

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

Monday, August 20, 2012

7:00 p.m.

City Council Chambers

300 W. Rex Allen Drive

Willcox, AZ 85643

(Mayor or Designee will read only **BOLD** print of each agenda item,
except for Public Hearings, Petitions and Communications.)

**Resolution No. 2012- 73
Ordinance NS311**

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1. CALL TO ORDER

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

PRESENT

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

STAFF

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

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

4. CALL TO THE PUBLIC

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

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

5. DECLARATION ON CONFLICT OF INTEREST

None Declared

6. ADOPTION OF THE AGENDA

It was moved and seconded to adopt the agenda as presented removing items #18-22 related to executive Session.
CARRIED

7. PUBLIC HEARINGS, PETITIONS, AND COMMUNICATIONS

Tab 1

PUBLIC HEARINGS: Mayor Irvin Read -

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

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

and

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

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

8. CONSENT AGENDA

Items that are considered to be routine by the City Council will be enacted by one motion **without** discussion. The consent agenda is a timesaving device and Council members have received documentation on these items for their review prior to the open meeting. Any Councilmember may remove any item from the consent agenda for discussion and a separate vote as deemed necessary. The public may view the documentation relating to the consent agenda on the City's web site or 24 hours prior to the meeting at the City Clerk's Office, 101 S. Railroad Avenue, Suite B, Willcox, AZ from 8:30 a.m. to 4:30 p.m. or at the Elsie S. Hogan Library, 100 N. Curtis Avenue during normal working hours Monday-Saturday.

It was moved and seconded to approve the Consent Agenda as presented with the removal of item 8A to a regular item on the agenda. **CARRIED**

8A MINUTES OF REGULAR MEETING- July 18, 2011, July 2, 2012, July 16, 2012, August 6, 2012 and Special Meeting of September 6, 2011, April 5, 2012, and Work Session of July 9, 2012 and July 30, 2012, August 6, 2012.

It was moved and second to approve July 18, 2011 and September 6, 2011 **CARRIED**

It was moved and second to approve July 2, 2011 and July 30, 2012 **CARRIED**

9. DISCUSSION/ DECISION REGARDING ORDINANCE NO. NS-311 RELATING TO TAXATION: LEVYING SEPARATE AMOUNTS TO BE RAISED FOR PRIMARY AND SECONDARY PROPERTY TAX LEVIES UPON EACH ONE HUNDRED DOLLARS (\$100.00) OF THE ASSESSED VALUATION OF PROPERTY SUBJECT TO TAXATION WITHIN THE CITY OF WILLCOX FOR THE FISCAL YEAR ENDING JUNE 30, 2012 AND DECLARING AN EMERGENCY TO EXIST. Tab 3

It was moved and second to approve Ordinance No. Ns-311 relating To Taxation: Levying Separate Amounts to be raised for primary and secondary property tax levies upon each one hundred dollars (\$100.00) of the assessed valuation of property subject to taxation within the City Of Willcox for the Fiscal Year ending June 30, 2012

CARRIED 6- Ayes: Mayor Irvin; Vice Mayor Holloway, Councilman Lindsey; Councilwoman Cronberg; Councilman Goolsby; Councilman Nigh **1 Nay:** Councilman Johnson

10 DISCUSSION/DECISION REGARDING REX ALLEN DAYS REQUEST PERMISSION TO HOLD CARNIVAL AT KEILLER PARK AND WUSD PROPERTY FROM OCOBER 5, 2012 THRU OCTOBER 7, 2012 Tab 4

It was moved and seconded to approve the Rex Allen Days requesting Permission to hold carnival at Keiller Park. **CARRIED**

11. DISCUSSION/AND/OR DICSISSION REGARDING REX ALLEN DAYS INC. ARE REQUESTING A WAIVER OF FEES FOR QUAILPARK FOR GRAND CANYON PRO RODEO AND A PRE RODEO EVENT FOR CHILDREN. Tab 5

It was moved and seconded to approve the Rex Allen Days Inc. requesting a waiver of fees for Quail Park for Grand Canyon Pro Rodeo and a pre rodeo event for children **CARRIED**

12. DISCUSSION/ DECISION REGARDING LETTER OF RESIGNATION FROM CODY BOWMAN FROM THE PARKS AND RECREATION ADVISORY COMMITTEE. Tab 6

It was moved and seconded to approve the letter of resignation from Cody Bowman from the Parks and Recreation Advisory
CARRIED

13. DISCUSSION/ DECISION REGARDING RESOLUTION NO. 2012-74 APPROVING AND ADOPTING THE ASSIGNMENT OF THE CITY ATTORNEY LEGAL SERVICES CONTRACT TO ANN P ROBERTS, ESQ. OF THE LAW FIRM OF BATTAGLIA & ROBERTS, P.C. Tab 7

It was moved and seconded to approve Resolution No. 2012-74 approving and adopting the assignment of the City Attorney Legal Services Contract to Ann P Roberts, Esq. of the Law Firm of Battaglia & Roberts, P.C. **DISCUSSION:** Was held to carry out the purposes and intent of the Resolution NO. 2012-74 **CARRIED**

14. DISCUSSION/DECISION REGARDING ACCEPTING THE RESIGNATION OF HECTOR FIGUEROA AS CITY ATTORNEY (ENDING THE LEGAL SERVICES CONTRACT) AND ADVISING STAFF ON HOW TO PROCEED Tab 8

It was moved and seconded to approve accepting the resignation of Hector Figueroa as City Attorney (ending the Legal Services Contract) and advising staff on how to proceed. **DISCUSSION:** was held **CARRIED**

15. PRESENTATION/DISCUSSION REGARDING RESOLUTION NO. 2012-75 APPROVING AND ADOPTING AN AMENDED JOB DESCRIPTION FOR THE POSITION OF ACCOUNTING CLERK II IN THE FINANCE DEPARTMENT PURSUANT TO SECTION 208 OF THE EMPLOYEE HANDBOOK AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST. Tab 9

It was moved and second to approve Resolution NO. 2012-75 approving and adopting an amended job description for the position of Accounting Clerk II in the Finance Department pursuant to section 208 of the employee handbook. **CARRIED**

16. REPORTS BY THE CITY MANAGER PAT MCCOURT

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

- **Report on Arizona League of Arizona Cities & Towns Annual Conference**-will be held on August 28-31, 2012 at the Hyatt Regency Scottsdale at Gainey Ranch **We will repost for the Council agenda meeting for Friday instead of Thursday.**
- **Work Session JT with P&R Park Fees**- will be held on September 4, 2012 at 6:00 pm due to conflict of scheduling on August 27, 2012.
- **Special Council Meeting**- Will be held on Tuesday, September 4, 2012 due to Labor Day Holiday on Monday, September 3, 2012.
- **Update on old Border Patrol Building**- construction is proceeding as planned.
- **Ramada at Railroad Park**- project has been completed.
- **Appraisals to City for Circle I Road**, we did get back two quotes on this.
- **Vacancy**- (1) Parks and Recreation and (1) Planning and Zoning CM McCourt stated anyone interested **please** do so.

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

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

18. ~~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~~ Tab 10

~~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.~~

19. ~~RECESS TO EXECUTIVE SESSION, IF APPROVED~~

~~20. RECONVENE FROM EXECUTIVE SESSION~~

~~21. 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.

NOTE: Documentation (if any) for items listed on the Agenda is available for public inspection, a minimum of 24 hours prior to the Council Meeting, at any time during regular business hours in the Office of the City Clerk, 101 S. Railroad Avenue, Suite B, or the Elsie S. Hogan Community Library during regular business hours Monday-Saturday and on the City's website www.cityofwillcox.org.

NOTE: People with disabilities may request reasonable accommodations. Requests must be made 48 hours prior to the meeting by contacting City Hall at 384-4271 during regular business hours 8:00 a.m. to 4:30 p.m., Monday through Friday.