** Declared Conflict of Interest: Mayor Lindsey, Vice Mayor Cronberg and Councilman Donahue.

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2011-52 APPROVING AND ADOPTING THE MEMORANDUM OF UNDERSTANDING ["MOU"] BETWEEN THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS ("STATE LIBRARY") AND THE ELSIE S. HOGAN COMMUNITY LIBRARY ["PARTICIPATING LIBRARY"] AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.**

**MOTION:** Councilman Donahue moved to approve Resolution No. 2011-52 as stated above regarding the MOU between the State Library and the Elsie S. Hogan Community Library.

**SECONDED:** Vice Mayor Cronberg seconded the motion. **CARRIED.**

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2011-53 APPROVING AND ADOPTING THE ARIZONA STATE PURCHASING COOPERATIVE AGREEMENT WITH THE STATE PROCUREMENT OFFICE ["SPO"] FOR THE PURPOSE OF PARTICIPATING IN COOPERATIVE PROCUREMENT OPPORTUNITIES TO MAKE PURCHASES FOR THE CITY AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.**

**MOTION:** Councilman Holloway moved to approve Resolution No. 2011- 53 as stated, relating to the Arizona State Purchasing Cooperative Agreement.

**SECONDED:** Councilman Donahue seconded the motion. **DISCUSSION:** Councilman Johnson asked if we have always been part of it and general housekeeping. City Manager McCourt replied just renewing our agreement. City Attorney Hector Figueroa explained the reason we have it it came up as renewal and he requested where the Resolution is to get into this to begin with. Otherwise it would be a renewal and wouldn't have to go through a lot of discussion. Since we didn't have Resolution wanted to make sure we have it for next year when it comes up. Mayor Lindsey referred to paragraph 7 which

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states that 'State cooperative members shall endeavor to utilize State Contracts to the fullest extent possible that is to purchase all items covered under exclusive contracts and to not fracture purchases by means of utilizing line items from alternate contracts.' He asked are we bound by that. Mr. Figueroa explained that refers to in part to other provisions. What this document does is i.e. State goes out to bid for computer monitor and tower and the bid could be really good because a company could provide all three segments. This if only if we wanted to get new monitor from that company we can not fragment and say we'll buy it from this company we can't do that. We do not have to use them and if it is convenient for us or saves us money we can use it. Mayor Lindsey stated we don't have to purchase through this to begin with and was his concern that this would somehow bind us to it. **CARRIED.**

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2011-54 TO FORMALLY APPROVE AND AUTHORIZE THE WRITE-OFF OF CERTAIN TERMINATED UTILITY ACCOUNTS THAT HAVE BECOME NON-COLLECTIBLE AND THE UNPAID BALANCES ASSOCIATED THEREWITH AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST**

**MOTION:** Councilman Klump moved to approve regarding Resolution No. 2011-54, as stated related to Accounts Receivable write-offs.

**SECONDED:** Vice Mayor Cronberg seconded the motion. **DISCUSSION:** Mayor Lindsey stated he is confused on the write-off amounts. In the second paragraph 'permission is requested to write off terminated utility accounts closed sent to collection prior to 2010 paid \$19,119.78 outstanding. A list of closed accts sent to collection since January 1, 2010 that we are actively seeking to collect as attached... the last write off of uncollectible accounts prior to January 1, 2010 was approved in July 2010.' It looks like talking about the same things that we may have already written off. Finance Director Graham apologized for confusion. The write off that was done in June 2010 was for prior of 2010 or ending in 2009 or year and a half. In her history/fact incorrectly picked up the gross amount for collection for \$22,215.06 when in fact it is \$19,119.78. Mayor Lindsey asked what did we write off in 2010 and Ms. Graham said we actually wrote off in 2010 but they were for and we hold them for about a year before we actually take them off. The first page total is \$22,215.06 minus the amount paid of \$3,095 is accounts that were sent to collections prior to 2010 or about 18 months ago. The second page is for prior write-offs. Second page refers to accounts sent to collections but keeping active in books. The first page refers to accounts sent to collections before 2010 and asking to write off. The second page accounts are in collection now and sent in 2010 but not asking to write off now and trying to collect them. When prior customer comes in for new service we collect because require prior account be paid first before opening another account. City manager McCourt said the emphasis is writing them off does not mean we are forgiving them. This is bookkeeping measure and we anticipate we will collect these. Occasionally someone comes in and we do collect. Ms. Graham said the Account Receivable balance after the write off for June 30, 2011 \$316,471 which is about \$12,000 less from a year ago. Mr. Figueroa said if figure on Resolution \$22,215.06 are incorrect and subtotals we have to change that before voting on the Resolution. Councilman Johnson asked if we are looking to write off 2009 or 2010 debts. Ms. Graham stated write off accounts sent to collections sent before 2010. The totals in the history/fact do add up to \$19,119.78. Councilman Johnson so that is the amount looking to write off versus the \$22,215.06 because out of that we have been paid \$3,900.28. Ms. Graham replied that is correct and requesting to write off \$19,119.78. Vice Mayor Cronberg stated the Resolution does not reflect that. Ms. Graham concurred.

**MOTION:** Councilman Donahue moved to table Resolution NO. 2011-54.

**SECONDED:** Vice Mayor Cronberg seconded the motion. **CARRIED.**

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2011-55 APPROVING AND ACCEPTING FINANCIAL ASSISTANCE FROM THE BORDER ENVIRONMENT COOPERATION COMMISSION ["BECC"] UNDER THE ENVIRONMENTAL PROTECTION AGENCY FOR FUNDS FOR THE UPGRADES OF THE WASTE WATER TREATMENT PLANT ("WWTP") AND DECLARING AN EMERGENCY TO EXIST.**

**MOTION:** Councilman Johnson moved to approve Resolution No. 2011- 55, as stated, regarding accepting funding from BECC for the WWTP.

**SECONDED:** Councilman Donahue seconded the motion. **DISCUSSION:** Councilman Johnson stated up to \$7,203,191 in grants and loans from BECC and asked what portion of that is free and what portion do we have to pay back? City Manager McCourt explained this funding from BECC almost mirrors the USDA. They will look at how much we need to do the project; look how much impact on our rates; they will look at our sewer rates compared to other organizations of similar types; and then decide how much in grant money and how much will be in loan money. He does not have answer to Councilman

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Johnson's question and won't until they finish analysis. Councilman Johnson asked if approved this evening does that bind us to contract that may or may not come. City Manager replied if approved what will happen is we will have a second source of funding that will include some loan money and some grant money. Like USDA some loan and some grant money. The main reason he recommends to move forward is that we will have more secure funding in place. It is very likely grant money if we don't get this what is going to happen is we are going to be forced to raise all the money ourselves with borrowed money which will have larger impact on our rate structure. The second reason he thinks we should do this is that there is a lot of turmoil at the Federal level. This is almost a duplicate of potential funding source and concern if funding starts cuts being made at Federal level and if we have only one funding source we could find ourselves with no funding source other than raise our own funding. So if we have two (2) potential sources then it is less likely it will happen. Thinks this is the way to have the least impact and does think we will have to borrow money and that will have impact on rates. Either agreement talking about tonight they will provide us some grant money to do preliminary type of work that needs to be done to meet requirements. The actual construction and final Engineering we have to pay 15% and final construction based on impact of rate structure.  
**CARRIED.**

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2011-56 TO FORMALLY APPROVE AND AUTHORIZE THE CITY MANAGER TO PURSUE PERMISSION TO ERECT A BILLBOARD ADJACENT TO I-10 FROM THE ARIZONA DEPARTMENT OF TRANSPORTATION ("ADOT"), TO AUTHORIZE THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.**

**MOTION:** Councilman Klump moved to approve Resolution No. 2011- 56, as stated, and authorizing the City Manager to pursue permission to apply for a billboard permit from ADOT.

**SECONDED:** Councilman Irvin seconded the motion. **DISCUSSION:** Councilman Johnson asked if this is an ADOT run billboard or going to be like Eller. City Manager McCourt stated this particular request goes towards the land the City owns where Visitor Center area is. The Federal Government has restrictions on billboards that are erected on State and Federal Highways. The State also has copied those and enforces those on the local level and anyone who wants to erect billboard they have to apply through the State. There are currently three (3) billboards on this particular property. One is by the Highway Patrol Office, Stout's Cider Mill and Mr. Woods sign. It appears that under guidelines adopted by the State there is space for a fourth billboard site on the property. The reason like to see about doing this is he has had interest on the existing billboard used by Stout's and other people potentially renting that ad for local businesses. At the same time after we get City building vacated and renovated and up to snuff and wants to lease it out wants opportunity to have a billboard available that they could use and to do that we need to apply. Currently it appears there is location available and asking if we can go ahead and file for a permit. Councilman Johnson asked what we normally collect is it monthly or annually. Mr. McCourt replied we collect from Mr. Woods \$100/month. The billboard by the Highway Patrol Office is contracted with Clear Channel as part of our Economic Development efforts we made a deal with them that they could use that billboard and the one east bound side near Keiller Park we exchanged with them to lease face space on those. They gave us face space on two (2) other billboards one located near Bowie and the other near Benson. We do have billboard on those signs advertising Willcox. That is what we receive for exchange for rental. This new one if Mayor and Council allow staff to apply and if we get permit then we will see to tie with building renovated and existing then bid it out to allow local business to advertise. Councilman Johnson asked if going to cost City to erect. Mr. McCourt replied as soon as secure permit the City could potentially erect and he would be looking to adding that to part of Lease Agreement with a provision. **CARRIED.**

**DISCUSSION/DECISION REGARDING RESOLUTION 2011-57 APPROVING AND ADOPTING THE ARIZONA STATE LIBRARY, ARCHIVES, AND PUBLIC RECORDS ("LSTA") GRANT IN THE AMOUNT OF \$8,923.00, AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND THE GRANT DOCUMENTS AND DECLARING AN EMERGENCY TO EXIST**

**MOTION:** Councilman Donahue moved to approve Resolution No. 2011-57 as stated above regarding acceptance of the LTSA Grant award for the Library for \$8,923.00.

**SECONDED:** Vice Mayor Cronberg seconded the motion. **CARRIED.**

**DISCUSSION/DECISION REGARDING RESOLUTION 2011-58 APPROVING AND ADOPTING THE FY2011/2012 WORKER'S COMPENSATION RENEWAL CONTRACT BETWEEN THE CITY OF WILLCOX ("CITY") AND THE ARIZONA**

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**MUNICIPAL RISK RETENTION POOL ("AMRRP") AT AN ESTIMATED PREMIUM COST OF \$86,636 AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST**

**MOTION:** Councilman Irvin moved to adopt Resolution No. 2011- 58 as stated regarding renewal of policy with AMRRP at an estimated premium cost of \$86,636.00, as presented.

**SECONDED:** Councilman Klump seconded the motion. **DISCUSSION:** Councilman Johnson asked what last year's cost was. Finance Director Graham stated she does not have last year's cost. Modification Rate had dropped every year, in 2005 it was 9.17 we had highest in State and has gone down every year. Last year 1.57 and this it is year 1.33 and anticipates rates will be lower for FY13. The Risk Pool pays a dividend and announced couple meetings ago \$21,000.00. Mayor Lindsey stated the rebate reflected about 50% of what we were paying in. **CARRIED.**

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2011-59 RATIFYING, APPROVING AND AUTHORIZING THE SUBMISSION OF THE APPLICATION TO THE COCHISE COMMUNITY FOUNDATION ["CCF"] REQUESTING A FUNDING AWARD TO BE USED FOR THE COMMUNITY SKATE PARK PROJECT AND DECLARING AN EMERGENCY TO EXIST.**

**MOTION:** Councilman Johnson moved to approve Resolution No. 2011-59 as stated Ratifying approval to submit the application to the Cochise Community Fund Grant to be used for the Skate Park Project, as presented.

**SECONDED:** Vice Mayor Cronberg seconded the motion. **DISCUSSION:** Councilman Johnson asked when will we know. City Manager McCourt responded he is not sure. **CARRIED.**

**REPORTS BY THE CITY MANAGER PAT MCCOURT**

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

- Reminder Mayor Manager Luncheon** - will be attended in Tombstone July 21, 2010 (2011)
- **Report that an additional donation was received to Humane Control in Sondra Cox's honor for \$175** –and notifying Mayor and Council.
- Economic Development-** Mr. Stoddard passed out that information to the Council members and copies are available for those in the audience interested.
- August 4-5, 2011-** the City Manager is taking couple days off and Chief Weaver will cover during his absence.

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

There were no comments from the Mayor or Council members present.

Moved per motion during the adoption of the agenda.

**DISCUSSION/DECISION ENTER EXECUTIVE SESSION PURSUANT TO ARIZONA REVISED STATUTES A.R.S. §38-431.03A(1) - DISCUSSION OR CONSIDERATION OF EMPLOYMENT, ASSIGNMENT, APPOINTMENT, PROMOTION, DEMOTION, DISMISSAL, SALARIES, DISCIPLINING OR RESIGNATION OF A PUBLIC OFFICER, APPOINTEE OR EMPLOYEE OF ANY PUBLIC BODY, EXCEPT THAT, WITH THE EXCEPTION OF SALARY DISCUSSIONS, AN OFFICER, APPOINTEE OR EMPLOYEE MAY DEMAND THAT SUCH DISCUSSION OR CONSIDERATION OCCUR AT A PUBLIC MEETING. THE PUBLIC BODY SHALL PROVIDE THE OFFICER, APPOINTEE OR EMPLOYEE WITH SUCH NOTICE OF THE EXECUTIVE SESSION AS IS APPROPRIATE BUT NOT LESS THAN TWENTY-FOUR HOURS FOR THE OFFICER, APPOINTEE OR EMPLOYEE TO DETERMINE WHETHER SUCH DISCUSSION OR CONSIDERATION SHOULD OCCUR AT A PUBLIC MEETING.**

**MOTION:** Councilman Klump moved to enter into an Executive Session pursuant to ARS § 38-431.03A(1), as stated, relating to City Personnel annual evaluation of City Manager Pat McCourt.

**SECONDED:** Councilman Irvin seconded the motion. **CARRIED.**

**RECESS TO EXECUTIVE SESSION, IF APPROVED-**Mayor Lindsey recessed the regular meeting at 8:02 p.m.

**RECONVENE FROM EXECUTIVE SESSION-**The Mayor reconvened the regular meeting from Executive Session at 8:37 p.m.

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**DISCUSSION/DECISION MATTERS DISCUSSED IN EXECUTIVE SESSION**

Mayor Lindsey announced they have completed the evaluation on City Manager Patrick McCourt as required in his contract.

**ADJOURN**

There being no further business before the Mayor and Council, Mayor Lindsey adjourned the meeting at 8:37 p.m.

**CERTIFICATION**

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of the City of Willcox held on the 18<sup>th</sup> day of July 2011. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 3<sup>rd</sup> day of July 2012



Transcribed by Sherry Lynn Van Allen – Human Resources

PASSED, APPROVED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_ 2012.

\_\_\_\_\_  
MAYOR ROBERT A. IRVIN

Signed: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Clerk Virginia A. Mefford



**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. **SECONDED:** 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 \_\_\_\_\_ day of \_\_\_\_\_ 2012.

\_\_\_\_\_  
MAYOR ROBERT A IRVIN  
Signed \_\_\_\_\_



**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND  
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ  
HELD ON THIS 16<sup>TH</sup> DAY OF JULY 2012**

**CALL TO ORDER**-Mayor Robert "Bob" Irvin called the regular session meeting to order on Monday, July 16, 2012 at 7:00 p.m.

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

**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**

None

**DECLARATION ON CONFLICT OF INTEREST**

None Declared

**ADOPTION OF THE AGENDA**

**MOTION** Councilman Goolsby to accept the agenda as presented removing Item # 18 and items #23-26 related to executive Session. **SECOND:** Councilwoman Cronberg. **CARRIED**

**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.

**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.**

**MOTION** Councilman Goolsby to accept the agenda as presented removing Item # 18 and items #23-26 related to executive Session. **SECOND:** Councilwoman Cronberg. **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 16<sup>th</sup>); 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 16<sup>th</sup> and August 6<sup>th</sup>)

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at 7:07 PM, Hearing no comments the Public Hearing was closed at 7:07pm.

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

**MOTION:** Councilman Goolsby moved Regarding Permission to be an agent for The Willcox Historic Preservation Inc. in grant application. **SECONDED:** Councilwoman Cronberg seconded the motion. **DISCUSSION:** City Manager McCourt explained that this asking the city to help them with this grant and this is to help out along Railroad Park and Johnson asked what the financial burden to the city is. City Manager McCourt stated the staff time. Mr. Johnson asked what about \$17.50 an hour or what? City Manager McCourt stated it would be in the staff time and this is a budgeted into the budget. **CARRIED**

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-64 THE PROPOSAL FOR ADDITIONAL ARCHITECTURAL SERVICES BY DESA ARCHITECTURE FOR THE WILLCOX COMMUNIT 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**

**MOTION:** Councilwoman Cronberg moved 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 **SECONDED:** Mayor Irvin seconded the motion **DISCUSSION:** City Manager McCourt stated if you remember this was bit of a bidding problem and all bids were rejected and our consultant usually does this for us and they are looking for some small compensation. Councilman Johnson asked do we have to what was the budgeted amount on this. Mr. Bonner stated about \$143,000. Johnson asked what the scope on this project is. Mr. Bonner stated the stucco, doors and walls. Councilman Johnson asked after this is complete what else will this cover? Mr. Bonner stated the windows Councilman Johnson asked does this give us more occupancy. Mr. Bonner stated it gives us more area with the new doors that will open up and adding the windows. **CARRIED**

**DISCUSSION/DIRECTION TO STAFF REGARDING GOLF COURSE CONTRACT**

**MOTION:** Councilwoman Cronberg moved to staff regarding golf course contract **SECONDED:** Councilman Nigh seconded the motion **DISCUSSION:** Mr. Jones stated he wanted to reiterates as last time it is not going very well out there at all, and I did ask them if they could run the my average payroll between 50 to 60 hours per week. The proposal I put in front of you I would like to ensure you got the pictures I took. These pictures were clean and two weeks later I had to pull them out and clean them. I have to focus on the greens right know and I don't have time to put them in the ground and two weeks later pull them out again. Being the course being city assist I propose the city take care of this. If I can't take care of this there will be areas that will die. I know the city buys sprinklers and I bought 5 sprinklers at a cost of \$500 and I don't mind putting them into the ground but would like the city to buy them. The item number 2 of 2% increase be removed in #3 the club house needs a lot of TLC it is not the best first impression; it needs sidings, ceiling fans, and paint. I hope the City of Willcox be responsible for this. #4 the City of Willcox provide 2 inmates a day to help us out. I would be a tremendous help to have them help. Being us private and run this through the city it would help us. #5 Problems with the irrigation system currently the City of Willcox helped but the PH level is high this created a higher cost for me to maintain and I am asking the City of Willcox to help with this. This also ties in to the sprinkler system as in item #1. Item #6 we are asking for \$25,000 it doesn't go into my pocket but to help me hire someone fulltime. We have a 30% downfall. I am not looking into putting money into my pocket. Right know it seems like I'm putting bandages and filling in holes. Ms. Cronberg the proposal to help make it did you have the opportunity this month to meet with Mr. Bonner and Mr. Nigh. Mr. Jones stated not since that last meeting. Councilwoman Cronberg thought after the last meeting the City of Willcox would take the time to meet with you. Mr. Nigh asked Mr. Bonner about the water situation. Mr. Bonner stated it is a great time for rain water. Mr. Nigh stated I have a good idea to take the water from the lake and use a skimmer on the lake. Once this goes out to the lake it is something else. City Manager Mr. McCourt stated we do have a current contract the information I would like to shed some light on this situation the 2% clause the contract stated clearly states this is not a plus contract. We have put every cent back into the City of Willcox is responsible for capital work. I did ask maintenance if there were any work orders and they indicated there were not. On the inmate issue we are trying to provide this but have not found a way to do this. The contract is very clearly stated the Pro is responsible for this on item #6. \$25,000 a year I cannot support that. You are reducing the work on your contract and that is not right. Councilwoman stated I was going to jump in but you can if you want. Councilman Goolsby stated this 30% downfall did not fall all at once. What were you doing back then? Historically you saw this coming maybe you were not. Mr. Jones

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stated I thought the economy was as low as it would have gone but the economy seems to have fallen even lower. A lot of courses are struggling it is what it is. Councilwoman stated when the pump went out for a few weeks right. Mr. Jones stated I lost about \$5000 I couldn't water, and we had a deep freeze and our reputation relies on the greens. The water system changed with the PH level changed I would not have signed if I knew this was going to change. Councilman Johnson asked what the Mr. Jones stated it is an incredible asset. Councilman Johnson asked what kind of out of Towner's do we get. Mr. Jones stated a few do come in and use the facilities. What I would like to advertise to the Northwest. Mr. McCourt stated the economic propose we close the course. Councilman Johnson how important to a city is a golf course. Chamber of commerce President stated it is very important. Johnson asked if this bankrupts you would we have a golf course in six months. Mr. Jones stated the City of Willcox would go out to bid and someone would bid it and probably take it. If someone is retired or didn't really need the money they probable would take it. Councilwoman Cronberg stated before we jump the gun here you know taking this on you knew you were not going to make gobs of money you wanted to bring your family back and the way of living. You as a Pro you could provide lessons to make a little extra. Mr. Jones stated not much most golf courses have a Pro and that is all they do. Councilwoman Cronberg stated I am the one that encourage you to make your premise. I know this was very difficult for you to do but with this 5 year contract was to look at this and revise this contract and talk about the aspects of this proposal. Councilman Goolsby asked for further discussion. Councilwoman Cronberg stated I am asking the City of Willcox and Mr. Jones to work something out on this. Johnson stated this is a way of life in Willcox and the golf course is playable and a beautiful course. What you are doing is opening up a way for the City of Willcox to work Nigh stated the water is a problem, you would not have an alkaline you would have some much problems with cleaning your heads. Johnson stated he gets whatever the City of Willcox gives him. Councilwoman Cronberg stated I put myself out there to look at the contract and be open to the ideas can be mediated. Johnson stated does the council need to discus his contract as the City of Willcox is not willing to work with him on his contract. Mr. McCourt stated my understanding is direction. Councilwoman Cronberg stated I appreciate that very much. Ms. Peterson stated when we made out this contract with Mr. Jones and it was at its peak, when the pump went out and this was a big of rough spots and then a series of things happened know the golf course demographics have changed the golfer have since moved. One more thing this golf course is one of the non profits groups uses this course to raise money. City Manager McCourt I realize your leaving for vacation is it okay for Mr. Bonner to meet with Mr. Jones. City Manager McCourt stated I don't leave for one more week and would be willing to with Mr. Jones and Mr. Bonner will be acting City Manager while I am gone so that would be appropriate. Mr. Nigh stated I have meet with the staff at the water treatment and we do have a great staff to do this. **CARRIED**

**DISCUSSION/DECISION REGARDING REFUND OF SPECIAL USE PERMIT FEES FOR PAMPERED PETS**

**MOTION:** Councilman Goolsby moved regarding refund of special use permit fees for Pampered Pets

**SECONDED:** Councilman Johnson **DISCUSSION:** City Manager McCourt stated I have a conflict on this item; Mr. Stoddard has the information on this. Mr. Stoddard stated Mr. McCourt asked what is this zoned as I stated it is zoned as an R3 a couple of week later Mr. Webster bought this place and wanted to put a business in there. Ms. Leighton the realtor asked why it was zoned as commercial property and the staff at Planning and Zoning also stated it was zoned as commercial. I suggested them to get a special permit which they did and allowed the business and they are requesting a refund of \$1000 for the permit they paid for. Councilman Johnson asked when this was a Rotary club there was it considered residence. Mr. Stoddard read the history and facts. All they are looking at is the building. Mr. Stoddard stated all they are asking. Mr. Webster stated the street down the road we would like to donate that piece of property. Mr. Stoddard stated that has to be an item at a later date. **CARRIED.**

**DISCUSSION/DECISION REGARDING STRONGHOLD FEED AND SUPPLY REQUESTS STREET  
CLOSURE FROM RAILROAD AVENUE BETWEEN FREMONT AND WOODS BETWEEN LIGHT POSTS IN FRONT  
OF STRONGHOLD FEED ON OCTOBER 6, 2012 FROM 5:00 PM UNTIL 12:00 AM.**

**MOTION:** Councilman Johnson moved regarding Stronghold Feed and Supply Requests Street Closure from Railroad Avenue between Fremont and Woods between Light Posts In Front Of Stronghold Feed on October 6, 2012 from 5:00 pm until 12:00 Am. **SECONDED:** Councilman Cronberg seconded the motion. **DISCUSSION:** Councilman Johnson stated it was a success last year. **CARRIED**

**DISCUSSION/DECISION REGARDING PAYMENTS TO THE STREET FUND BY THE GENERAL FUND  
FOR WORK DONE AT QUAIL PARK FOR PARKING AREA.**

**MOTION:** Councilman Goolsby moved regarding payments to The Street Fund by the General Fund for work done at Quail Park for parking area. **SECONDED:** Councilwoman Cronberg **DISCUSSION:** City Manager McCourt last time we

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proposed a month to month we don't know how long it will go on but they anticipate for this to go on. Councilman Johnson stated the total spent is. City Manager McCourt stated about \$10, 883. Councilman Johnson stated we will need a minimum of \$10,000 would be 10 months. Mr. Bonner stated these cost were to utilize the permit and employees but its same type of building and what we spent to clean up the area and more to the parking area. Councilman Johnson stated we are recouping some money for this and we spent like \$10,000 they could have done this anyway without putting money into it, for clarification we are splitting the cost it did not cost the City this, but we will receive \$1000 a month with a month by month lease. **CARRIED**

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-65 FORMALLY APPROVE AND AUTHORIZE THE WRITE-OFF OF CERTAIN TERMINATED UTILITY ACCOUNTS THAT HAVE BECOME NON- COLLECTIBLE AND THE UNPAID BALANCES ASSOCIATED THEREWITH AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST**

**MOTION:** Councilwoman Cronberg moved to approve and authorize the Write-off of certain terminated utility account that have become non-collectible and the unpaid balances associated therewith **SECONDED:** Councilman Goolsby seconded the motion. **DISCUSSION:** Ms. Graham stated the write-off for a year ago we have sent out letters since the request we spent time sending this out since that time we recouped 46% of the cost. Mr. McCourt stated this is an accounting write-off we do continue to pursue them until paid \$12, 444.98. **CARRIED**

**DISCUSSION/ DECISION REGARDING RESOLUTION NO. 2012-66 APPROVING AND AWARDDING THE RAILROAD LIFT STATION ("RLS") BID TO BESTWAY ELECTRIC MOTOR SERVICE, CO, INC. (" BESTWAY"), AUTHORIZING THE EXECUTION OF THIS RESOLUTION AND CONTRACT DOCUMENTS AND DECLARING AN EMERGENCY TO EXIST**

**MOTION:** Councilwoman Cronberg moved to approve and awarding the Railroad Lift Station ("RLS") bid to Bestway Electric Motor Service, Co, Inc. (" Bestway"), **SECONDED:** Councilman Goolsby seconded the motion. **DISCUSSION:** City Manager McCourt explained in order to have our sewer to drain correctly as we are on flat land. This is a very old lift station and we cannot get replacement and this was discussed in previous meeting. Johnson asked what City Manager McCourt stated \$44,000; City Manager McCourt stated there was a lower bid of \$42,000. Mr. Noland stated we did have three bidders one was eliminated as it was not bided correctly it went to the one that bid \$43,953. Councilman Nigh asked was they are. Noland stated this was not built the best, but the one that is built in the north side of town. We decided to put a grinder pump. It is a huge ball of rages and we had a problem with leaks we are retrofitting them so we are changing the entire system like the one on the other side. Councilman Nigh asked what the gallons per minute are. Mr. Noland stated we can pump 450 gallons. Councilman Nigh asked they are not very expensive, they use them in mines and they are very low pressure they are repairable and they are manufactured, they would be a lot of cheaper. This cost seems outstanding. Mr. Noland stated we are retrofitting and there is nothing but onsite fabrication. Councilman Johnson asked will this relieve the smell. Mr. Noland stated we have tried to fix this problem and anytime you have water we have put manhole seals. **CARRIED**

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2011-67 ADOPTING THE BUDGET OF THE CITY OF WILLCOX FOR FISCAL YEAR 2012-2013**

**MOTION:** Councilman Goolsby moved to approve adopting the budget of the City Of Willcox For Fiscal Year 2012-2013 **SECONDED:** Mayor Irvin seconded the motion. **DISCUSSION:** Councilman Nigh asked what the \$12 million is for. City Manager McCourt stated the anticipation of the wastewater treatment system if you remember we have to budget for it or we can't spend it we have two source grant funding we have to complete a portion of the plant to see where we would get a grant to help with this we don't know what that amount will be so we budgeted for it. Mr. Nigh stated I am looking at this page; CM McCourt stated we would have to go to council to spend that money. Johnson stated he has several questions what was the decision on the 3% or .50 cent per hour. Mr. McCourt stated we brought this back at the preliminary budget at 3% raise. We have implemented a 3% raise. Johnson stated I feel we should have done a .50 cent raise as the lower end of the pay scale would benefit from it. Council Johnson asked about the airport development. Mr. McCourt stated we could discuss this at anytime. Councilman Johnson stated how bout the \$100,000 set a side. City Manager McCourt stated you can us this as you see fit as a council. Councilman Johnson stated the freeze the travel for only have you looked at the four day work week. If you talk about the city budget the areas that the City of Willcox is having difficulties is the General Fund and if we put a freeze on everything it would make it difficult to run the City of Willcox . We are very actively working with the expenditure. We have eliminated the \$5000 for the gas. Mayor and council we do have a report on this it was not a major roll we don't have capital expenditures we told the staff we do have

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other funds like the railroad stations we do have quite a bit of work in front of us. 4 ayes: Mayor Irvin, Councilwoman Cronberg, Councilman Goolsby, and Councilman Nigh. 1 Nay: Councilman Johnson. **CARRIED**

~~**DISCUSSION/DECISION REGARDING NO. 2012-68 APPROVING AND ADOPTING THE FACILITY USE FEES FOR QUAIL PARK, KEILLER PARK AND RAILROAD PARK.**~~

**RESOLUTION NO. 2012-69 RELATING TO THE GRANT AWARD FROM THE GOVERNORS OFFICE HIGHWAY SAFETY FOR FY 2013, AUTHORIZING THE EXECUTION OF THIS RESOLUTION AND ACCEPTANCE OF THE AWARD AND DECLARING AN EMERGENCY TO EXIST.**

**MOTION:** Councilman Goolsby moved relating to the grant award from The Governors Office Highway Safety for FY 2013, **SECONDED:** Councilwoman Cronberg seconded the motion. **DISCUSSION:** CM McCourt explained this is a grant award for overtime. Jake stated we did receive notification we would receive the \$7500 for overtime compensation and the other part will be used for breathalyzer test. **CARRIED**

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-70 APPROVING AND ADOPTING THE DISPLAY AND ADVERTISING AGREEMENTS BETWEEN THE CITY OF WILLCOX ["CITY"] AND THE ARIZONA RANGE NEWS/SAN PEDRO VALLEY NEWS-SUN ["ARN/SPVNS"] FOR THE PURPOSE OF ESTABLISHING PUBLICATION COSTS AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.**

**MOTION:** Councilwoman Cronberg moved to approve and adopt the display and advertising agreements between the City of Willcox ["City"] and the Arizona range news/san Pedro Valley News-Sun ["ARN/SPVNS"] for the purpose of establishing publication costs. **SECONDED:** Councilman Goolsby seconded the motion. **DISCUSSION:** City Manager explained there is no requirement to do this but it is required to post thing and it is in our best interest to do this contract. **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.
- **Skate Park Dedication-** On July 21, 2012 at Keiller Park at 8: 30 a.m. **Report City Manager Vacation-** City Manager is on vacation from July 24<sup>th</sup> to August 10, 2012 Dave Bonner will be covering in my absence.
- **City Manager Mr. McCourt** requested a work session for hazard mediation plan, and stated the Ramada at Keiller Park is progressing they put stucco on it..

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

Mayor Irvin stated I have been invited to speak on this and would like to extend this to Councilman Johnson as you have worked very hard on this. Councilman Johnson stated he would have to check his schedule. Councilman Johnson stated with utilities going up, property tax going up, I want to look closely at raising the rate at the park. Nigh stated I did visit our Waste water treatment plant and they know what they are doing I have a very good understanding what they are doing. I think the council needs to reconsider the \$12 million for a waste water treatment plant I encourage the councilman to take a look at the Scottsdale plant. Mr. Baker has some expertise on the Waste Water Treatment and he know some good people about this.

~~**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~~

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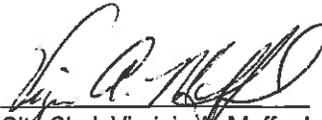
~~consultation for legal advice from City Attorney.~~

ADJOURN with no further discussion at 8:48 pm

**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 16<sup>th</sup> day of July 2012. I further certify that the meeting was duly called and held, and that a quorum was present

Dated this 16<sup>th</sup> day of July 2012

  
\_\_\_\_\_  
City Clerk Virginia W. Mefford

PASSED, APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2012.

\_\_\_\_\_  
MAYOR ROBERT A IRVIN  
Signed \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Clerk Virginia A. Mefford

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**CALL TO ORDER** – Mayor Robert A Irvin called the regular meeting to order on Monday, May 7, 2012 at 7:00 p.m. and welcomed all to this City Council meeting and is happy to have all of them here and thinks will be hearing form some of you.

**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 Attorney Hector M. Figueroa  
City Clerk Virginia A. Mefford  
Library Director Tom Miner  
Public Safety Director Jake Weaver  
Finance Director Ruth Graham  
Public Services & Works Director Dave Bonner  
Human Resources Sherry Lynn Van Allen  
Development Services Jeff Stoddard

**PLEDGE OF ALLEGIANCE TO THE FLAG** - Led by Mayor Irvin

**CALL TO THE PUBLIC**

**DECLARATION ON CONFLICT OF INTEREST**

No Conflicts were declared by Council or Staff

**ADOPTION OF THE AGENDA**

**MOTION:** Councilman Lindsey moved to adopt the agenda as presented and removing agenda items 21-24 relating to Executive Session and on the consent agenda **DISCUSSION:** On Consent agenda why are we looking at minutes form July 18, 2011.

**SECONDED:** Councilman Goolsby seconded the motion. **CARRIED**

**PUBLIC HEARINGS, PETITIONS AND COMMUNICATIONS**

**PUBLIC HEARINGS:** Mayor Irvin Read -

**Communications:** First Reading of: (1) 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

**Public Hearing:** The Mayor and Council will hold Public Hearing on Monday, August 6, 2012 at 7:00 p.m., City Council Chambers, 300 W. Rex Allen Drive, relating to: Public Hearing on Property Tax Levy 7:05 pm. Closed 7:06 pm.

- (1) 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.

**Proclamation:** Mayor declares October 4-7, 2012 as the 61<sup>st</sup> Annual Rex Allen Days  
**“61 Years form Horses to Horsepower”**

**CONSENT AGENDA**

**MOTION:** Councilman Lindsey made a motion with removing Item 8a from consent agenda I agree with Monika to ask the question approving from July 18, 2011. Mr. Bonner explained Virgie has gone through and organized the minutes and these are minutes that have not been finished. Councilman Lindsey stated I would like to have some corrections from minutes of July 2<sup>nd</sup> and the 9<sup>th</sup>, Councilwoman Cronberg stated I contest my statement and would like discuss these with you Virgie to rectify what I said, they do need to be reflected and amended on the July 2<sup>nd</sup> page two on direction staff to invest the Circle I property, Councilman Lindsey stated just a small item it should read Farmers Home Administration (FmHA) councilman and Mayor blank we are blank table the minutes with correct minutes. Willcox Regional Economic Developmental alliance moved

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to approve the Consent Agenda **SECONDED:** Councilman Johnson to remove item 8a for minutes to be corrected  
**CARRIED**

**8A. MINUTES OF REGULAR MEETING ~~Regular Meeting on July 18, 2011, Regular Minutes on July 2, 2012, Work  
Session Minutes of July 9, 2012.~~**

**9. PRESENTATION/DISCUSSION REGARDING REPORT FROM MS. BRENDA HAAS ON GOVERNOR'  
CONFERENCE ON TOURISM**

**DISCUSSION:** Ms. Haas thanked the Council for sending her to the Governor' Conference on Tourism. She indicated she has been in the hospitality business for about 40 years. To which she stated I started when I about five years old (**laughing**), she didn't think anyone one would believe her, but she thought she try (**laugher**). Mr. Figueroa asked who paid for you. Ms. Hass stated the City. I have been here for three year and there is so much good about this city, there is so much potential and would like to the community to come together and realize that potential. Some of the reports that are listed here are the travel generated earning and employment for the county. One of the disturbing things on this report was our annual percentage has changed form20108 to 2011 we were down approximately 4% there were 98-11 we were up 3.9% and there were only three counties that were down and we one of them the things that impacted tourism to this was, the SB 1070, the boarder fear, and the boycott Arizona it is so important do something that is talked about in your community taking inventory of your assets right know I see our town who is divided and we need to come together. I have spoken to the chamber and Alan Baker about the Historic District as much as you all know I'm located by the holiday Inn I want County as a whole and especially Willcox as a whole to become a destination for tourist to come, like in The Rex Allen parade and The Wings Over Willcox. Bisbee has the Thousand Stair Climb and they won an award for it at this year's conference. I have stride to be the best, I want our community to win an award for something unique like this. What I got out of this years conference was the networking and would like for us to do the something in Willcox. I am not going to read the summer you do have a copy of this. If anyone has any good ideas Mr. Baker and I would be more than happy to hear them. I know we could do whatever we wanted to do. I thoroughly enjoyed the conference and it was a wealth of information. Thank You.

**10. DISCUSSION/ DECISION REGARDING CITY OF WILLCOX HOSTING MAYOR/MANAGER LUNCHEON  
SEPTEMBER 20, 2012.**

**MOTION:** Vice Mayor Holloway moved regarding City Of Willcox Hosting Mayor/Manager Luncheon September 20, 2012.  
**SECONDED:** Councilman Lindsey seconded the motion **DISCUSSION:** None **CARRIED**

**11. DISCUSSION/ DECISION REGARDING ACCEPT LETTER OF RESIGNATION FROM EARL GOOLSBY FROM THE  
PLANNING AND ZONING COMMISSION.**

**MOTION:** Councilman Lindsey moved accept letter of resignation from Earl Goolsby from The Planning and Zoning Commission with great reluctance and appreciate his service for this. **SECONDED:** Councilwoman Cronberg seconded the motion **DISCUSSION:** Mayor Irvin stated their loss is our gain. Councilman Lindsey stated yes it is. **CARRIED**

**12. DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-71 PLACEMENT BEFORE THE QUALIFIED ELECTORS  
OF THE CITY A NEW TWENTY-FIVE (25) YEAR FRANCHISE AGREEMENT FOR THE  
SULPHUR SPRINGS VALLEY ELECTRIC COOPERATIVE ("SSVEC") TO CONTINUE TO USE CITY PUBLIC RIGHT-OF  
WAYS TO SUPPLY ELECTRICITY TO THE CITIZENS OF THE CITY; AUTHORIZING AND DIRECTING AUTHORIZED  
CITY OFFICERS AND AGENTS TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.**

**MOTION:** Councilwoman Cronberg moved on Resolution NO. 2012-71 Call of Election for Franchise SSVEC. **SECONDED:** Councilman Goolsby seconded the motion **DISCUSSION:** Councilman Johnson asked are we bonded by stated land lease or something like that? Could you explain it to us further? Mayor Irvin asked Mr. Figueroa to further explain this. Mr. Figueroa stated Mayor and Council the City has had agreement for 25 years, either you renew it or you don't. This is just saying you are going to submit it to the voters and they either vote on it or they don't, the other issue is the resolution which deals with the agreement and what the ballot looks like. What you are doing is stating is do you want this on the ballot. On the agreement language is the recommendation from legal council as to what should be on sections 16 under invest of stock and it was our position to include it; they included it in Benson and in Sierra Vista they did not; it is my position to approve this agreement with the section 16 as it reads. Councilwoman Cronberg stated with the change on the law what would be the effect if the voter public decided not approve. Mr. Figueroa stated this use to be by ordinance but now it is by statue, they wouldn't have a franchise and what have the pull out all the polls and stuff, the public doesn't really have a real choice, the only choice they

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have is to re-approve this with our language that you agree to, they are not disagreeing to this agreement just to the pacific language. We are all have a conflict and this is because we all own a piece of SSVEC we have certain interest in SSVEC we

don't have to agree with this but we all have a certain interest. Cronberg stated that is the next item. The legal council does not have problem with this. **CARRIED**

**13. DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-72 FINDING AND DECLARING THAT SAME DEEM THE GRANTING OF A CERTAIN UTILITY FRANCHISE BENEFICIAL TO THE MUNICIPAL CORPORATION PURSUANT TO A.R.S. § 9-502(B); ORDERING THE SUBMITTAL OF THE QUESTION TO THE QUALIFIED ELECTORS AS TO WHETHER OR NOT THE FRANCHISE SHALL BE GRANTED TO SULPHUR SPRINGS VALLEY ELECTRIC COOPERATIVE ("SSVEC"); PROVIDING FOR THE GIVING OF NOTICE OF SAID ELECTION TO ALL QUALIFIED ELECTORS; PRESCRIBNG THE FORM OF BALLOT TO BE USED; AUTHORIZING AND DIRECTING AUTHORIZED CITY OFFICERS AND AGENTS TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.**

**MOTION:** Councilman Lindsey moved on Resolution NO. 2012-72 finding and declaring that same deem the granting of a certain Utility Franchise Beneficial To The Municipal Corporation Pursuant To A.R.S. § 9-502(B); Ordering The submittal of the question to the qualified electors as to whether or not The Franchise shall be granted to Sulphur Springs Valley Electric Cooperative ("SSVEC"); providing for the giving of notice of said election to all qualified electors; prescribing the form of ballot to be used; authorizing and directing authorized city officers and agents to carry out the purposes and intent of this resolution. **SECONDED:** Councilwoman Cronberg seconded the motion **DISCUSSION:** Councilman Johnson asked if this is for the November election vote. Mayor Irvin stated, yes November 6<sup>th</sup>. Mr. Figueroa explained the section here is the language, is to approve it here with excluding section 16 or approving with section 16 with my recommendation. Mr. Mayor called on Mr. Chris Hitchcock introduced himself as the legal council for SSVEC. As Mr. Figueroa has stated we do agree with most of the language in the agreement we would accept section 16 if we could add the word solely and read section 16 with the word solely in the language. For us to be really comfortable with this we are asking for you to add this word into the agreement and I would be happy to take this agreement to our Board for approval. I would like to add this has not been approved by our Board of Directors yet it would go back to them for the meeting on the fourth Wednesday of the month and we will vote on that at that point of time. Councilman Holloway asked what the difference on solely or not solely is. Mr. Hitchcock stated he is a belt and suspenders guy and as everyone know this is 25 years old and this is to be the way I understand the city interprets no stock will be issued by SSVEC as this franchise being an asset and we just want to make sure the courts should look at this later down the road when were not here to explain it, it reads so it can follow what was to be interpreted and it would limit the finance of the Board of Directors of SSVEC later down the road 15 years from know the court could interpret it oh that is what the parties wanted with this agreement with that I would feel comfortable. In Sierra Vista they removed it entirely and in Benson they included this and quite frankly we missed that. Mr. Massey's interpretation and the staff agree with this interpretation and Mr. Massey is the City Attorney of Benson. Mr. Goolsby asked does the word solely by reciprocal. Mr. Hitchcock stated it restricts the issuance of stock to that citation. Mr. Goolsby stated that is what I am asking. Mr. Hitchcock stated yes it does, I miss understand you, are there any other questions? Councilman Johnson asked Mr. Figueroa your recommendation is. Mr. Figueroa stated let the courts decide on this interpretation. I specifically asked Mr. Bonner to contact the attorney to ask why they put the specific language as they did there was a specific financial working and clause they want to accomplish. Sierra Vista decided to leave it out that was my only questions they either accept the language that is there or they take a chance of not approving the franchise. I will not agree to have solely in there. This is a disagreement on the language and the two parties need to agree with this. Mr. Hitchcock stated once City Council and SSVEC agree to this agreement then you put this agreement up to the voters and as the city requirement we put this out on the voter to agree up or down and as state law requires we would publish the whole agreement so the voters know exactly what they are voting upon prior to the vote. Councilwoman Cronberg stated we are stuck on one word. Mr. Hitchcock stated yes. Councilwoman Cronberg stated and we are to put this in front of the voters to read upon and legal parties can't even come together on this and know we as a body have to agree on this that is amazing. Mr. Hitchcock stated that is our position. Councilwoman Cronberg stated I am not a lawyer I have worked in an attorney's office and was a court report and I find this rather interesting we are stuck on one word inclusion or not and were going to hang this up there for one word and put it to the public and trust that everyone is going to do the right thing. Mr. Figueroa stated In my opinion you have more to lose then SSVEC in Willcox they can only have what you are giving them you are giving them an out and after tonight I am not going to be here but I am here tonight and it is my legal obligation to give you my legal advice. Mr. Hitchcock stated if it is not to be agreed upon to add this word solely, I will take this back to our board and see if they agree with this wording. Councilman Goolsby asked is we at a point of not accepting this agreement. Mr. Hitchcock stated I don't know, I can't speak for the Board what this does is allows SSVEC to be in your right-away its not to say SSVEC is able serve the electricity to your citizens of

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Willcox that is determined by the Arizona Corporation Commission this is simply asking for us to be in your right away. Vice Mayor Holloway stated what we have on the table is not to have solely because that is the way it was presented to us, this is about stock. Councilman Lindsey stated if solely is not in there or not the meaning is the same. Councilman Goolsby asked Attorney Mr. Figueroa it is your opinion to not have the word solely in the agreement. Mr. Figueroa stated that is correct.  
**CARRIED**

- 14. DISCUSSION/ DIRECTION REGARDING RESOLUTION NO. 2012-73 THE HAZARD MITIGATION PLAN ("PLAN") DEVELOPED THROUGH A GRANT SECURED BY THE ARIZONA DIVISION OF EMERGENCY MANAGEMENT AS PART OF THE PROCESS TO HELP MITIGATE FUTURE HAZARDS AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING A EMERGEN EXIST.**

**MOTION:** Councilman Goolsby moved regarding the Hazard Mitigation Plan ("plan") developed through a grant secured by the Arizona division of emergency management as part of the process to help mitigate future hazards **SECONDED:** Councilwoman Cronberg seconded the motion **DISSCUSSION:** None  
**CARRIED**

- 15. PRESENTATION/DISCUSSION REGARDING JUNE 30, 2012 FINANCIAL STATEMENT AND INVESTMENT REPORT FROM RUTH GRAHAM.**

**DISSCUSSION:** Ms. Ruth Graham gave a presentation on the statement and investment report and described each of the Revenues, Expense and fund balances. She stated we are recovering in the General Fund and that is good news. The Grant funds are a wash. We have a deficit due to fireworks, state park, and debt service fund should be a break even fund it varies a bit. The Capital Improvement fund the Gas has a revenue of. Ms. Graham explained the expenses on the second page are the same information as the first page. She explained the different accounts the city maintains in various funds and explained the liquidated funds and stated no money has been withdrawn out of this account. When we receive interests on the accounts we allocate it to different funds with the biggest VM Holloway asked if the heading were wrong it has 2010-2011 Ms. Graham apologized and said yes it is this is FY 2012-2013. We have smoothed out the data and we have matching numbers we have come up to 1.9% on the bed tax this is also recovering we are about 30,000 below of were need to be. We are about 6% lower of where we should be.

- 16. DISCUSSION/DECISION REGARDING REX ALLEN DAYS SPECIAL EVENTS LIQUOR LICENSE AT QUAIL PARK ON SATURDAY, OCTOBER 6, 2012 FROM 11:00 A.M. TO 7:00 P.M., AND SUNDAY, OCTOBER 7, 2012 FROM 12 NOON TO 6:00 P.M.**

**MOTION:** Councilman Johnson moved regarding Rex Allen Days request for Special Events Liquor License at Quail Park on Saturday, October 6, 2012 from 11:00 a.m. to 7:00 p.m. and on Sunday, October 7, 2012 from 12 noon to 6:00 p.m. **SECONDED:** Councilman Lindsey seconded the motion **DISSCUSSION:** None  
**CARRIED**

- 17. DISCUSSION/DECISION REGARDING REX ALLEN DAYS SPECIAL EVENTS LIQUOR LICENSE AT KEILLER PARK ON SATURDAY, OCTOBER 6, 2012 FROM 11:00 A.M. TO 10:00 P.M.**

**MOTION:** Councilman Johnson moved regarding decision regarding Rex Allen Days request for Special Events Liquor License at Keiller Park on Saturday, October 6, 2012 from 11:00 a.m. to 10:00 p.m. **SECONDED:** Councilman Lindsey seconded the motion **DISSCUSSION:** None **CARRIED**

- 18 DISCUSSION/DECISION REGARDING REX ALLEN DAYS REQUEST FOR NEW PARADE ROUTE DOWN HASKELL AVENUE FOR THE 61<sup>st</sup> ANNUAL REX ALLEN DAYS PARADE ON SATURDAY, OCTOBER 6, 2012 FROM 6:00 A.M. TO 12:00 P.M.**

**MOTION:** Councilman Johnson moved regarding Rex Allen Days Request for New Parade Route down Haskell Avenue for the 61<sup>st</sup> Annual Rex Allen Days Parade On Saturday, October 6, 2012 from 6:00 A.M. To 12:00 P.M.  
**SECONDED:** Councilman Vice Mayor Holloway seconded the motion **DISSCUSSION:** Councilman Johnson asked one question, they use to set up on Railroad Park where the judge's stand and the parade come through and the band performs and the cheerleaders perform where are you going to set that up know? They congregated there, where are you going to do this know. Ms. Mullins stated it was decided to put it by the old bank building on the side of Maley so it will be on Haskell in front of that building and it is wide enough for this. Councilman Johnson stated it is usually where the parade stops it will spread out. Councilman Lindsey stated this whole item is little misleading as it reads for the new

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parade route it looks like we are not voting at all for the new parade route but the closure of the streets and I have a problem with that. I think it is a direct slap to the people Railroad Park I see no reason for that or a vote on that. Ms. Mullins explained some years ago there was an accident at the Tucson Rodeo Day Parade a young girl was killed since that accident the State of Arizona has been bombarded with people who are sue happy. the State wants protection and last year just before Rex Allen Days, so we got luck, they know want a \$5,000,000 rider for protection to using a state highway we actually close two Maley and Haskell, so what we decided on because we would have to ask people to come up with almost \$6,000 extra for just the parade and what we were planning to do and this is what we are up to is changing the parade route it use to just down Haskell from people we have spoken to. We are just putting it back to the way it was making it a straight stretch it is safer with us not having any turns it has noting to do with the Museum. This is not how I look at this; this is a way we can afford to have a parade to bring Rex Days to Willcox. Councilman Lindsey asked what extra would this cost you? Ms. Mullins stated it would cost us about \$6,000 on top of the \$5500 we already pay. Councilman Lindsey asked in what. Ms. Mullins stated in insurance. Councilman Lindsey stated you are already closing Haskell and now Maley where will the additional cost be? Mr. Alfred Telles stated here is the difference, without the parade route having any turns they are letting us have a \$1 000, 000 riders because what was determined in the accident in Tucson was at a turn. The difference between the million dollar rider which costs about \$1,300 and a five million dollar rider at a cost of \$5500 to \$5,800 they determine because of the turns in the parade route it will be \$5,000,000 rider according to Armando from ADOT, this is what we were told. It has noting to do with Downtown or Railroad Park because we know putting the parade with the trees is a beautiful thing. Councilman Lindsey state I just feel it is waste of space that could be utilized by more people and there is more out there than just the museum. Mr. Telles stated I agree with you and this is just what we were told by Armando form ADOT. The difference is \$5500 for a five million dollar rider verses a \$1300 million dollar rider. Councilwoman Cronberg asked are you looking at your still lining up at Austin and Jessie. Mr. Telles stated what we talked about is moving it one street down to Jessie and go to McCourt and why we are looking at starting at Jessie is on the detour map we were going to use Railroad Avenue and come back on Soto for the traffic of the State Highways it would give us an extra block so we don't have a turn on the parade. Councilman Holloway stated Rex Allen Days seems to have a strait shot on Railroad Avenue and we do have a little area that is green, anywhere north or south is desolate and we don't want people to watch the parade down that when you have a straight shot down Railroad Avenue. Railroad Avenue you still have to contain with the state Highway as you cross Maley. We have been through this around for the last six months we tried to take all the input into consideration and we thought of Austin all the way down. We have tried to keep it down Haskell we have tried to put together the best route we could for everyone involved with insurance cost. Councilwoman Cronberg stated I appreciate the clarification on this as this was my big questions too. That is historical area where all the performances are and what I consider Rex Allen Square. This is where we are with ADOT we knew this was coming. Councilwoman Cronberg stated obviously you had to wrestle I with it for quite a while. Mr. Telles stated our group has thrown this around for quite awhile. Councilman Lindsey stated I need to clarify maybe with council are we voting for a new parade route or the closure of the street routes. Councilwoman Cronberg stated I think approving the closure we're approving the new route. Mr. Figueroa stated that is correct. If you make a motion you will dictate what you want done. If you make a motion then that is what the motion is going to be you can always make one motion and then make another motion to close Haskell and make another motion for a new parade route, in essence if you agree to the closure of the street route you are agreeing to the new parade route. Mayor asked all in favor, Six Ayes'- Mayor Irvin, Vice Mayor Holloway, Councilman Johnson, Councilwoman Cronberg, Councilman Goolsby, and Councilman Nigh with one Nay- Councilman Lindsey. **CARRIED**

**19. CITY MANAGER REPORTS**

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

- **Skate Park dedication** will be held on August 11, 2012 at 8:30 a.m. the time has changed to 3 pm and Councilman Johnson will be MC for this event.
- **Willcox Unified School District** will return to school on August 13, 2012
- **City Manager Pat McCourt** returns on August 13, 2012
- **Joint Work Session with Parks and Recreation** for Park Fees on August 27, 2012 this is their normal meeting night time the time is yet to be determined it is normally at 6:00 pm.
- **The Arizona League of Cities & Towns Annual Conference** will be held on August 28-31, 2012 at the Hyatt Regency Scottsdale at Gainey Ranch

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

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Mr. Figueroa stated to Mayor and City Council, I have submitted my resignation to the Mayor and City Manager. The City Manager is not here tonight but it is primarily due to health of my eye problems the doctor said it is incurable OSD and the other one is to do with my optic nerve, in order to do my assignments and my work I need both my eyes in order to do my work, I don't want to cheat you by the money that you pay me. My contract calls for me to be able to assign someone one to fulfill my contract and I have one year left on it until June 30, 2013. I have been in contact with two attorney's Ms. Ann Roberts she is the County Attorney and her dad is Mark Battaglia who some of you were on the Council when I first started and he covered for me, and she is willing to take this position and Mr. Allred who is also interested. I will at the next Council meeting, I will give my assignments to Ms. Roberts if the Council so chooses. I will be available if my consultation is needed. My junior partner Patrick would be ecstatic to do this but he just took over for South Tucson, I want to thank Mayor and Council not just you but also the ones that came before you. As you know I am homegrown I here to do my job for what you hired me to do, I have come here not to make a bunch of money but with the true intent to help the City. I think I have never been the one to say this is what I wanted to do anything to this person or that person; I hope this continues to be a long lasting operation. I am a democrat and I was born on Ronald Regan's Birthday I am very conservative and what I have observed is some of you are liberals and have agreed to the budget when our economy is so bad you need to look at yourself in the mirror and say to yourself, am I doing the right thing. Another thing I need to tell you is no other city council sitting up here has the authority or the right to go to any of the departments and tell them how they need to run their department, if you have a problem with it, you should go to the Mayor and let him know what the problem is; one of your council members is doing it, you all better wake up and tell that council member you can't do that. I applauded the fact that when I gave you legal advice if you didn't understand it you would ask me and if I didn't know the answer I would tell you I don't know the answer but I would get back to you with an answer, and I appreciate each and everyone one of you for that. I will work with the City Manager to get this on the next agenda and your options are: you don't have to accept my resignation, if you all wish you can put it out for bid, in today's economy you may get someone to do this. I did this for 40% less, I did not do this for the money I want to thank you from the bottom of my heart you can always come to me after this meeting I will be there. Councilman Holloway stated I thank you for your service Mayor Irvin stated I appreciate your comments and appreciate your service. Councilman Lindsey stated I also offer my expression your goodwill and I also enjoyed working with you and I consider you my friend I regret we will not have an option in the future. I will be forever being grateful. Councilman Johnson stated I have worked with Hector since he has been here he has helped us and I consider him a very close friend I probably won't accept his resignation sometimes you won't. Councilman Nigh stated him nothing to add.

**~~21. 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.~~

**~~22. RECESS TO EXECUTIVE SESSION, IF APPROVED~~**

**~~23. RECONVENE FROM EXECUTIVE SESSION~~**

**~~24. 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.~~

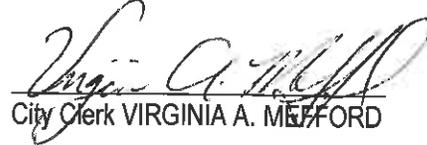
**25. ADJOURN at 8:21 pm.**

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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 6<sup>th</sup> day of August 2012

  
City Clerk VIRGINIA A. MEFFORD

PASSED, APPROVED AND ADOPTED this \_\_ day of August 2012.

\_\_\_\_\_  
MAYOR ROBERT A. IRVIN  
Signed: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Clerk Virginia A. Mefford



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**CALL TO ORDER** – Mayor Gerald W. Lindsey called the special meeting to order on Tuesday, September 6, 2011 at 7:00 p.m. and welcomed all to the Council meeting this evening and special because it was scheduled for yesterday but it was Labor Day and welcomed all here.

**ROLL CALL**-City Clerk, Cristina G. Whelan, CMC, called the roll:

**PRESENT**

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

**ABSENT**

Councilman Christopher Donahue

**STAFF**

City Manager Pat McCourt  
City Attorney Hector M. Figueroa  
City Clerk Cristina G. 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  
Human Resources Sherry Lynn Van Allen

**PLEDGE OF ALLEGIANCE TO THE FLAG**-Mayor Lindsey

**CALL TO THE PUBLIC**-Sherry Van Allen addressed the Mayor and Council regarding city personnel and stepped outside to get people wanting to address this. Sherry Van Allen returned with several City Employee's and presented Christina Whelan with a book of memories covering her thirty years as City Clerk and thanked her for her years of dedication to the City of Willcox. Cristina Whelan's family was also in attendance.

**DECLARATION ON CONFLICT OF INTEREST**-There was no response from those present.

**ADOPTION OF THE AGENDA**

**MOTION:** Vice Mayor Cronberg moved to adopt the agenda with removal of items #13 & 26-29 moved to adopt the agenda as presented.

**SECONDED:** Councilman Johnson seconded the motion. **CARRIED.**

**PUBLIC HEARINGS, PETITIONS AND COMMUNICATIONS**

**Proclamation:** Mayor Lindsey read and proclaimed Saturday, September 24, 2011 as "**CITY CLEAN UP DAY**"

**Communications:** Mayor Lindsey read the Second Reading of (1) Ordinance NS309 Amending The Willcox City Code, Title 13 [Public Services] By Amending, Revising And Re-Numbering Chapters 13.04; 13.08; 13.09; 13.12; 13.13; And 13.16, By Reference, With Specific Title 13 Provisions Remaining Unchanged As Enumerated Herein; and

(2) the Mayor read the Second Reading of Ordinance NS310 Amending And Adopting Title 5, Chapter 6 ("Solid Waste") Section 5-6-8, By Reference; and

**PUBLIC HEARING:** The Mayor announced that the Mayor and Council will hold three (3) public hearing on Tuesday, September 6, 2011 City Council Chambers, 300 W. Rex Allen Drive, Willcox, AZ regarding:

(1) Application For Liquor License Series #06 Quality Inn-Willcox, Person Transfer, Location Transfer, Corporation, Christina Selene Fraser, Hardev Motel, Inc., 1100 W. Rex Allen Drive, Willcox, AZ. and

(2) Ordinance NS309 Amending the Willcox City Code, Title 13 [Public Services] By Amending, Revising Re-Numbering Chapters 13.04; 13.08; 13.09; 13.12; 13.13; And 13.16, By Reference, With Specific Title 13 Provisions Remaining Unchanged As Enumerated Herein; and

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(3) Ordinance NS310 Amending and Adopting Title 5, Chapter 6 ("Solid Waste") Section 5-6-8, By Reference; and

**Public Hearing:** The Mayor announced that the Mayor and Council will hold a Special Meeting with Public Hearing on Monday, September 12, 2011 at 6:30 p.m. City Council Chambers, 300 W. Rex Allen Drive, Willcox, AZ regarding Application for Liquor License Series #06 Nakai's, Person Transfer, Location Transfer, Individual. Marie Louise Figueroa, 116 E. Maley, Willcox, AZ.

Mayor Lindsey opened the public hearing Liquor Lice #6 Quality6 Inn and asked if anyone wanted to make any comments concerning this liquor license. Again the Mayor asked if anyone wanted to comment on the liquor license. Hearing no comments Mayor Lindsey closed the Public Hearing at 7:16 p.m.

The Mayor opened public hearing Ordinance NS309 Paul Sheats asked what this ordinance relates to City Manager McCourt explained it is relating to the sewer fund. He stated this establishes a Fund and Council will once a year review revenues and expenses. During Solid Waste budget discussed this and by April of each year review. Establishes a section stating who is responsible for the Fund and relating changes by State Statutes. Same thing in Water Fund, Establish Water Fund Enterprise Fund, rates reviewed annually and same thing in Gas Fund. Mayor Lindsey asked if there were any comments. Vice Mayor Cronberg would like some clarification what constitutes delinquent payment is it 4:30 on due date and get there at 5:00p.m. Finance Director Graham stated that the Corporation Commission established we bill last day of month and it is due each 20<sup>th</sup> of the next month. On 21<sup>st</sup> penalty assessed and if still not paid by the 2<sup>nd</sup> Monday of the next month the account is shut off. Director Graham stated that payments are accepted on-line until midnight and Vice Mayor Cronberg said if people can't get there by 4:30 then a penalty is assessed. That was the clarification she was looking for. Hearing no further comments Mayor Lindsey closed the public hearing at 7:21 p.m.

Mayor opened public hearing Ordinance NS310 and asked if there were any comments or concerns. City Manager more abbreviated version of the several portions that were recently adopted. This is changing the section of payment of bills in case of a landlord. Mayor Lindsey asked if there were any other questions or comments hearing none Mayor Lindsey closed the Public Hearing at 7:22 p.m.

**CONSENT AGENDA.**

- **THE REGULAR MEETING MINUTES OF AUGUST 1 & 15, 2011; WORK SESSION OF APRIL 18, 2011, JUNE 6, 2011;**
- **ACCEPT THE MONETARY DONATION TO THE WILLCOX HUMANE CONTROL FACILITY**
- **FINANCIAL STATEMENTS JULY 2011 THROUGH AUGUST 2011**
- **RESOLUTION NO. 2011-72 RATIFYING, APPROVING AND AUTHORIZING THE SUBMITTAL OF THE APPLICATION TO THE UNION PACIFIC FOUNDATION FOR THE PURPOSE OF APPLYING FOR \$5,000.00 TO BE USED FOR THE HISTORIC MASCOT & WESTERN PASSENGER CAR AND DECLARING AN EMERGENCY TO EXIST.**

**MOTION:** Councilman Irvin moved to adopt the Consent Agenda items as presented.

**SECONDED:** Councilman Klump seconded the motion. **CARRIED.**

**DISCUSSION/DECISION REGARDING ORDINANCE NS309 AMENDING THE WILLCOX CITY CODE, TITLE 13 [PUBLIC SERVICES] BY AMENDING, REVISING AND RE-NUMBERING CHAPTERS 13.04; 13.08; 13.09; 13.12; 13.13; AND 13.16, BY REFERENCE, WITH SPECIFIC TITLE 13 PROVISIONS REMAINING UNCHANGED AS ENUMERATED HERE**

**MOTION:** Councilman Klump moved to approve Ordinance NS309, as stated, relating to City Code Title 13 [Public Services].

**SECONDED:** Councilman Holloway seconded the motion. **CARRIED.**

**DISCUSSION/DECISION REGARDING ORDINANCE NS310 AMENDING AND ADOPTING TITLE 5, CHAPTER 6 ("SOLID WASTE") SECTION 5-6-8, BY REFERENCE.**

**MOTION:** Councilman Klump moved to approve Ordinance NS310, as stated, relating to amending and adopting Title 5, Chapter 6 ("Solid Waste").

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**SECONDED:** Councilman Holloway seconded the motion. **CARRIED.**

**DISCUSSION/DECISION REGARDING THE SERIES #06 LIQUOR LICENSE QUALITY INN-WILLCOX CHRISTINA SELENE FRASER, HARDEV MOTEL, INC., 1100 W. REX ALLEN DRIVE, WILLCOX, AZ, PERSON TRANSFER, LOCATION TRANSFER, CORPORATION**

**MOTION:** Councilman Johnson moved to approve regarding the Series #06 Liquor License Quality Inn-Willcox, Christina Selene Fraser, Hardev Motel, Inc., 1100 W. Rex Allen Drive, Willcox, AZ, transfer, location transfer, corporation.

**SECONDED:** Vice Mayor Cronberg seconded the motion. **CARRIED.**

**DISCUSSION/DECISION REGARDING PURCHASE OF GASURVEYER DP-IR FOR ANNUAL LEAK SURVEY**

Mr. John Bowen, Utilities Supervisor, explained this equipment it does all 3-functions and very sensitive. We are paying \$6800/yr to consultants to do gas survey and we will still use them every other year for checks and balances. We have on-call 24/hr/days on this vehicle and can be used inside, outside residence and for emergency calls. This is a matter of public safety.

Mr. Bonner added even though have contract leak survey we have a person with them and repair the leak right away. The price \$9995 and \$5400 and Mr. Bowen said only talking about the \$9,995 at this time. Councilman Johnson asked if he had found any other companies and Mr. Bowen said not that makes this specific piece of equipment. Councilman Irvin asked if this has been discussed during budget presentation and Mr. Bowen replied he did discuss it.

**MOTION:** Councilman Klump moved to table the purchase of Gasurveyer DP-IR for Annual Leak Survey.

**SECONDED:** Vice Mayor Cronberg seconded the motion. **CARRIED.**

**DISCUSSION/DECISION REGARDING THE PARKS & RECREATION ADVISORY COMMITTEE REQUEST TO VACATE A POSITION** — Removed from agenda.

**DISCUSSION/DECISION REGARDING WILLCOX CHAMBER OF COMMERCE & AGRICULTURE REQUEST FEES TO BE WAIVED FOR THE APPLE FESTIVAL AT THE COMMUNITY CENTER & REQUIREMENTS FOR ALL VENDORS TO HAVE INDIVIDUAL PERMITS.**

**MOTION:** Councilman Johnson moved to waive the Willcox Chamber of Commerce & Agriculture request fees to be waived for the Apple Festival at the Community Center. **SECONDED:** Vice Mayor Cronberg seconded the motion.

**DISCUSSION:** Mr. Bonner explained that this request was also for permits for individual permits be waived and asked if they wanted to handle that separately.

Councilman Irvin stated he had spent 2-sessions with the Parks and Recreation Advisory Committee discussing fees for the Community Center and stated he is not against Apple Festival using the Community Center. However, rental fees have been a focus of that committee.

**MOTION:** Councilman Irvin moved to **Table** the item until a decision has been made regarding fees at the Community Center. **SECONDED:** Councilman Klump seconded the motion. **TIE 3 ayes -3 Nays to not table: Lindsey; Cronberg; Johnson. SECOND MOTION TO TABLE FAILED.**

Attorney Figueroa asked the rental fees, Mr. Bonner replied \$602.56. Councilman Klump requested clarification... our current motion is to waive complete rental fees for Community Center. Attorney Figueroa stated that is correct and advised if need be he could make an amended motion

Councilman Johnson stated the Apple Festival brings out local people's arts and crafts and if don't waive fees "kiss it good bye." Kathy Smith stated, the Chamber does not make enough to pay the \$600. They take in \$25 vendor for about 40 vendors and if they raise the price participants won't come and we are going to loose it. These are women that are home all year long making crafts and if we raise booth fees to \$50 Mayor and Council will definitely get phone calls.

Vice Mayor Cronberg asked Ms. Smith how many years this event has taken place? Ms. Smith replied over 20 years and this is a good event for our community. The festival keeps people shopping in town and purchasing local crafts.

Paul Sheats stated that he is a food vendor outside the Community Center and its all about local people. Attendees's come out and stroll through and he agrees with Ms. Smith that if the event requests more for booth prices the participants will say they do not make \$50. No body is making thousands of dollars.

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Vice Mayor Cronberg stated the event is good because kids perform and parents and other family members can count on attending to watch. She also stated, she is aware we are in limbo and at this time as far as established fees are concerned and that the Council does need to look at set fees irregardless of what they are for. However, at this time she is not willing to sacrifice such an important community event to set precedence.

Councilman Klump agreed but stated in his opinion the City needs to set precedence and have it written down so that it is there and then can be voted on at a later session. He continued, the Chamber is good for business and for the City but we need a policy from Parks and Recreation so we can get this thing figured out.

Councilman Irvin stated, that is why he wanted to table this discussion and does not agree on waiving all fees, charge them the \$600.00.

Mayor Lindsey stated the City does need to revisit the fee schedule as discussed in work sessions. Since we have not established a minimum fee and in this particular case this is one would exempt from fees if approved. Kathy Smith Chamber Director explained the Apple Festival is a Community Event and it does not make enough money to pay the \$600 in rental fees. **VOTE CALLED** by Vice Mayor Cronberg: Waive all fees **Ayes** - Lindsey, Cronberg, and Johnson **Nays** - Klump, Holloway and Irvin. **3-3 Motion fails.**

**MOTION made by Vice Mayor Cronberg to waive individual permit requirements.**

**SECOND:** Councilman Johnson seconded. **CARRIED.** Manger McCourt announced that a fee schedule is under proposal and been sent out for review and it is also on the P&R agenda for their meeting Sept. 26<sup>th</sup>. After an agreement on fees has been reach he will bring it back to Council for review.

**DISCUSSION/DECISION REGARDING WILLCOX WINE COUNTRY COMMITTEE OF THE WILLCOX CHAMBER OF COMMERCE REQUEST TO WAIVE REQUIREMENT FOR ALL VENDORS TO HAVE INDIVIDUAL PERMITS**

**MOTION:** Councilman Johnson moved to approve the Willcox Wine Country Committee of the Willcox Chamber of Commerce request to waive requirement for all vendors to have individual permits.

**SECONDED:** Councilman Klump seconded the motion. **CARRIED.**

**DISCUSSION/DIRECTION TO STAFF ON REQUEST FOR PROPOSAL ON BILLBOARD**

Manager McCourt explained this is what would be called the Stout's billboard on City property by Visitor Center. City also put in request to Highway Department and we did receive permission. Existing billboard put out request to rent that billboard and draft included in packet. Vice mayor Cronberg asked how many business have approached him and McCourt replied one business on the south end outside of town and another has shown interest if the additional billboard becomes available. He further states that the City anticipates moving forward quickly and awarding the spaces during the month of October. Mayor Lindsey directed staff to proceed with Request for Proposal on Billboard and get this out to the public and bring it back for decision.

**DISCUSSION/DECISION REGARDING IGA/JPA FOR SHARED USE PATH**

**MOTION:** Vice Mayor Cronberg moved to approve the IGA/JPA for Share Use Path.

**SECONDED:** Councilman Johnson seconded the motion. **DISCUSSION:** Councilman Klump asked is this is for construction on Ft. Grant. Mr. Bonner replied this is new for Arizona Avenue; however construction has begun on Ft. Grant. This is difference in the previous grant is that City was required to pay for scoping and hire Engineer and for this project the City responsible for 5.7% of entire project. Scoping is part of it as well as design and construction. Providing all numbers are correct then the amount of money being asked for it should take care of it. Councilman Johnson asked if this was budgeted for 2012 and Mr. Bonner stated that is budgeted for 2011-12 and FY13. **CARRIED.**

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2011-73 AUTHORIZING THE SALE AND DISPOSITION OF SURPLUS REAL PROPERTY PURSUANT TO A.R.S. § 9-402, AUTHORIZING AN INVITATION FOR BIDS, THE PUBLICATION AS PROVIDED IN § 39-204 AND THE POSTING OF NOTICE IN THREE (3) OR MORE PUBLIC PLACES WITHIN THE CITY AND DECLARING AN EMERGENCY TO EXIST.**

**MOTION:** Councilman Klump moved to approve Resolution No. 2011-73, as stated, Authorizing the Sale and Disposition of Surplus Real Property Pursuant to ARS §9-402, Authorizing an Invitation for Bids, Publication, posting of Notice in 3-places or more within the City.

**THE MINUTES OF THE SPECIAL MEETING OF THE MAYOR AND CITY COUNCIL  
OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ  
HELD ON THIS 6<sup>TH</sup> DAY OF SEPTEMBER 2011**

**SECONDED:** Vice Mayor Cronberg seconded the motion. **DISCUSSION:** Mayor Lindsey stated the opening bid price has been reduced to hopefully get some bids. **CARRIED.**

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2011-74 APPROVING AND ADOPTING THE MEMORANDUM OF UNDERSTANDING ("MOU") BETWEEN THE CITY OF WILLCOX ("CITY") AND THE COCHISE COUNTY ARIZONA CENTENNIAL COMMITTEE ("COMMITTEE") RELATING TO THE CUSTODY, CARE AND DISPLAY OF THE TRAVELING HISTORICAL EXHIBIT ("EXHIBIT") AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.**

City Attorney Figueroa requested to table this item so he could go over it thoroughly. He stated Willcox would be the first City and he would like to properly format the contract since others may use ours as a model for other jurisdictions.

**MOTION:** Mayor Lindsey moved to table Resolution NO. 2011-74, as stated, relating to MOU between the City and Committee relating to the custody, care and display of the Traveling Historical Exhibit.

**SECONDED:** Vice Mayor Cronberg seconded the motion. **CARRIED.**

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2011-75 APPROVING AND ADOPTING EXHIBIT "C" TO THE SERVICE AGREEMENT WITH SMARTWORKSPLUS, INC, AN ARIZONA CORPORATION D/B/A SMARTWORKSPLUS ["PROVIDER"] FOR CONTRACT EMPLOYEE LEASING SERVICES AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION, THE AGREEMENT AND DECLARING AN EMERGENCY TO EXIST.**

**MOTION:** Councilman Johnson moved to approve Resolution NO. 2011-75, as stated, relating to Exhibit "C" to the Service Agreement with Smartworksplus, Inc. for contract Employee Leasing Services.

**SECONDED:** Councilman Holloway seconded the motion. **DISCUSSION:** Vice Mayor Cronberg stated how much she appreciates that Ms. Whelan is still willing to give the City time to make transition. **CARRIED.**

**DISCUSSION/DECISION REGARDING CITY MANAGER IN ADDITION TO HIS OTHER DUTIES IS ACTING CITY CLERK FROM SEPTEMBER 18, 2011 THROUGH NOVEMBER 1, 2011 PER TITLE 1 CHAPTER 7 ARTICLE A OF THE MUNICIPAL CODE**

**MOTION:** Councilman Klump moved to approve the City Manager Pat McCourt in addition to his other duties is the Acting City Clerk from September 18, 2011 through November 1, 2011.

**SECONDED:** Vice Mayor Cronberg seconded the motion. **DISCUSSION:** Councilman Johnson asked if this time period was long enough providing we are able to locate and hire City Clerk. Manager McCourt replied that upon her return under smartworksplus, Ms. Whelan is City Clerk during the duration of her approved contract which is through June 30, 2012. **CARRIED.**

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2011-76 APPROVING THE PURCHASE OF NATURAL GAS ON A FORWARD PRICING CONTRACT BASIS AND ON THE SPOT MARKET UNDER THE BASE CONTRACT BETWEEN THE CITY AND BP ENERGY COMPANY ["BP"] FOR A ONE OR TWO YEAR PERIOD WITHIN A RANGE, AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST**

**MOTION:** Councilman Klump moved to approve Resolution NO. 2011-76, as stated, approving the Purchase Base Contract between the City and BP Energy Company for a one or two year period within a Range.

**SECONDED:** Councilman Irvin seconded the motion. **DISCUSSION:** Finance Director Graham explained that the purchases are traditionally purchased every 4-months and can be done annually. She used a demonstration Chart to show how prices have been going down and is now asking to make purchase when prices are good. Councilman Johnson stated that he wanted to ensure the City was making the best purchases at the best prices so the City would not take any losses on buying too much in advance. Ms. Graham explained that being able to use the spot market purchasing will assist the City in obtaining the best pricing. **CARRIED.**

**DISCUSSION/DECISION REGARDING APPLICATION FOR SPECIAL EVENTS LIQUOR LICENSE BY C-K5 RODEO COMPANY, NSPRA RODEO, CHUCK EMBREE, AT THE QUAIL DRIVE SPORTS PARK BEGINNING ON FRIDAY, JULY 13, 2012 THROUGH SUNDAY, JULY 15, 2012**

**THE MINUTES OF THE SPECIAL MEETING OF THE MAYOR AND CITY COUNCIL  
OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ  
HELD ON THIS 6<sup>TH</sup> DAY OF SEPTEMBER 2011**

**MOTION:** Councilman Johnson moved to approve the Application for Special Events Liquor License, as stated, by C-K5 Rodeo Company, NSPRA Rodeo, Chuck Embree at QDSP beginning on Friday, July 13, 2012 through Sunday, July 15, 2012.

**SECONDED:** Vice Mayor Cronberg seconded the motion. **DISCUSSION:** Vice Mayor Cronberg said she really commends this event planning this is amazing. Mayor Lindsey said it is a little unusual to receive requests so far in advance. **CARRIED.**

**REPORTS BY THE CITY MANAGER PAT McCOURT**

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

- **Report on Special Meeting** – Reminded we have Joint Work Session with P&Z and Special Meeting Public Hearing & Decision on the Application for Series #06 Liquor License to Nakai's and Joint Work Session with Planning & Zoning Commission regarding Series Title 11 "Zoning"-on Monday, September 12, 2011 at 6:30 p.m., City Council Chambers.
- **Report Mayors/Managers Luncheon**-Willcox is hosting the Mayors/Managers Luncheon on Thursday, September 22, 2011 at 12 noon, Big Tex BBQ, RSVP by Friday, September 16, 2011.
- **Report on City Manager out of town for the 19<sup>th</sup> of September meeting:** City Manager McCourt will be out of town for the September 19, 2011 meeting he will be attending the City Manager's Association Conference in Milwaukee and Chief Weaver will be in charge. Returning on the 21<sup>st</sup>.
- **Report received from State ADOT**-permission to erect another billboard on City Property off of Circle I Road.
- **Report on Railcar Renovations**-still looking for volunteers and plan on Saturday, September 10, 2011 at 7:30 a.m.-3:30 p.m. and on Sunday, September 11 at noon to 3:30 p.m..
- **Report on Willcox High School Sports Update**-Football WX beat Benson 22-18. Volleyball Wx Beat Douglas 3-0; and won over St. Gregory's 5-1. Good time for Willcox sports.
- **Report on City Employees Clean Up**-Friday, September 23, 2011
- **Report on City Clean Up** –Saturday, September 24, 2011
- **Report on Fireworks**-had to delay due to high fire danger and proposing Saturday, November 12, 2011 (Day after Veteran's Day Holiday), mark your calendars.
- **Ft. Grant Project**- it has started!
- **Report League of Arizona Cities & Town's (LACT's)** -The conference was well attended and the Willcox booth saw lots of activity.

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

**Mayor Lindsey** stated he already put comments to Christy in writing and has no further comments.

**Councilman Johnson** reported he has had a lot of citizens stop by and ask about building permits and fees and requested work session for the Council to be briefed on the process and structure of the fees.

**Councilman Klump** reported he attended the LACT's and his was his first time he found it to be very informative and met a lot of people. The vendors/sponsors that were there were great and they had very interesting sessions. He stated there was not much free time and appreciates the City sending him.

**Councilman Irvin** wished Happy Birthday tomorrow to Mayor Lindsey who stated he would be 74. **APPLAUSE!**

*(Items 26-29 removed per motion)*

**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**

~~— **MOTION:** moved 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.~~

~~— **SECONDED:** seconded the motion. **DISCUSSION:** ——— **CARRIED.**~~

**RECESS TO EXECUTIVE SESSION, IF APPROVED**

**THE MINUTES OF THE SPECIAL MEETING OF THE MAYOR AND CITY COUNCIL  
OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ  
HELD ON THIS 6<sup>TH</sup> DAY OF SEPTEMBER 2011**

**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.~~

**ADJOURN**

There being no further business before the Mayor and Council, Mayor Lindsey adjourned the meeting at 8:19 p.m.

**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 September 2011. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 15<sup>th</sup> day of August 2012

  
Transcribed - Sherry Lynn Van Allen - HR

PASSED, APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2012.

\_\_\_\_\_  
MAYOR ROBERT A. IRVIN

Signed: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Clerk Virginia A. Mefford



**THE MINUTES OF THE SPECIAL MEETING OF THE MAYOR AND  
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ  
HELD ON THIS 05<sup>TH</sup> DAY OF APRIL 2012**

**NOTICE TO PARENTS:** Valley Telecom Group records all Willcox City Council meetings. These recordings may be played and replayed on Valley Telecom Cable Channel 1. If you permit your child to participate in the Council Meeting, a recording will be made of your child's participation. If your child is seated in the audience, he or she may be recorded. If you desire, you may request that your child be seated in a designated area to avoid recording. To do so, please submit your request to the City Clerk prior to the meeting. (A.R.S. §1-602.A)

**CALL TO ORDER** –Mayor Gerald W. Lindsey called the special meeting to order on Thursday, April 05, 2012 at 6:30 p.m. The Mayor held off starting this meeting due to Councilman Johnson being approximately 6-7 minutes away and stated that they are also waiting for the City Attorney to arrive.

**Mayor Lindsey officially called the special meeting to order at 6:40 p.m.**

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

**PRESENT**

Mayor Gerald W. Lindsey  
Vice Mayor Monika Cronberg  
Councilman Elwood A. Johnson-arrived at 6:42 p.m.  
Councilman Stephen Klump  
Councilman Christopher Donahue  
Councilman William "Bill" Holloway  
Councilman Robert "Bob" Irvin

**STAFF**

City Manager Pat McCourt  
City Clerk Cristina Garcia Whelan, CMC  
Development Services Jeff Stoddard

**PLEDGE OF ALLEGIANCE TO THE FLAG**-Mayor Lindsey

**DECLARATION ON CONFLICT OF INTEREST**-There was no response from the Mayor, Councilmen or staff.

**ADOPTION OF THE AGENDA**

**MOTION:** Councilman Irvin moved to adopt the agenda as presented.

**SECONDED:** Councilman Holloway seconded the motion. **CARRIED.**

**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; §38-431.03A(4) DISCUSSION OR CONSULTATION WITH THE ATTORNEYS OF THE PUBLIC BODY IN ORDER TO CONSIDER ITS POSITION AND INSTRUCT ITS ATTORNEYS REGARDING THE PUBLIC BODY'S POSITION REGARDING CONTRACTS THAT ARE THE SUBJECT OF NEGOTIATIONS, IN PENDING OR CONTEMPLATED LITIGATION OR IN SETTLEMENT DISCUSSION CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION.**

City Manager Pat McCourt stated he is not legal counsel and since that Individual has not arrived yet he does not believe the City can take any action. (Councilman Johnson arrived at 6:42 p.m.) [Mayor waited 5 additional minutes and the City Attorney had not arrived.]

Manager McCourt asked if they want to consider adjourning this meeting and rescheduling for Monday night when we have a budget session. Vice Mayor Cronberg asked how critical the time frame is and asked if it is better to deal with this as soon as possible. McCourt replied he is not aware based on information he has that there is a critical time frame. He then stated that based on information he has there is still time to receive the necessary information.

Councilman Holloway stated since all members of the Council made effort to get here "let's wait a few more minutes." Mayor Lindsey asked if we can call Attorney Figueroa back and ask when he will be here? (City Clerk called him and gave the phone to the Mayor to talk to him. At 6:55 p.m.) Mayor Lindsey stated "you're not going to be here?" "Would more time be better? Maybe Monday?" "okay, hum hum, hum hum, hum hum, okay we'll do that." Thank You. Bye-bye. (Mayor returned phone to City Clerk.)

Mayor Lindsey announced Attorney Figueroa is not going to be here this evening. He stated at this point should adjourn this meeting, because there is no reason to go into Executive Session without Legal Counsel.

**RECESS TO EXECUTIVE SESSION, IF APPROVED**

**THE MINUTES OF THE SPECIAL MEETING OF THE MAYOR AND  
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ  
HELD ON THIS 05<sup>TH</sup> DAY OF APRIL 2012**

**RECONVENE FROM EXECUTIVE SESSION**

**DISCUSSION/DECISION/DIRECTION TO STAFF REGARDING MATTERS DISCUSSED IN EXECUTIVE SESSION  
MOTION**

**ADJOURN-**

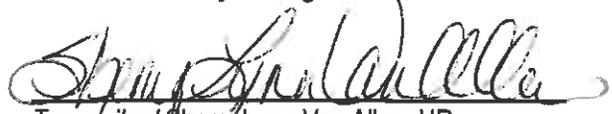
Mayor Lindsey adjourned the special meeting at 6:59 p.m. suggesting that we have an additional meeting on Monday if all could plan to attend.

Mayor announced that Attorney Figueroa stated he considering submitting his resignation as of tomorrow. Mayor Lindsey stated, he is not sure how that is going to play out and hopes it can be discussed on Monday and the Mayor and Council can determine what the Resolution might be.

**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 5<sup>th</sup> day of April 2012. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 3<sup>rd</sup> day of August 2012

  
Transcribed Sherry Lynn Van Allen, HR

PASSED, APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2012.

\_\_\_\_\_  
MAYOR ROBERT A. IRVIN

Signed: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Clerk Virginia Mefford

**THE MINUTES OF THE WORK SESSION OF THE MAYOR AND  
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ  
HELD ON THIS 9<sup>th</sup> DAY OF JULY 2012**

**CALL TO ORDER**- Mayor Bob Irvin called the work session meeting to order on Monday, July 9, 2012 at 6:30 p.m. and welcomed everyone in attendance

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

**PRESENT**

Mayor Robert A. Irvin  
Councilman Gerald W. Lindsey  
Councilwoman Monika Cronberg  
Councilman Elwood A. Johnson

**STAFF**

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

**ABSENT**

Vice Chairman Bill Holloway  
Councilman Earl Goolsby  
Councilman William "Bill" Nigh

**PLEDGE OF ALLEGIANCE TO THE FLAG** lead by Mayor Irvin

**DECLARATION ON CONFLICT OF INTEREST**

None Declared

**ADOPTION OF THE AGENDA.**

**MOTION:** Councilman Lindsey moved to adopt the agenda as presented.

**SECONDED:** Councilwoman Cronberg seconded the motion. **DISCUSSION:** None **CARRIED.**

**DISCUSSION REGARDING PROPERTY ON CIRCLE I ROAD**

City Manager McCourt addressed the council concerning the Property on Circle I Road. He stated Staff asked for this meeting because the City has a piece of property, that the Department of Public Safety leases, the Chamber of Commerce and the third piece is the Stouts Cider mill that ended late last year. We have a building in the Northwest corner and Mr. Wood has the bill board and two large compressions that use to be fishing ponds that have not been utilized since I have been here we plan to use these as flood reservoirs. Staff has understood that the building could be renovated and used as commercial building we thought we could do this for about \$20,000 and we went out to bid for this, we received a broad range in bid. We did not proceed to award any of those bids. He stated, let's get more professional bids and we hired a civil engineer and the criteria we used is on Amendment 3 attachment. Based upon this you notice the leach and the ADEQ requirements to meet the Cochise county requirement. We know to reserve a piece of property and the trapezoid area we set aside here and pointed to the power point presentation, he stated we looked at pricing this and know we have reached about \$60,000 we are now talking about serious amount of money. One idea to look at is, currently we have holiday inn express were we could bring up the sewer line up to Stouts' Cider Mill it is pretty flat out here. We could do a lift station because it is too shallow unless we use the cast iron pipe about 200 ft. We get far enough up to serve the Stouts Cider Mill, chamber of commerce, and DPS. The city does have a regulation, Mr. Bonner made a clarification it is not required once the system is there. City Manager McCourt stated the clauses extends to private and I don't know if this was sustainable or not. We looked at this possibility if we could use the cast iron lift it decreases the cost a lot. We have sewer, water and gas all the way up to Virginia Ave. And showed it on the power point presentation. Councilman Lindsey asked if there was sewer up Virginia Ave. City Manager McCourt stated yes that is available. There is a lot of development land out there. We looked at the cost in the state gravity system I was asked if the city crews could do this job we do have a technical skills and we would have to hire an engineer, but it also has dollar amount cap and this would exceed it. It is conceivable to entice development. Councilman Lindsey stated it is kind of a different equation. City Manager McCourt stated if we wanted to do something like the sewer line we would have to be able to support this with a loan or bond expenditures. I put down a few options: (1) we could do nothing, (2) we could

**THE MINUTES OF THE WORK SESSION OF THE MAYOR AND  
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ  
HELD ON THIS 9<sup>th</sup> DAY OF JULY 2012**

put in a sewer system, or (3) the city could just sell it, the entity that bought it could put in there own sewer system. The City would be governed by the Zoning Code unless the Council wanted to put more stipulations. We would still have a lot of land for potential development. I passed out another item on your dais the council may consider on this. There is a lot of private land marketable. Do we want to inject ourselves to this? If we do, we have land that is cheaper we could do this with. The bill boards spaces we have three of them. Councilman Lindsey asked a question regarding one of the power point slides. Mr. Stoddard explained the maximum what this facility we could hold. Cochise County stated we would have to go out for a RFQ with the maximum size of the 150 people coming through and 10 employees, which is two 4000 gallon tanks. Councilman Lindsey stated that a standard home has a 1500 gallon and Mr. Stoddard stated that is what is out there now, it a retail store comes out the 1500 gallon tank would be sufficient but If a restaurant open up we would need the two 4000 gallon tanks and the state requires you to have a reserved field just in case it goes out. Councilman Lindsey stated the objection is to get some use off that building. Mr. McCourt stated that what we need to discuss about what is our objection, do we want economic development if so there are cheaper ways than doing this, if a tornado came and wiped out that building would we even be having this conversation, I don't know. We have tried to give you basic direction and we have reached a point expenses are rising and we wanted to make sure the council felt was wanted. Mr. Irvin asked the City Manager if we sell this land, we would not have to come up with the money to do this. City Manager McCourt stated they could do that and the city could do this **also** but we assume they would like to maximize the usage of the land . Mr. Johnson stated at one point we had two interests. Mr. McCourt stated we did have two parties interested. If we do have some interest we could put it on the market and see what happens. Mayor Irvin asked the members of the audience if they had any comments. The audience indicated they are here just to listen. Councilwoman Cronberg stated I would rather put it on the market than to be property owners it's not our role as a City anyway and see what happen to see a private enterprise come in and see there ideas for development of this but I would rather see the city actively working with whatever private enterprise that comes in and build a bunch on additional walls beyond the huge problems we have already . Mayor Irvin stated I am in favor of putting this on the market myself. Mr. Stoddard stated we would have to wait and see if we would have to extend this line. Mayor Irvin stated right know we are holding on to this property because we are concerned of what business might come in is it is it worth \$60,000. Mr. Stoddard stated we would have to extend the line to make this sellable and I have moved the property line so they would have parking because it use to go right up to the door of Stout's. City Manager McCourt stated we do not have any use of the building at this point, I kind of like to move things into private hands for development. Mayor Irvin asked do we have concessions for the City Council to put this up for sell. Councilman Lindsey stated to give direction that is my thought also. Councilman Johnson stated yup, the City shouldn't be in the real estate business. City Manager McCourt stated I will give this to my staff to start on this tomorrow.

**ADJOURN**

Being no further business before the Mayor and Council Mayor Irvin adjourned the Work Session at 7:03 p.m.

**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 9<sup>th</sup> day of July 2012. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 9<sup>th</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 \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Clerk Virginia A. Mefford

**THE MINUTES OF THE SPECIAL MEETING OF THE MAYOR AND  
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ  
HELD ON THIS 30<sup>TH</sup> DAY OF July 2012**

**CALL TO ORDER-** Mayor Irvin called the special meeting to order on Monday, July 30, 2012 at 6:00 p.m. and thanked everyone for attending.

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

**PRESENT**

Mayor Bob Irvin  
~~Vice Mayor Bill Holloway~~  
Councilman Gerald W. Lindsey  
Councilman Elwood A. Johnson  
~~Councilwoman Monika Cronberg~~  
Councilman Earl Goolsby  
Councilman William "Bill" Nigh

**STAFF**

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

**ABSENT**

Vice Mayor Bill Holloway (excused)  
Councilwoman Monika Cronberg (excused)

**PLEDGE OF ALLEGIANCE** led by Mayor Irvin.

**CALL TO THE PUBLIC** -There was no response from the public present.

**DECLARATION ON CONFLICT OF INTEREST-** Mr. Figueroa declared a conflict of interest.

**ADOPTION OF THE AGENDA**

**MOTION:** Councilman Johnson moved and removed agenda items #9--12 relating to Executive Session and approved the remainder of the agenda as presented **SECONDED:** Councilman Lindsey **CARRIED**

**PUBLIC HEARINGS, PETITIONS AND COMMUNICATIONS**

**PUBLIC HEARING:** The Mayor and Council will hold a public hearing during the Special Meeting on Monday, July 30, 2012 City Council Chambers, 300 W. Rex Allen Drive, Willcox, AZ regarding:

An application for Extension of Premises/Patio Permit Nakai's, Person Transfer, Location Transfer, Individual. Marie Louise Figueroa, 116 E Maley, Willcox, AZ. Open at 6:10 pm closed at 6:11 pm.

**DISCUSSION/DECISION REGARDING THE APPLICATION FOR EXTENSION OF PREMISES/PATIO PERMITS NAKAI'S, PERSON TRANSFER, LOCATION TRANSFER, INDIVIDUAL, MARIE LOUISE FIGUEROA, 116 E. MALEY, WILLCOX, AZ**

**MOTION:** Councilman Lindsey moved regarding the application for extension of premises/patio permit Nakai's, person transfer, location transfer, individual, Marie Louise Figueroa, 116 E. Maley, Willcox, AZ **SECONDED:** Councilman Johnson **DISCUSSION:** Councilman Nigh asked if there were no further changes on the current smoking area. Ms Figueroa stated all we are doing is expanding the liquor license to the building. Councilman Johnson stated it will go just past to the building existing coverage. Councilman Nigh stated that is the service area to the museum. Ms. Figueroa stated the museum gave us permission. Councilman Nigh stated this is encroaching into another area. Mr. Figueroa stated the museum gave permission which the council approved; this is legal lease agreement which was approved by the voters by the voters of those properties. Councilman Nigh stated the only other concern I have is when the bar became a bar by the museum these old structures about (100 years old) sometimes there is no fire barriers in the attics between the businesses, the bar and the museum. I know bars can get rowdy and fires can get started and I would like to have the fire marshal look into this to see if they have one, if a fire breaks out at any of these buildings it would all go up and it would be a pity; that is all I have to offer. Councilman Lindsey asked the area that is marked on the map; there will not be anything built in this area right away that is through there. Ms. Figueroa asked by the parking lot. Councilman Lindsey stated he was not sure where the parking lot was but there is a patio which has about 19 ft that shows an exit on both ends. Ms. Figueroa stated those are emergency exits. Councilman Nigh stated it is only accessible from the inside. Ms Figueroa stated that is correct, it is only accessible from the inside. Councilman Johnson explained the map to Councilman Nigh and where the exits are located. Ms. Nigh asked why this was not brought to the Planning & Zoning before this was presented. Mr. Figueroa stated the liquor board stated all that is required by the council is to approve an expansion of the liquor license to extend to the other area it is properly zoned for a commercial building. Councilman

**THE MINUTES OF THE SPECIAL MEETING OF THE MAYOR AND  
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ  
HELD ON THIS 30<sup>TH</sup> DAY OF July 2012**

Goolsby stated when I looked at this on the map I thought the same thing but this is really not a zoning issue it is simply an expansion of the liquor License. With no further discussion the motion **CARRIED**

~~**DISCUSSION/DECISION ENTER 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 REGARDING MATTERS RELATING TO THE EXECUTIVE SESSION**~~

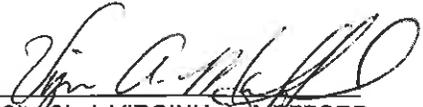
~~—Consideration, discussion and/or decision regarding matters relating to the Executive Session.~~

**ADJOURN-** With no further discussion at 6:17 pm.

**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 30<sup>th</sup> day of July 2012. I further certify that the meeting was duly called and held, and that a quorum was present.

**Dated this 30<sup>th</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: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Clerk Virginia A. Mefford

**THE MINUTES OF THE WORK SESSION OF THE MAYOR AND  
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ  
HELD ON THIS 6<sup>th</sup> DAY OF AUGUST 2012**

could not answer that. Chief Weaver stated the Railroad would have something like this in place the railroad would be responsible for this. Councilman Nigh stated they should have the equipment and I would have to have a talk with them on this. Mr. Bonner stated I have been here for 10 years and I have not seen this happen and a study has been done to see what would need to be done and there is not a lot to do and the water supply it did make its way. Councilman Lindsey stated it should be noted we have had some major flooding and I was called from Washington DC to come here and set up a disaster zone back in the 1980's. Councilman Nigh asked when would the flood control channel done. Mr. Bonner stated back in 1979. Councilman Nigh stated so this didn't help back in 1983. Councilman Lindsey stated it was a unique situation and we had about 50 applications come through. Mr. Bonner stated I am looking to see if there was a sum amount back in 1983 of the cost. The final part of the plan is the Disaster Plan and every five years this plan is to be reviewed in it's entirety and we are here to put it back on the agenda for approval for the updated version. Councilman Lindsey asked why this has come to council. Mr. Bonner stated that is in section 6 on the summery if you get beyond that the maintenance of the drainage that was passed in the ordinance. Councilman Goolsby stated you have stated Willcox and Tombstone have not adopted and you are asking the council to approve this HMP. Mr. Bonner stated yes it is an action on the regular agenda. Mr. Weaver stated I would like to add if we did not have this we would have to pay for this out of the General Fund and if we do adopt this we will be able to get a disaster help. Councilman Goolsby stated the stated sometime the State or the Federal do declare an emergency and does this go with this? Chief Weaver stated yes it does we would have to do this at a local level then it goes to the county level and they would have to do what they have to do. Mr. Bonner stated this is what we are asking to pass tonight. Councilman Goolsby stated that is a good idea to do. Councilman Lindsey stated that is what you are asking us to do. Mr. Bonner stated this is a work in progress as you stated back then and here we are with this. Councilman Goolsby stated yes your right like you said here we are and five years from now we will be looking at this again with other changes. Mr. Bonner stated this is for best interest. Councilman Lindsey said okay we will move on to the next item on the agenda and that is adjournment.

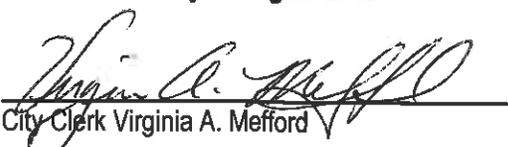
**ADJOURN**

Being no further business before the Mayor Irvin adjourned the Work Session at 6:35 p.m.

**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 6<sup>th</sup> day of August 2012

  
\_\_\_\_\_  
City Clerk Virginia A. Mefford

**PASSED, APPROVED AND ADOPTED** this \_\_\_ day of August\_ 2012.

\_\_\_\_\_  
MAYOR ROBERT A IRVIN  
Signed \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Clerk Virginia A. Mefford

**THE MINUTES OF THE WORK SESSION OF THE MAYOR AND  
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ  
HELD ON THIS 6<sup>th</sup> DAY OF AUGUST 2012**

**CALL TO ORDER**- Mayor Bob Irvin called the work session meeting to order on Monday, August 6, 2012 at 6:00 p.m. and welcomed everyone in attendance

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

**PRESENT**

Mayor Robert A. Irvin  
Vice Chairman ~~Bill Holloway~~  
Councilman Gerald W. Lindsey  
Councilman Elwood A. Johnson arrived at 6:06 pm

~~Councilwoman Monika Cronberg~~  
Councilman Earl Goolsby  
Councilman William "Bill" Nigh

**ABSENT**

Vice Chairman Bill Holloway  
Councilwoman Monika Cronberg

**STAFF**

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

**PLEDGE OF ALLEGIANCE TO THE FLAG** lead by Mayor Irvin

**DECLARATION ON CONFLICT OF INTEREST**

None Declared

**ADOPTION OF THE AGENDA.**

**MOTION:** Councilman Lindsey moved to adopt the agenda as presented.

**SECONDED:** Councilman Nigh seconded the motion. **DISCUSSION:** None **CARRIED.**

**DISCUSSION ON COCHISE COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN**

**DISCUSSION:** Mr. Bonner addressed the council and stated he wrote up a 14 page summary and hopes it helps for the discussion tonight. He stated that Jake Weaver, Mr. Benavedeous and few others back in 2007 put together but it never was put on the agenda he read portions of the summary and asked if anything comes up please let him know. The primary reason to have the hazard mitigation is to have federal funding. There is an Act and the actual Act wasn't approved until 2007 for the plan. There is also CFR 201-6 stated the local government has to have this Hazard Mitigation Program in place. This is the reason for this meeting tonight. I mentioned earlier when it started and when it was up for approval previously. So back in 2011 there were four meetings put together and that was when they were revising the plan. Most important part of the Mitigation in section 6 the mitigation surrounds the codes that are adopted by council and zoning title 17 that should be title 11, that will be revised and title 16. The previous Hazard Mitigation Plan that has not been adopted for example for flooding. If you were in a flooding area you would have to elevate at least one foot. This is also landing flood plan managers surveyors; we use contractor, emergency manager, public works department and city manager. In section six the hazards are fire, haz mat and flooding, these are the haz mats that we have to adhere to. Chief Weaver stated we did have one hazard about 2 miles out, the wind condition would be a factor of evacuation. This causes for the intersection to be closed, if this was closed it would be the potential for evacuation due to the wind condition. Councilman Goolsby asked does this program inclusive with the railway or combination of both the reason I'm asking is because I do discuss this with the students. I do talk to them about the railroad and how this program does impacts this. Mr. Bonner explained this is a planning tool a just incase something like this happens, I happen to be in Colorado when the fires were broke out visiting my son that is a city of 200,000 people and here we have with maybe 30,000 people across town. Know with the Railroad they have their own why of dealing with this kind of thing, if a derailment does happen. Chief Weaver stated this is to have a plan in place if something like this is to happen we would be a requested to help to evaluate. Councilman Goolsby stated this is just a fire department and local police department, this is like for communication. Councilman Nigh asked does the railroad have a disaster kit. Like to patching chlorine or anything else. Mr. Bonner stated he

**CITY OF WILLCOX  
REQUEST FOR COUNCIL ACTION**

Agenda Item 9  
 Tab Number 3  
 Date: 08-20-12

<b>Date Submitted:</b>	<b>Action:</b>	<b>Subject:</b>
<b>August 2, 2012</b>	<input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Formal <input type="checkbox"/> Other	Primary and Secondary Property Tax Levies for Fiscal Year 2012-2013

TO: MAYOR AND COUNCIL  
 FROM: Finance Director Ruth Graham

**DISCUSSION:**

As a part of the budget process each year, the Mayor and Council of the City of Willcox determine the City's Primary and Secondary property tax levies for the upcoming year. A Public Hearing on the tax levies was held of July 16, 2012, and a second Public Hearing will be held on August 6, 2012. A third public hearing will be held August 20, 2012.

As presented in the tentative budget for Fiscal Year 2012-2013, the Primary property tax levy is \$0.3196 for total revenues of \$72,443, the maximum allowable primary tax levy established by the State of Arizona Property Tax Oversight Commission. Per A.R.S. §42-17107(A), if the proposed tax levy, excluding amounts that are attributable to new construction, is greater than the amount levied in the preceding tax year, a truth in taxation hearing must be held. The City Council has determined that the maximum allowable primary tax levy without a truth in taxation hearing is sufficient to meet the needs of the City. Each year the City is allowed an increase of 2% over the preceding year's maximum allowable rate, as determined on current values, without requiring Truth in Taxation hearings. The levy rate as established by the Council becomes the "allowable amount" in the following year so the effect is cumulative. Each year the lower amount is assessed, the next year's allowable levies are reduced as well. The Willcox primary property tax levies for FY12, the last year for which information is available, were the second lowest in the County. Sierra Vista had a lower rate.

A Secondary property tax may be levied to pay the principal and interest charges on General Obligation Bonds. The Fiscal Year 2012-2013 Secondary property tax levy of \$0.6867 will generate revenues of \$157,300, an amount sufficient to pay the City's principal and interest charges on bonds in the upcoming year. The payments are due on bonds issued for municipal improvements. On March 9, 2004, the citizens of Willcox voted to secure funds totaling \$1,515,000 to secure funding to provide municipal service facilities including a police facility, administrative facilities for the city, library improvements and a community meeting room. The proceeds were borrowed in two installments from the Greater Arizona Development Authority (GADA). In 2004, \$1,200,000 was borrowed and in 2007 the balance of \$315,000 was borrowed to complete the projects. In Cochise County, two communities levy secondary property taxes, Willcox and Tombstone.

The combined Primary and Secondary property tax levy total 1.0063, and will generate tax revenues of \$229,743. The combined tax on a home valued at \$100,000 will total \$100.63, an increase of \$1.04 from the prior year. We anticipate that the taxes assessed by the City of Willcox will be approximately 10% of a resident's total property tax bill from the County.

A residential and a commercial 2011 property tax bill are attached as reference. 2011 is the latest tax year available. For a residential property owner, in 2010 the City portion of their property tax bill totaled 10.1% of the total bill; in 2011 the City's portion totaled 9.1% of the total bill. For a commercial property owner, in 2010 the City portion of their property tax bill totaled 8.9% of the total bill; in 2011 the City's portion totaled 8.0% of the total bill.

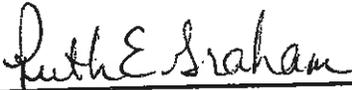
As a comparison, we looked at the Willcox tax levy rates from the past. The City's tax levy rate in FY87-88 was 1.33; and in FY97-98 it was 2.0062. The Council reduced the primary property tax levy in FY04-05 and the combined rate was 1.0076 (.3010 and .7066). Since that time, the combined rate has been consistent. In FY11-12 it was .9959 (.3209 and .6750); and for FY12-13 it is proposed at 1.0063 (.3196 and .6867).

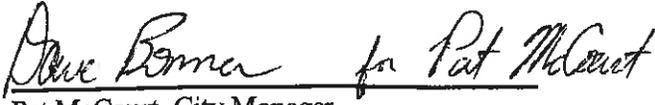
**RECOMMENDATION:**

Motion to approve Ordinance No. NS \_\_\_\_ Adopting the 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.

**FISCAL IMPACT:** Primary Property Tax levy of \$72,443 at the rate of 0.3196, and Secondary Property Tax levy of \$157,300, at the rate of 0.6867, for total primary and secondary property tax revenues of \$229,743 at the combined rate of \$1.0063.

Submitted by:

  
\_\_\_\_\_  
Ruth Graham

  
\_\_\_\_\_  
Pat McCourt, City Manager

**CITY OF WILLCOX**  
**Summary of Tax Levy and Tax Rate Information**  
**Fiscal Year 2013**

	2012	2013
1. Maximum allowable primary property tax levy. A.R.S. §42-17051(A)	\$ 70,786	\$ 72,443
2. Amount received from primary property taxation in the <b>current year</b> in excess of the sum of that year's maximum allowable primary property tax levv. A.R.S. §42-17102(A)(18)	\$	
3. Property tax levy amounts		
A. Primary property taxes	\$ 70,786	\$ 72,443
B. Secondary property taxes	151,094	157,300
C. Total property tax levy amounts	\$ 221,880	\$ 229,743
4. Property taxes collected*		
A. Primary property taxes		
(1) <b>Current</b> year's levy	\$ 66,378	
(2) Prior years' levies	3,411	
(3) Total primary property taxes	\$ 69,789	
B. Secondary property taxes		
(1) <b>Current</b> year's levy	\$ 144,420	
(2) Prior years' levies	7,808	
(3) Total secondary property taxes	\$ 152,228	
C. Total property taxes collected	\$ 222,017	
5. Property tax rates		
A. City/Town tax rate		
(1) Primary property tax rate	0.3209	0.3196
(2) Secondary property tax rate	0.6750	0.6867
(3) Total city/town tax rate	0.9959	1.0063

B. Special assessment district tax rates

Secondary property tax rates - As of the date the proposed budget was prepared, the city/town was operating no special assessment districts for which secondary property taxes are levied. For information pertaining to these special assessment districts and their tax rates, please contact the city/town.

\* Includes actual property taxes collected as of the date the proposed budget was prepared, plus estimated property tax collections for the remainder of the fiscal year.

CURRENT YEAR  
FY 13 BUDGET

**CITY OF WILLCOX**  
**Summary of Tax Levy and Tax Rate Information**  
**Fiscal Year 2012**

	2011	2012
1. Maximum allowable primary property tax levy. A.R.S. §42-17051(A)	\$ <u>68,917</u>	\$ <u>74,454</u>
2. Amount received from primary property taxation in the <b>current year</b> in excess of the sum of that year's maximum allowable primary property tax levv. A.R.S. §42-17102(A)(18)	\$ _____	\$ _____
3. Property tax levy amounts		
A. Primary property taxes	\$ <u>68,917</u>	\$ <u>74,454</u>
B. Secondary property taxes	<u>156,639</u>	<u>151,094</u>
C. Total property tax levy amounts	\$ <u>225,556</u>	\$ <u>225,548</u>
4. Property taxes collected*		
A. Primary property taxes		
(1) <b>Current</b> year's levy	\$ <u>65,743</u>	
(2) Prior years' levies	<u>4,347</u>	
(3) Total primary property taxes	\$ <u>70,090</u>	
B. Secondary property taxes		
(1) <b>Current</b> year's levy	\$ <u>149,740</u>	
(2) Prior years' levies	<u>10,236</u>	
(3) Total secondary property taxes	\$ <u>159,976</u>	
C. Total property taxes collected	\$ <u>230,066</u>	
5. Property tax rates		
A. City/Town tax rate		
(1) Primary property tax rate	<u>0.3020</u>	<u>0.3209</u>
(2) Secondary property tax rate	<u>0.6700</u>	<u>0.6750</u>
(3) Total city/town tax rate	<u>0.9720</u>	<u>0.9959</u>

**B. Special assessment district tax rates**

Secondary property tax rates - As of the date the proposed budget was prepared, the city/town was operating no special assessment districts for which secondary property taxes are levied. For information pertaining to these special assessment districts and their tax rates, please contact the city/town.

\* Includes actual property taxes collected as of the date the proposed budget was prepared, plus estimated property tax collections for the remainder of the fiscal year.

PRIOR YEAR  
FY 12 BUDGET

Tax bill from County-residential  
Cochise County

PARCEL #

2011 Tax Summary

Value	9.2454	Assessed Value	3.1495	Tax Rate	Tax
190,813	10.0	19,081	0	9.2454	1,764.11
0	0.0	0	0	0.0000	269.92
190,813	10.0	19,081	0	3.1495	1,494.19
24,240	10.0	2,424	0	3.1495	600.95
166,573	0.0	16,657	0	0.0000	0.00
190,813	0.0	19,081	0	0.0000	600.95

1,764.11  
269.92  
1,494.19  
600.95  
0.00  
2,095.14

ACREAGE: 4.06

68014

TUS ADDRESS:

AL DESCRIPTION:

2010 Taxes	2011 Taxes
508.98	501.38
69.03	81.26
191.43	190.02
506.38	697.44
309.61	317.83
195.19	205.23
15.69	15.18
28.79	27.71
51.52	49.55
9.92	9.54
1,886.54	2,095.14

2011 Tax Bill - Residential

is is the only notice you will receive

Marsha Bonham  
Cochise County Treasurer  
PO Box 1778  
Bisbee AZ 85603-2778



**CITY OF WILLCOX, COCHISE COUNTY, ARIZONA**

**ORDINANCE 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, 2013 AND DECLARING AN EMERGENCY TO EXIST.**

**WHEREAS**, pursuant to A.R.S. § 42-17151, the Ordinance levying taxes for Fiscal Year 2012-2013 is required to be adopted on or before the third Monday in August; and

**WHEREAS**, the County of Cochise is the assessing and collecting authority for the City of Willcox, Arizona; and

**WHEREAS**, it is necessary for the preservation of the peace, health, and safety of the City of Willcox, Cochise County, Arizona, that an emergency be declared to exist to assure timely implementation of the FY 2012-2013 budget, and that this Ordinance shall be effective immediately upon conducting three readings, its passage and adoption

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA**, as follows:

**Section 1:** There is hereby levied **\$0.3196** on each One Hundred Dollars (\$100.00) of the limited assessed valuation of all property, both real and personal, within the corporate limits of the City of Willcox, except such property as may be exempt by law from taxation, a primary tax rate sufficient to raise the amount of **\$72,443.00** required in the annual budget for the Fiscal Year 2012-2013.

**Section 2:** There is hereby levied **\$0.6867** on each One Hundred Dollars (\$100.00) of the unlimited assessed valuation of all property, both real and personal, within the corporate limits of the City of Willcox, except such property as may be exempt by law from taxation, a secondary tax rate sufficient to raise the amount of **\$157,300.00** required in the annual budget for the Fiscal Year 2012-2013.

**Section 3:** The combined tax rate as set forth in Sections 1 and 2 shall equal **\$1.0063** per One Hundred Dollars (\$100.00) of assessed valuation of all property, real and personal, within the corporate limits of the City of Willcox, except such property exempt by law from taxation, a combined tax rate sufficient to raise the amount of **\$229,743.00** required in the annual budget for the Fiscal Year 2012-2013.

**Section 4:** The estimates of revenues and expenditures shown on Schedules A-E, as now increased, reduced or changed by and the same are hereby adopted as the Budget of the City of Willcox, Cochise County, Arizona for the FY2012-2013.

**Section 5:** Failure by the county officials of Cochise County, Arizona, to properly return the delinquent list, any irregularity in assessments or omissions in the same, or any irregularity in any proceedings shall not invalidate such proceedings or invalidate any title conveyed by any tax deed; failure or neglect of any officer or officers to timely perform any of the duties assigned to him/her/them shall not invalidate any proceedings or any deed or sale pursuant thereto, the validity of the assessments or levy of taxes or of the judgment of sale by which the collection of the same may be enforced shall not affect the lien of the City of Willcox upon such property for the delinquent taxes unpaid thereon; overcharge as to part of the taxes or of the costs shall not invalidate any proceedings for the collection of taxes or the foreclosure of the lien therefore or a sale of the property under such foreclosure; and all acts of officers de facto shall be valid as if performed by officers de jure.

**Section 6:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 7:** This Ordinance shall become effective upon adoption.

**Section 8:** The Clerk of the City is directed to transmit a certified copy of this Ordinance to the County Assessor and the Board of Supervisors of Cochise County.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA** this \_\_\_\_\_ day of August, 2012.

**APPROVED/EXECUTED:**

\_\_\_\_\_  
MAYOR, ROBERT A. IRVIN

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk, Virginia A. Mefford

\_\_\_\_\_  
City Attorney, Hector M. Figueroa

Publish: Arizona Range News Aug. 8<sup>th</sup> & 15<sup>th</sup>, 2012  
Public Hearing: August 20, 2012

**ORDINANCE NS 311**

**PUBLIC HEARING NOTICE IS HEREBY GIVEN** that the Mayor and Council of Willcox will hold a Public Hearing on Monday, August 20, 2012 at 7:00 p.m., City Council Chambers, 300 W Rex Allen Dr, Willcox, AZ 85643 for the purposes of hearing public comment and/or views regarding **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.** WHEREAS, pursuant to A.R.S. § 42-17151, the Ordinance levying taxes for Fiscal Year 2012-2013 is required to be adopted on or before the third Monday in August; and WHEREAS, the County of Cochise is the assessing and collecting authority for the City of Willcox, Arizona; and WHEREAS, it is necessary for the preservation of the peace, health, and safety of the City of Willcox, Cochise County, Arizona, that an emergency be declared to exist to assure timely implementation of the FY 2012-2013 budget, and that this Ordinance shall be effective immediately upon conducting three readings, its passage and adoption **NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA,** as follows:

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**Section 4:** The estimates of revenues and expenditures shown on Schedules A-E, as now increased, reduced or changed by and the same are hereby adopted as the Budget of the City of Willcox, Cochise County, Arizona for the FY2012-2013.

**Section 5:** Failure by the county officials of Cochise County, Arizona, to properly return the delinquent list, any irregularity in assessments or omissions in the same, or any irregularity in any proceedings shall not invalidate such proceedings or invalidate any title conveyed by

any tax deed; failure or neglect of any officer or officers to timely perform any of the duties assigned to him/her/them shall not invalidate any proceedings or any deed or sale pursuant thereto, the validity of the assessments or levy of taxes or of the judgment of sale by which the collection of the same may be enforced shall not affect the lien of the City of Willcox upon such property for the delinquent taxes unpaid thereon; overcharge as to part of the taxes or of the costs shall not invalidate any proceedings for the collection of taxes or the foreclosure of the lien therefore or a sale of the property under such foreclosure; and all acts of officers de facto shall be valid as if performed by officers de jure.

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**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA** this \_\_\_\_ day of August, 2012.

**APPROVED/EXECUTED:**  
MAYOR ROBERT A. IRVIN

ATTEST: City Clerk,  
Virginia A. Mefford

APPROVED AS TO FORM: City Attorney,  
Hector M. Figueroa  
Public Hearing  
August 20, 2012.

**ORDINANCE NS311**

Publish: Arizona Range  
News August 8 & 15, 2012



**CITY OF WILLCOX**  
**Request for Council Action**

Agenda Item: 10  
Tab Number: 4  
Date: 08/28/2012

**Date Submitted:**  
08/15/2012  
**Date Requested:**  
10/05/2012-10/07/2012

**Action:**  
 Resolution  
 Ordinance  
 Formal  
 Other

**Subject: Rex Allen Days. The Rex Allen Days Inc. is requesting permission to hold a Carnival at Keiller Park and WUSD property.**

**To: Honorable Mayor and City Council**

**From: Dave Bonner, Director Public Services & Works**

**Discussion: The Rex Allen Days Inc. is requesting permission to hold a Carnival in the back of Keiller Park sharing the use of the Willcox Unified School District Property to enable RAD to bring larger rides for the attendee's.**

**Recommendation: Staff recommends that the Mayor and Council grant permission for this event. According to Title number 17.12.280 B1 City Council must authorize a temporary permit for a carnival.**

**Fiscal Impact: \$0.00**

Prepared By: Kate Schwartz  
Kate Schwartz, Public Services and Works

Approved By: Dave Bonner  
Dave Bonner, Public Services and Works Director

Approved By: Pat McCourt  
Pat McCourt, City Manager

REX ALLEN DAYS INC.  
P.O. BOX 429  
WILLCOX AZ 85644  
EMAIL: r.a.d.pres@gmail.com  
520-507-8330

August 14 2012

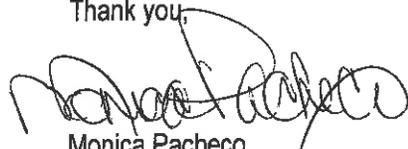
Honorable Mayor Irvin and Members of the Council,

The Executive Board of Rex Allen Day's Incorporated is pleased to announce the Annual 61<sup>st</sup> Rex Allen Day's Celebration being held on October 05 through October 07, 2012. As we have in the past we are planning to have a Carnival during the annual celebration. This event is a large attraction for the youth of our Community as well as those visiting for the weekend.

The Carnival is normally located in the back of Keiller Park and this year will be sharing use of the Willcox Unified School District Property to enable RAD to bring larger rides for the attendee's. The RAD board has received the required liability insurance requirement from Brown's Amusement naming RAD, the City of Willcox and the Willcox Unified School District.

We look forward to this years Carnival being a successful and well attend attraction. We request that the Mayor and Council grant permission for the event to occur.

Thank you,



Monica Pacheco  
Keiller Park Chairman

**CITY OF WILLCOX  
Request for Council Action**

Agenda Item: 11  
Tab Number: 5  
Date: 08/29/2012

**Date Submitted:**  
08/15/2012  
**Date Requested:**  
10/04/2012-10/07/2012

**Action:**  
 Resolution  
 Ordinance  
 Formal  
 Other

**Subject: Rex Allen Days. The Rex Allen Days Inc. is requesting a waiver of fees for Quail Park for Grand Canyon Pro Rodeo and a Pre Rodeo event for children.**

**To: Honorable Mayor and City Council**

**From: Dave Bonner, Director Public Services & Works**

**Discussion: The Rex Allen Days Inc. is requesting a waiver of fees for Quail Park from October 4<sup>th</sup> through October 7, 2012. The Rex Allen Days Inc. would like to hold the Grand Canyon Pro Rodeo as well as a Pre Rodeo event for children. All proceeds from these events will be given to local scholarships.**

**Recommendation: Staff recommends that the Mayor and Council a waiver for this event.**

**Fiscal Impact: \$525.00 of lost revenue**

Prepared By: Kate Schwartz  
Kate Schwartz, Public Services and Works

Approved By: Dave Bonner  
Dave Bonner, Public Services and Works Director

Approved By: Pat McCourt  
Pat McCourt, City Manager

**REX ALLEN DAYS INC.  
P.O. BOX 429  
WILLCOX AZ 85644  
EMAIL: r.a.d.pres@gmail.com  
520-507-8330**

**August 13, 2012**

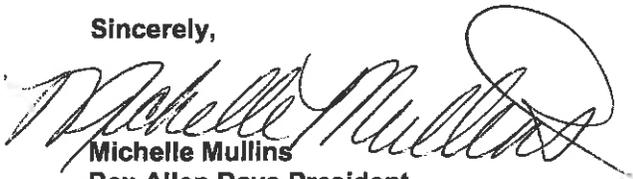
**Honorable Mayor Irvin and Members of the Council,**

**The Executive Board of Rex Allen Day's Incorporated is pleased to announce the Annual 61<sup>st</sup> Rex Allen Day's Celebration being held on October 04 through October 07, 2012. As we have in the past we are planning our feature event which is the Grand Canyon Pro Rodeo, along with the Pre Rodeo event for children. We have worked very closely with the City in the past to make this a successful event and would like to request again this year the waiver of any fees associated with the use of Quail Park. The board sincerely appreciates the effort and assistance given to use from all departments within the City of Willcox as well as the support we have received from the governing body to promote the success of the Rodeo events in the past.**

**As you are aware the proceeds from RAD Inc. is given to local scholarship recipients for FY11 we were able to present three scholarships to local kids pursuing their educational goals. Additional money this year was also donated to the Willcox Senior Center as well as a small donation towards the Willcox Fireworks.**

**We look forward to this years Rodeo being a successful and a well attended community event and thank the Mayor and Council for their consideration in this matter.**

**Sincerely,**



**Michelle Mullins  
Rex Allen Days President**

**CITY OF WILLCOX  
REQUEST FOR COUNCIL ACTION**

Agenda Item: 12  
Tab Number: 6  
Date: 08-20-2012

**Date Submitted:**  
08-15-2012  
**Date Requested:**  
08-20-2012

**Action:**  
 Resolution  
 Ordinance  
 Formal  
 Other

**Subject: Resignation  
from Cody Bowman  
from Parks and  
Recreation Advisory  
Committee**

**TO: MAYOR AND COUNCIL**

**FROM: City Manager**

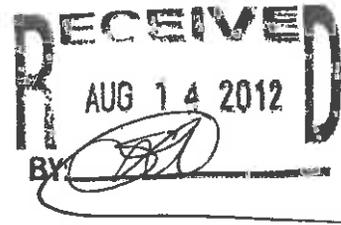
**DISCUSSION:** Attached is a resignation letter from Mr. Cody Bowman from the Parks and Recreation Advisory committee effective immediately.

**RECOMMENDATION:** Accept the resignation.

**FISCAL IMPACT:** zero

Prepared by:   
Sherry Lynn Van Allen – Human Resources

Approved by:   
City Manager



August 12, 2012

City of Willcox chamber and city council members;

I Cody Bowman respectfully resign from the Park and Recreation board effective immediately.

The reason for this is I have secured a position with public works and this could create a conflict of interest. I do not wish in any way to have the possibility of issues arise so I feel this is in every ones best interest.

Thank You for the letting me have the opportunity to work with everyone.

Sincerely

  
Cody Bowman

**CITY OF WILLCOX  
REQUEST FOR COUNCIL ACTION**

Agenda Item: 13  
Tab Number: 7  
Date: 08-20-12

<b>Date Submitted:</b> 8-15-12 <b>Date Requested:</b> 8-20-12
--

<b>Action:</b> <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Formal <input type="checkbox"/> Other
---

<b>Subject: Appointment of substitute for Hector Figueroa under the Legal Services Contract, and direction to staff.</b>
--

**TO: MAYOR AND COUNCIL**

**FROM: City Manager**

**DISCUSSION:** The current contract for legal services, between Hector M. Figueroa d.b.a. Hector M. Figueroa & Associates, provides in Article VII "Assignment": CITY ATTORNEY, with prior written approval of the CITY, may assign its/his rights to this Contract, in whole or in part, to PATRICK A. MORAN to assure continued legal services in case of absence, illness or death of the CITY ATTORNEY. Approval may be withheld at the sole discretion of CITY, provided that such approval shall not be unreasonable withheld.

Mr. Figueroa has indicated that he wishes to assign the existing contract for legal services to Ann P. Roberts, Esq. Attached is a copy of her resume.

**RECOMMENDATION:** The Council needs to decide if they are comfortable with allowing the assignment of the existing Legal Services Contract to Ann P. Roberts. The selection of City Attorney is solely a Council Decision. Whatever the decision of Council, provide direction to staff on how to proceed.

**FISCAL IMPACT:** It does not appear that there will be any fiscal impact as a result of this assignment. This is currently budgeted in the City General Fund in the amount of \$72,000/yr, which is paid monthly.

**Prepared by: Pat McCourt**

**Approved by:**   
City Manager

## Pat McCourt

---

**From:** Ann Roberts <annroberts@theriver.com>  
**Sent:** Tuesday, August 14, 2012 12:02 PM  
**To:** pmccourt@willcoxcity.org  
**Subject:** Interim City Attorney Position  
**Attachments:** Ann Resume 4 8.12.doc

Dear Mr. McCourt:

Thank you for the phone call this morning. Attached is my resume for your consideration. If you have any questions or concerns, please don't hesitate to call me.

Ann P. Roberts, Esq.  
Battaglia & Roberts, P.C.  
P.O. Box 2315  
Benson, Arizona 85602  
Telephone Number (520) 586-2292  
Fax Number (520) 586-2294

Battaglia & Roberts, P.C.  
Attorneys at Law  
167 E. 5th Street  
Benson, Arizona 85602

Phone (520) 586-2292  
Fax (520) 586-2294  
E-mail  
annroberts@theriver.com

# Ann P. Roberts

## Summary of qualifications

### Attorney at Law

- Admitted to practice law in the State of Arizona since 1997.
- Admitted to practice law before the United States District Court, Tucson, Arizona since 1997.
- Special Deputy Cochise County Attorney since June, 2001.
- City of Benson Prosecutory since June, 2001.
- Fifteen years' experience in the general practice of law.
- Twelve years' experience in the practice of municipal law.
- Eleven years' experience in the practice of criminal law.

## Work experience

### **Battaglia and Roberts, P.C. , Attorneys at Law, Benson, Arizona**

- Attorney October, 1997 to present
- Represent clients in civil matters.

### **City of Benson Benson, Arizona**

- City Attorney June, 2001 to August, 2007
- City Prosecutor June, 2001 to present
- Deputy City Attorney May, 2000 to June 2001
- Represented City in civil matters within the area of municipal law.
- Performed prosecutorial duties in Magistrate/Justice of the Peace Courts as a Special Deputy for the Cochise County Attorney's Office and City of Benson Prosecutor.

## Education

Oklahoma City University <b>Juris Doctor</b>	Oklahoma City, Oklahoma	1994 to 1997
Arizona State University <b>Bachelor of Science, Major in Economics</b>	Tempe, Arizona	1988 to 1990
Northern Arizona University	Flagstaff, Arizona	1986 to 1988

## Professional memberships

Arizona State Bar Association	1997 to present
Arizona Prosecuting Attorneys Association	2001 to present
Arizona City Attorneys Association	2000 to 2007

## References

To be provided upon request.



**CITY OF WILLCOX  
REQUEST FOR COUNCIL ACTION**

Agenda Item: 14  
Tab Number: 8  
Date: 08-20-12

**Date Submitted:**  
8-14-12

**Date Requested:**  
8-20-12

**Action:**

Resolution  
 Ordinance  
 Formal  
 Other

**Subject: Accepting the resignation of Hector Figueroa as City Attorney (ending the Legal Services Contract) and advising staff on how to proceed.**

**TO:** MAYOR AND COUNCIL

**FROM:** City Manager

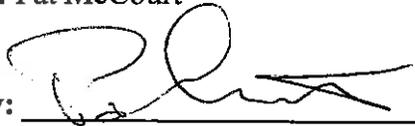
**DISCUSSION:** Mr. Figueroa submitted a letter dated August 6, 2012 to the Mayor, Robert A Irvin and City Manager Patrick McCourt, indicating his desire to resign as City Attorney (end the Legal Services Contract between Hector M. Figueroa and the City of Willcox). In the letter Mr. Figueroa indicated he could continue to provide services through the end of August 2012.

Earlier on the agenda the Council considered the Assignment of the contract for Legal Services; if the Council has made an assignment, then no additional action is necessary. If the council has not agreed to the assignment then the Council may wish to accept the resignation and direct staff on how to proceed.

**RECOMMENDATION:** Accept the resignation/agree to terminate the legal services contract with Hector M. Figueroa d.b.a. Hector M Figueroa & Associates, which was approved as Resolution 2011-32.

**FISCAL IMPACT:** Should be zero

**Prepared by:** Pat McCourt

**Approved by:**   
City Manager



CITY OF WILLCOX  
Legal Department



135 E. Maley  
Willcox, Arizona 85643  
(520) 384-2316 Fax: (520) 384-3305  
[hmfigueroa@vtc.net](mailto:hmfigueroa@vtc.net)

*"Mine, Yours and Ours"*

## ATTORNEY/CLIENT PRIVILEGED COMMUNICATION

August 6, 2012

Mayor, Robert A. Irvin  
City Manager, Patrick McCourt  
101 S. Railroad Ave., Ste B  
Willcox, Arizona 85643

RE: Legal Services Contract

Dear Mayor and City Manager:

This correspondence will serve as a follow up to the previous conversations I have had with both of you since late last month. I have been experiencing medical complications with my eyesight. In spite of continuing medical treatment by specialists, I continue to require a long term recovery period. Such recovery limits my available time to deal with day to day legal issues.

I have been practicing law close to 25 years and will turning 65 in February. My wife and I need to change focus and move in a different direction. We have decided to invest in the downtown historic district. As such, I want to make sure that those ventures do not conflict with my city business.

In addition, I have observed some actions by the governing body and the administration that give rise to some legal concerns. I have voiced some of those concerns privately and publicly to the administration and to members of this governing body. I feel there is no need to explain with any more detail as the concerns will be moot after my resignation.

This correspondence will serve to inform you of my decision to resign the position of City Attorney. I informed the City Manager before he went on vacation that August 6, 2012 meeting would be my last meeting. The City should immediately proceed to acquire new counsel. Mr. Patrick Moran has indicated he is not prepared to fill that position. However, Patrick and I can assist the City during August while the City decides on new legal counsel.

This morning Justin Allred, Esq. visited my office and fifteen minutes later Ann Roberts, Esq. conferred with me. They both informed me that they are interested in assuming the position as City Attorney until my current contract year expires in June of 2013. Our current contract provides for assignment of the contract with city council approval. Another option is to proceed to issue a call for bids or to get SW Risk or the League of Cities and Towns to provide temporary

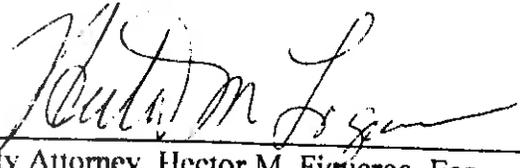
Page 2, Resignation letter

legal assistance. Time is of the essence and the search and selection of new legal counsel is of high priority.

I want to express my gratitude and appreciation to all city council members (starting from 2007 to the present) for the opportunity to serve the City and MY community. You all know that I grew up here and graduated from WHS. I came back here to retire and to be with long life friends and family. I am a city resident and will continue to be active in community and political affairs.

I thank you all and wish you the best of luck. We are prepared to take steps to complete an orderly and mutually satisfactory closure of our contractual relationship.

Very truly yours,

By:   
City Attorney, Hector M. Figueroa, Esq.

**Cc: Mayor, Robert A Irvin  
City Manager, Patrick McCourt**

<p>CITY OF WILLCOX</p> <p>CONTRACT: Legal Services</p> <p>CONTRACTOR: Hector M. Figueroa d.b.a. Hector M. Figueroa &amp; Associates</p> <p>AMOUNT:     \$ <u>72,000.00 (MAXIMUM)</u></p> <p>CONTRACT PERIOD: <u>July 1, 2010</u> to <u>June 30, 2011</u></p>	<p>(STAMP HERE)</p>
--	---------------------

**LEGAL SERVICES CONTRACT**

THIS CONTRACT entered between the CITY OF WILLCOX, a body politic and corporate of the State of Arizona, hereinafter called CITY; and Hector M. Figueroa d.b.a. Hector M. Figueroa & Associates, hereinafter called CITY ATTORNEY.

WITNESSETH

WHEREAS, CITY is empowered pursuant to Title 9, A.R.S. §9-499.01 and the Willcox City Code Title 1- Chapter 7- Article C, Section 1-7C-1 to acquire/retain the services of a CITY ATTORNEY to provide Municipal Legal Services; and

WHEREAS, CITY requires the services of a CITY ATTORNEY to act as the City Attorney and Prosecutor for all civil and city code prosecutions and code enforcement matters.

NOW, THEREFORE, the parties hereto agree as follows:

**ARTICLE I — TERM AND EXTENSION/RENEWAL/CHANGES**

This Contract, as awarded by the Mayor and Council of the City of Willcox, shall commence on July 1, 2010 and shall terminate on June 30, 2011, unless sooner terminated or further extended pursuant to the provisions of this Contract. The parties may renew this Contract upon mutual consent or may terminate the Contract upon completion of the Contract.

Any modification, or extension of the contract termination date, shall be by formal written amendment executed by the parties hereto. Amendments to the Contract must be approved by

Mayor and Council as required by the City Procurement Code or Arizona Revised Statute, before any amended legal services commence.

## **ARTICLE II — SCOPE OF WORK**

This Contract establishes the agreement under which the CITY ATTORNEY will provide CITY with Municipal Legal Services to include, but not be limited to:

- Drafting all ordinances, resolutions and legal documents required;
- Reviewing, revising and approving as to form all contracts, memorandums of understandings, intergovernmental agreements, resolutions and ordinances as required by law and city policies;
- Drafting reviewing and approving as to form all revisions to the City Code and Personnel Policies;
- Prosecutorial responsibilities for all city code notice of violations and citations issued by the Building Official/Code Enforcement officer;
- Litigation of matters subject to exclusion under the SW Risk insurance policy including appeals to Superior Court;
- Litigation support to assigned SW Risk legal counsel retained to represent the City in litigation covered by SW Risk policy;
- In-service training for city staff/elected officials/appointed officials and advisory committees on open meeting laws and other legal matters;
- Attendance and advise to Mayor and Council at council meetings and executive sessions;
- Preparation of agenda items as authorized by the City Code and state statutes;
- Preparation of legal opinions and auditor opinions;
- **Designated attorney to cover scope of work duties in the absence of the CITY ATTORNEY and as provided in Article VII below;**
- Any other legal assignments or required legal work that arises while acting in the official capacity as City Attorney.

CONTRACTOR shall provide CITY with Municipal Legal Services as defined in this contract. All Municipal Legal Services shall comply with the requirements and specifications as called for in this Contract, City Code and Exhibits referenced as if set forth in full herein.

## **ARTICLE III — COMPENSATION AND PAYMENT**

In consideration for the municipal legal services specified in this Contract, the CITY agrees to pay the CITY ATTORNEY a flat sum retainer of Six Thousand Dollars (\$6,000.00) per month for all civil legal services and City Code prosecution services up to a maximum of \$72,000.00. Monthly billings shall be submitted to the City Manager for approval and payment by the third Wednesday of each month.

CITY ATTORNEY shall provide detailed documentation in support of requested payment pursuant contract requirements. Payment requests shall assign costs to items claimed for payment on the billing form previously approved by the CITY. Detailed monthly documentation shall be submitted to the City Manager by the fifth day of each month.

CITY shall compensate/reimburse the CITY ATTORNEY for any out of pocket expenditures for litigation costs incurred in litigation not covered by Southwest Risk insurance policy. CITY ATTORNEY shall provide detailed documentation to the CITY of all claimed costs with written documentation such as receipts.

#### ARTICLE IV — INSURANCE

CITY ATTORNEY shall obtain and maintain at his own expense, during the entire term of this Contract, Professional Liability Insurance in the amount of One Million Dollars (\$1,000,000.00) with proof provided to the CITY.

CITY shall obtain and maintain Southwest Risk or other liability insurance carrier insurance to cover CITY ATTORNEY in litigation arising out of carrying out the contracted scope of work and while acting in his official capacity. CITY ATTORNEY shall also be covered pursuant to the protections of absolute and qualified immunity [as may be provided by the Arizona Revised Statutes] in litigation arising out of carrying out the contracted scope of work and while acting in his official capacity in city code prosecutions.

#### ARTICLE V — INDEMNIFICATION

CITY ATTORNEY shall indemnify, defend, and hold harmless CITY, its officers, employees and agents from and against any and all Malpractice suits, actions, legal administrative proceedings, claims and costs attended thereto, arising out of any act, omission, fault or negligence by the CITY ATTORNEY, its agents, employees or anyone under its direction or control on its behalf in connection with performance of this Contract.

CITY shall indemnify, defend, and hold harmless CITY ATTORNEY, its officers, employees and agents from and against any and all suits, actions, legal administrative proceedings, claims and costs attended thereto, arising out of any act, omission, fault or negligence by the CITY, its agents, employees or anyone under its direction or control on its behalf in connection with performance of this Contract.

#### ARTICLE VI — INDEPENDENT CONTRACTOR

The status of the CITY ATTORNEY **and/or his designated associate, representative or agent** shall be that of an independent contractor(s). The CITY ATTORNEY shall not be entitled to receive any employment-related fringe benefits and shall be responsible for performing municipal legal services personally or by his agent, associate or employee.

**ARTICLE VII — ASSIGNMENT**

CITY ATTORNEY, with prior written approval of the CITY, may assign its/his rights to this Contract, in whole or in part, to PATRICK A. MORAN to assure continued legal services in case of absence, illness or death of the CITY ATTORNEY. Approval may be withheld at the sole discretion of CITY, provided that such approval shall not be unreasonable withheld.

**ARTICLE VIII — AUTHORITY TO CONTRACT**

CITY ATTORNEY warrants its/his right and power to enter into this Contract. If any Court or Administrative Agency determines that CITY does not have authority to enter into this Contract, CITY shall not be liable to CITY ATTORNEY or any third party by reason of such determination or by reason of Contract.

**ARTICLE IX— TERMINATION**

CITY reserves the right to terminate this Contract for cause when CITY ATTORNEY is found to be in default of any provision of this Contract upon a Sixty (60) day advance written notice of such intent to terminate. In the event of such action, the CITY ATTORNEY shall provide the necessary best effort to transfer records/historical data to the CITY and/or succeeding counsel.

**ARTICLE X — NOTICE**

Any Notice required or permitted to be given under this Contract shall be in writing and shall be served by personal delivery or by certified mail upon the other party as follows:

CITY OF WILLCOX

City Manager/City Clerk  
101 S. Railroad Ave., Ste. B  
Willcox, Arizona 85643

CITY ATTORNEY:

Hector M. Figueroa, Esq.  
135 E. Maley  
Willcox, Arizona 85643

**ARTICLE XI — REMEDIES**

Either party may pursue any remedies provided by law for breach of this Contract. No right or remedy is intended to be exclusive of any other right or remedy and each shall be cumulative and in addition to any other right or remedy existing at law or at equity or by virtue of this Contract.

**ARTICLE XII — SEVERABILITY**

Each provision of this Contract stands alone, and if any provision of this Contract is held, in whole or in part, to be unenforceable for any reason, the remainder of the provision and of the entire Contract will be severable and remain in effect.

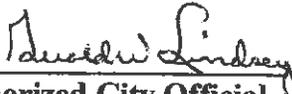
**ARTICLE XIII — ENTIRE AGREEMENT**

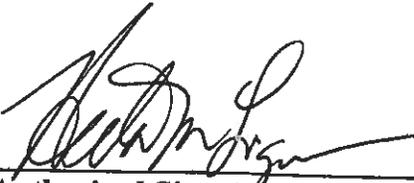
This document constitutes the entire Contract between the parties pertaining to the subject matter hereof, and all prior or contemporaneous agreements and understandings, oral or written, are hereby superseded and merged herein. This Contract may be modified, amended or extended only by a written amendment approved by Mayor and Council and executed thereby.

**IN WITNESS THEREOF**, the parties have affixed their signatures to this Contract on the date written below.

**CITY OF WILLCOX**

**CITY ATTORNEY**

  
\_\_\_\_\_  
**Authorized City Official**

  
\_\_\_\_\_  
**Authorized Signatory**

**Date:** April 6, 2010

Hector M. Figueroa, Esq.  
**Printed Name and Title**

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
**City Authorized Legal Counsel**



**CITY OF WILLCOX  
REQUEST FOR COUNCIL ACTION**

Agenda Item: 15  
Tab Number: 9  
Date: 08-20-2012

**Date Submitted:**  
08-14-2012

**Date Requested:**  
08-20-2012

**Action:**  
 Resolution  
 Ordinance  
 Formal  
 Other

**Subject: Approval of the  
Job Description for the  
Account Clerk II  
Position**

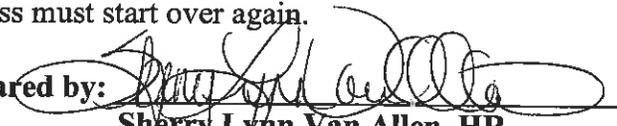
**TO: MAYOR AND COUNCIL**

**FROM: City Manager**

**DISCUSSION:** The Employee Handbook, Section 208 "Job Descriptions", requires: "All new job descriptions and modifications to existing job descriptions must be approved by resolution of the Mayor and City Council before becoming effective." The existing Account Clerk II position has become vacant as of July 24, 2012. As part of the process for filling the position the existing job description has been reviewed. Attachment 1 is the existing Job description which was approved 4-11-2000. Attachment 2 is the proposed Job Description; this is a slightly modified version of the job description prepared for the City by an outside consultant. The slight modifications have to do with language skills, updated computer skill terminology and meets the American with Disability (ADA) requirements. The hiring process for the Account Clerk II position is currently underway. Once approved the modified job description will be presented to all prospective applicants prior to interviews and they will be given a chance to ask questions regarding the language changes.

**RECOMMENDATION:** Pass the Resolution approving the new job description for the Account Clerk II.

**FISCAL IMPACT:** The fiscal impact is difficult to determine: a bad hiring due to misunderstandings of the Job requirements has a high price attached since the hiring process must start over again.

**Prepared by:**   
Sherry Lynn Van Allen, HR

**Approved by:**   
Pat McCourt, City Manager

**RESOLUTION NO. 2012-75**

**A RESOLUTION BY THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA, ADOPTING THE AMENDED JOB DESCRIPTION OF ACCOUNT CLERK II INTO THE JOB DESCRIPTION MANUAL FOR THE CITY OF WILLCOX.**

**WHEREAS**, the City of Willcox adopted the job description manual as an official statement by Resolution 00-11; and

**WHEREAS**, the position of Account Clerk II, is included in the manual; and

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the City of Willcox, Cochise County, Arizona, that the amended attached job description for Account Clerk II shall be adopted and the job description shall be included in the manual for the City of Willcox.

**PASSED AND ADOPTED** by the Mayor and Council of the City of Willcox, Cochise County, Arizona on this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

APPROVED/EXECUTED:

\_\_\_\_\_  
MAYOR, ROBERT A IRVIN

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk, Virginia A. Mefford

\_\_\_\_\_  
City Attorney, Hector M. Figueroa, Esq.

**RESOLUTION NO. 2012-75**

## **JOB DESCRIPTION**

### **Account Clerk II I II**

#### **Education and Experience:**

Associate's Degree in Accounting or a related field, and three (3) years accounting experience; OR an equivalent combination of education, training and experience.

**Certifications/Licenses Required:** Notary Public License is required.

#### **Necessary Knowledge, Skills and Abilities:**

- Knowledge of principles and practices of accounting.
- Knowledge of regulations and standards governing accounting activities.
- Knowledge of financial management systems and software.
- Knowledge of accounts payable and bank reconciliation activities.
- Knowledge of basic municipal budget and audit processes.
- Knowledge of customer service standards and protocol.
- Skill in performing a variety of skilled accounting functions.
- Skill in ensuring compliance with accounting regulations and standards.
- Skill in utilizing financial management and standard computer software applications.
- Skill in reconciling bank accounts and coordinating accounts payable activities.
- Skill in conducting research and coordinating special projects.
- Skill in establishing and maintaining effective working relationships with other staff, City departments; vendors, and members of the public.

**Physical Demands** The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this Job, the employee is regularly required to sit and talk or hear. The employee is frequently required to stand; walk and use hands to finger, handle, or feel. The employee is occasionally required to reach with hands and arms. The employee must occasionally lift and/or move up to 50 pounds. Specific vision abilities required by this job include close vision, distance vision and ability to adjust focus. Work is performed in a standard office environment. Work may involve interacting with, working with, or supervising State of Arizona Department of Corrections inmates.

**Work Environment** The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The noise level in the work environment is usually quiet.

*The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as needed.*

## City of Willcox

### Account Clerk II

**Department:** Finance  
**Reports To:** Finance Director  
**FLSA Status:** Non-exempt  
**Step/Grade:** 13 - \$12.62 to \$17.77 per hour DOE  
**Prepared By:** Sherry Lynn Van Allen & Public Sector Consultants  
**Prepared Date:** July 19, 2012  
**Approved Date:** \_\_\_\_\_ **Resolution:** \_\_\_\_\_  
**Supersedes:** Resolution 00-11

**GENERAL PURPOSE:** Under general supervision, coordinates and performs a variety of accounting functions for the City of Willcox Finance Department.

### **PRIMARY DUTIES AND RESPONSIBILITIES:**

*The following duties ARE NOT intended to serve as a comprehensive list of all duties performed by all employees in this classification, only a representative summary of the primary duties and responsibilities. Incumbent(s) may not be required to perform all duties listed and may be required to perform additional, position-specific duties.*

- Coordinates and performs accounts payable functions; creates purchase orders for expenditure requests made by City departments; cuts checks for payment of invoices; liaises with vendors and pays monthly bills in relation to contract work, utilities, and other services provided to the City.
- Reconciles City bank accounts; monitors and confirms checks cleared and deposits made; posts distributions received by the State; makes journal entries in relation to funds transferred between accounts.
- Conducts research and assists with budget preparation activities.
- Assists with annual financial audit process including preparing reports and documentation required by auditors.
- Coordinates special projects as assigned including conducting research on grant history and credit cards available for the City, developing a vendor database, and collecting on past due and terminated utility accounts.
- Assists with writing and administering grants as required.
- Conducts monthly research on sales tax; calculates money owed by the City to the State for sales tax.
- Provides backup coverage for the front desk including answering incoming calls, processing utility payments, and opening new utility accounts for customers.
- Performs a variety of general office duties including faxing information required by vendors and/or City employees.
- Serves as Notary Public.
- Performs other duties as assigned or required.

# JOB DESCRIPTION

## CITY OF WILLCOX ADMINISTRATIVE AND INFORMATION SERVICES

ISSUED:  
SUPERSEDES:

FLSA: N  
CODE:  
GRADE: 13

JOB TITLE: ACCOUNT CLERK II

### SUMMARY:

Performs the following financial activities of the organization personally or through other personnel. This position reports to the Director of Administrative and Information Services or designee.

### ESSENTIAL DUTIES AND RESPONSIBILITIES:

- Writes, types, or enters information into computer to prepare correspondence, bills, statements, receipts or other documents, copies information from one record to another.
- Proofreads records or forms. Sorts and files records.
- Prepares reports which summarize and forecast City's activity and financial position in areas of income and expenses, based on past, present, and expected operations.
- Compiles time sheets, payroll records, for bi-weekly payroll preparations.
- Compiles requisitions, purchase orders and invoices for accounts payable preparations.
- Prepares meter reading reports, completes customer file maintenance and prepares utility bills for mailing.
- Compiles and sorts documents, such as invoices and checks, substantiating business transactions and prepares accounts payable listing.
- Verifies and posts details of business transactions, such as funds received and disbursed and totals accounts.
- Verifies and enters utility billing usages and payments using computer.
- Prepares reports required by regulatory agencies.
- Reconciles bank statements.

## **QUALIFICATION REQUIREMENTS:**

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

## **EDUCATION and/or EXPERIENCE:**

Associate's degree (A. A.) or equivalent from two-year college or technical school or three to five years related experience and/or training or equivalent combination of education and experience.

## **LANGUAGE SKILLS:**

Ability to read and interpret documents such as safety rules, operating and maintenance instructions, and procedure manuals. Ability to write routine reports and correspondence. Ability to speak effectively before groups of customers or employees of organization.

## **MATHEMATICAL SKILLS:**

Ability to calculate figures and amounts such as discounts, interest, commissions, proportions, percentages, area, circumference, and volume. Ability to apply concepts of basic algebra and geometry.

## **REASONING ABILITY:**

Ability to solve practical problems and deal with a variety of concrete variables in situations where only limited standardization exists. Ability to interpret a variety of instructions furnished in written, oral, diagram, or schedule form.

## **OTHER SKILLS and ABILITIES:**

- Ability to operate computer terminal.
- Ability to operate microcomputer.
- Ability to compute and record numbers correctly.
- Ability to follow procedures for keeping records.
- Skills to use eyes, hands, and fingers at the same time to enter figures in books and forms, or to operate a calculator or computer terminal.
- Ability to perform work that is routine and detailed.
- Ability to copy large quantities of numbers without error.

### **PHYSICAL DEMANDS:**

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to sit and use hands to finger, handle, or feel objects, tools, or controls. The employee frequently is required to talk or hear. The employee is occasionally required to stand, walk and reach with hands and arms.

The employee must frequently lift and/or move up to 10 pounds and occasionally lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision and the ability to adjust focus.

### **WORK ENVIRONMENT:**

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The noise level in the work environment is usually moderate.

This description is intended to indicate the kinds of duties and responsibilities which will be required of employees given this title. It shall not be construed as determining what the specific duties and responsibilities of any particular position shall be. It is not intended to limit in any way the right of any supervisor to assign, direct and control the work of employees under their supervision.

