

**CITY OF WILLCOX  
MAYOR AND CITY COUNCIL  
AGENDA**

**Tuesday, September 4, 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- 79  
Ordinance NS311**

**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)

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. PLEDGE OF ALLEGIANCE TO THE FLAG**

**4. CALL TO THE PUBLIC**

Mayor and Council consider comments or complaints from the public. Those wishing to address the Council are required to register by completing an individual speaker's form and filing it with the Clerk before the meeting. The speaker must be recognized by the Mayor before speaking. Time permitting each presentation will be given approximately three (3) minutes. It is probable that each organization will be limited to one speaker. Action taken as a result of public comment will be limited to directing staff to study or reschedule the matter for further consideration at a later date.

**5. DECLARATION ON CONFLICT OF INTEREST**

Council members and staff have a right to declare a conflict of interest. The declaration of a conflict of interest must be made prior to discussion of any agenda item in which Council members or staff member determine they have a conflict of interest.

**6. ADOPTION OF THE AGENDA**

The Council will at this time either adopt the agenda as presented or may remove or table any of the listed agenda items. Tabled items, unless otherwise directed, will appear on the next regular agenda. Council may not add any items to the agenda at this time. Should staff have any recommendations concerning the exclusion or tabling of agenda items they will voice these recommendations at this time.

**7. PUBLIC HEARINGS, PETITIONS, AND COMMUNICATIONS**

**Tab 1**

**Public Hearing:** The Mayor and Council will hold Public Hearing on Tuesday, September 4, 2012 at 7:00 p.m., City Council Chambers, 300 W. Rex Allen Drive, relating to:

Liquor Licensed Series #13 for Aridus Winery Company, LLC, new license

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.

**8A. MINUTES OF PREVIOUS MEETINGS**

Tab 2

**Regular Meeting** April 2, 2012, **Special Meetings** April 5, 2012, May 7, 2012, July 9, 2012, **Work Session** August 6, 2012, **Regular Meetings** August 6, 2012, and August 20, 2012.

**9. PRESENTATION/DISCUSSION BY REPRESENTATIVE OF FROM THE WILLCOX HISTORIC THEATER PRESERVATION INC. COMMITTEE**

Tab 3

Presentation/Discussion by a representative from Willcox Historic Theater Preservation Inc. Committee.

**10. DISCUSSION AND/OR DECISION/DIRECTION REGARDING THE APPLICATION FOR LIQUOR LICENSE SERIES #13 ARIDUS WINERY COMPANY, LLC NEW LICENSE**

Tab 4

Consideration, discussion and/or decision/direction regarding the application for Liquor License Series #13 Aridus Winery Company, LLC, new license 1126 N. Haskell Avenue, Willcox, AZ

**11. DISCUSSION AND/OR DECISION/DIRECTION REGARDING ACCEPTING A GIFT FROM SSVEC OF 8 COMPUTER SYSTEMS 4 FOR TEEN USE AND 4 FOR PUBLIC USE**

Tab 5

Consideration, discussion and/or decision/direction regarding accepting a gift from SSVEC of eight computers.

**12. DISCUSSION AND/OR DECISION/DIRECTION REGARDING RESOLUTION NO. 2012-76, SUPPORTING THE SUNZIA SOUTHWEST TRANSMISSION PROJECT WITH REGARD TO ROUTE 4B OF THE SUNZIA PROPOSED TRANSMISSION LINE AND DIRECTING AUTHORIZED CITY OFFICERS AND AGENTS TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.**

Tab 6

Consideration, discussion and/or decision/direction regarding Resolution No. 2012-76, as stated supporting Sunzia Southwest Transmission Project with regard to Route 4B of the Sunzia Proposed Transmission Line

**13. DISCUSSION AND/OR DECISION/DIRECTION REGARDING RESOLUTION NO. 2012-77, OPPOSING THE FEDERAL IMPLEMENTATION PLAN ON NITROGEN OXIDES PROPOSED BY THE UNITES STATES ENVIRONMENTAL PROTECTION AGENCY AND DIRECTING AUTHORIZED CITY OFFICERS AND AGENTS TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION**

Tab 7

Consideration, discussion and/or decision/direction regarding Resolution No. 2012-77, as stated opposing the Federal implementation plan on nitrogen oxides proposed by the Unites States environmental protection agency

**14. DISCUSSION AND/OR DECISION/DIRECTION RESOLUTION NO. 2012-78, APPROVING THE APPOINTMENT OF ANN P. ROBERTS, ESQ., TO THE POSITION OF CITY ATTORNEY PURSUANT TO THE ASSIGNMENT OF LEGAL SERVICES CONTRACT APPROVED BY RESOLUTION NO. 2012-74; DIRECTING AUTHORIZED CITY OFFICERS AND AGENTS TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION; AND, DECLARING AN EMERGENCY TO EXIST.**

Tab 8

Consideration, discussion and/or decision/direction Resolution NO. 2012-78, as stated approving the appointment of Ann Roberts, Esq., as the City Attorney pursuant to the assignment of Legal Services Contract approved by Resolution #2012-74.

**15. REPORTS BY THE CITY MANAGER PAT MCCOURT**

Tab 9

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

- **City Hall front desk Closed-** on September 6-7, 2012 for conversion training.
- **Mayor/Manager Luncheon** – Quality Inn - Kiva Room on Thursday, September 20, 2012 at noon - RSVP by September 14, 2012 at Noon.
- **Special Work Session-** Capital needs on Gas System on the Monday, October 22, 2012 at 6:30 p.m.

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

**17. 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(1) and (3), as stated, relating to consideration of employee and consultation for legal advice with the attorney(s) of the public body.

**18. RECESS TO EXECUTIVE SESSION, IF APPROVED**

**19. RECONVENE FROM EXECUTIVE SESSION**

**20. 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.

**21. ADJOURN**

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





**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**

  
**Is/Virginia A. Mefford.**  
**CITY CLERK**



TAB-2

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND  
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ  
HELD ON THIS 02<sup>nd</sup> DAY OF APRIL 2012**

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**CALL TO ORDER-** Vice Mayor Monika Cronberg called the regular meeting to order on Monday, April 2, 2012 at 7:03 p.m. and thanked all for being here.

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

**PRESENT**

Vice Mayor Monika Cronberg  
Councilman Elwood A. Johnson  
Councilman Stephen Klump  
Councilman Christopher Donahue-7:06 p.m.  
Councilman William "Bill" Holloway  
Councilman Robert "Bob" Irvin

**ABSENT**

Mayor Gerald W. Lindsey

**STAFF**

City Manager Pat McCourt  
City Attorney Hector M. Figueroa  
City Clerk Cristina Garcia 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-**Vice Mayor Cronberg.

**CALL TO THE PUBLIC-** Dr. Rundhaug addressed the Council on the effective way the Willcox Department of Public Safety responded to the recent shootings and thanked them again for the quick response during last years High School fire.

**DECLARATION ON CONFLICT OF INTEREST** –There was no response from Council or Staff.

**ADOPTION OF THE AGENDA**

**MOTION:** Councilman Johnson moved to adopt the agenda as presented, removal items 26-29 and moving Item 18 to follow #8.

**SECONDED:** Councilman Johnson seconded the motion. **DISCUSSION:** Consider moving #17 & 18

**AMEND MOTION:** Councilman Johnson amended his original motion to move both 17 & 18 to follow #8

**SECONDED THE AMENDMENT:** Councilman Klump seconded the amendment. **CARRIED**

**ORIGINAL MOTION: CARRIED.**

**PUBLIC HEARINGS, PETITIONS AND COMMUNICATIONS**

**Public Hearing:** The Vice Mayor announced that the Mayor and Council will hold (1) a Public Hearing on Monday, April 2, 2012 at 7:00 p.m., City Council Chambers, 300 W. Rex Allen Drive, to discuss the potential CDBG projects. (See attached for Ad and project names and descriptions.); and

(2) In accordance with ARS §9-499.15, Public Notice: The Mayor and Council will hold public hearings on Monday, May 7, 2011 (2012) and Monday, May 21, 2012 at 7:00 p.m. in the City Council Chambers, 300 W. Rex Allen Drive, Willcox, AZ, regarding the Notice of Intention to Increase Utility Rates and to consider the implementation of revised FY13 Utility Rate Schedules for the Gas, Water, Wastewater, and Solid Waste utilities.

**Proclamation:** Mayor Lindsey proclaimed and Vice Mayor Cronberg read the proclamations: (1) April is **Fair housing Month**; and (2) **National Library Week** April 8-14, 2012. Library Director Tom Miner to came forward and accepted the Library Week Proclamation.

Vice Mayor Cronberg opened the public hearing regarding CDBG projects at 7:15 p.m. City Manager McCourt discussed the CDGB project at the Community Center and possible future projects. All comments were taken into consideration and the Council Packet has handouts regarding additional projects for CDBG use. The Public Hearing was closed by Vice Mayor Cronberg at 7:25 p.m.

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND  
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ  
HELD ON THIS 02<sup>nd</sup> DAY OF APRIL 2012**

**CONSENT AGENDA**

Items that are considered to be routine by the City Council will be enacted by one motion without discussion.

**ACCEPT A \$50.00 DONATION TO THE WILLCOX DEPARTMENT OF PUBLIC SAFETY FROM A PRIVATE DONOR**

**MOTION:** Councilman Johnson moved to approve the Consent Agenda items as presented.

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

**Consider #17 & #18 (*items were moved per motion*)**

**DISCUSSION/DECISION REGARDING APPOINTMENT TO THE PARKS & RECREATION ADVISORY COMMITTEE TO  
FILL UNEXPIRED TERM VACATED BY TIMOTHY ATWELL, TERM TO EXPIRE 12-31-2014**

**MOTION:** Councilman Johnson to appoint Cody Bowman to the P&R Advisory Committee to fill the unexpired term vacated by Timothy Atwell, term to expire 12-31-2014.

**SECONDED:** Councilman Holloway seconded the motion. **DISCUSSION:** Mr. McCourt stated there will be more vacancies in the future. **CARRIED**

**DISCUSSION/DECISION REGARDING ACCEPTING THE LETTER OF RESIGNATION FROM SHARON RAE NIGH FROM  
THE PARKS & RECREATION ADVISORY COMMITTEE**

**MOTION:** Councilman Johnson moved to accept the letter of resignation from Sharon Rae Nigh from the Parks and Recreation Advisory Committee.

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

**DISCUSSION/DECISION REGARDING ACCEPTING THE LETTER OF RESIGNATION FROM WILLIAM M. NIGH FROM  
THE PARKS & RECREATION ADVISORY COMMITTEE**

**MOTION:** Councilman Johnson moved to accept the letter of resignation from William M. Nigh from the P&R Advisory Committee.

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

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-18 THE INTERGOVERNMENTAL AGREEMENT (IGA)  
AMENDMENT FOR THE OPERATION OF THE ANIMAL SHELTER BETWEEN THE CITY OF WILLCOX ["CITY"] AND  
COCHISE COUNTY ["COUNTY"] FOR FY2013 THROUGH FY2014 AND AUTHORIZING THE MAYOR TO EXECUTE THIS  
RESOLUTION, THE IGA AMENDMENT AND DECLARING AN EMERGENCY TO EXIST**

**MOTION:** Councilman Johnson moved to approve Resolution No. 2012-18, as presented, relating to the IGA for the Operation of the Animal Shelter between the City and County for FY2013 through FY2014.

**SECONDED:** Councilman Donahue seconded the motion. **DISCUSSION:** There was an error on the Resolution the \$29,867 should be \$28,867. City Attorney stated the Resolution will be corrected.

**AMENDED MOTION:** Councilman Holloway moved that we reduce the original motion by \$1,000.00.

**SECONDED AMENDMENT:** Councilman Donahue seconded the amendment. **DISCUSSION:** Attorney Figueroa stated staff will correct the resolution if amendment passes. **CARRIED**

**ORIGINAL MOTION – CARRIED.**

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-19 THE COURT CONSOLIDATION AGREEMENT  
BETWEEN THE CITY OF WILLCOX ["CITY"] AND COCHISE COUNTY ["COUNTY"] FOR THE PURPOSE OF  
CONTINUING THE CONSOLIDATED COURT FOR THE PERIOD OF JULY 1, 2012 THROUGH DECEMBER 31, 2014,  
AUTHORIZING THE MAYOR OR VICE MAYOR TO EXECUTE THIS RESOLUTION AND THE AGREEMENT AND  
DECLARING AN EMERGENCY TO EXIST.**

**MOTION:** Councilman Johnson moved to approve Resolution NO. 2012-19, as presented, relating to the Court Consolidation between the City and County of continuing the Consolidated Court for the period of July 1, 2012 through December 31, 2014.

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

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-20 FOR THE PURPOSE OF APPROVING THE  
APPOINTMENT OF TREVOR J. WARD TO THE JUDICIAL POSITION OF CITY MAGISTRATE AND JUVENILE HEARING  
OFFICER FOR FY 2013 AND FY 2014 AND AUTHORIZING THE MAYOR OR VICE MAYOR TO EXECUTE THIS  
RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.**

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND  
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ  
HELD ON THIS 02<sup>nd</sup> DAY OF APRIL 2012**

**MOTION:** Councilman Johnson moved to approve Resolution No. 2012-20, as presented, relating to approving the appointment of Trevor J. Ward to the Judicial Position of City Magistrate and Juvenile hearing Officer for FY2013-FY2014.

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

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-21 FOR THE PURPOSE OF APPROVING THE JUDICIAL SERVICES AGREEMENT WITH JUDGE TREVOR J. WARD FOR CONTRACT PERIOD BEGINNING JULY 1, 2012 AND TERMINATING DECEMBER 31, 2014, AUTHORIZING THE MAYOR OR VICE MAYOR TO EXECUTE THIS RESOLUTION AND THE JUDICIAL SERVICES AGREEMENT AND DECLARING AN EMERGENCY TO EXIST.**

**MOTION:** Councilman Johnson moved to approve Resolution NO. 2012-21, as presented, relating to the Judicial Services Agreement with Judge Trevor J. Ward for contract period beginning July 1, 2012 and terminating December 31, 2014.

**SECONDED:** Councilman Donahue seconded the motion. **DISCUSSION:** City Attorney stated he wanted to make sure all contracts with County and Judge all consistent with Election dates. **CARRIED**

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-22 THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF WILLCOX (CITY) AND THE WILLCOX UNIFIED SCHOOL DISTRICT #13 (SCHOOL) FOR THE PURPOSE OF CONTINUING A SCHOOL SAFETY PROGRAM AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION, THE IGA AND DECLARING AN EMERGENCY TO EXIST**

**MOTION:** Councilman Johnson moved to approve Resolution No. 2012-22, as presented, relating to the IGA between the City and School for continuing a School Safety Program.

**SECONDED:** Councilman Klump seconded the motion. **DISCUSSION:** Vice mayor Cronberg asked for clarification on the rising costs to the City, asked if it was due to Retirement factors, City Manager McCourt replied in the affirmative. **CARRIED**

*(APPROVED MOTIONS moved the next two items #17 & #18 after item #8)*

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-23 APPROVING AND ADOPTING THE JOINT EXERCISE OF POWERS AGREEMENT WITH THE NATIONAL JOINT POWERS ALLIANCE, ["NJPA"] FOR THE PURPOSE OF UTILIZING THE PROCUREMENT UNIT TO MAKE PURCHASES FOR THE CITY FOR THE SKATE PARK PROJECT AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.**

**MOTION:** Councilman Johnson moved to approve Resolution NO. 2012-23, as presented, approving and adopting the Joint Exercise of Powers Agreement with NJPA for the purpose of utilizing the Procurement Unit to make purchases for the City for the Skate Park Project.

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

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-24 APPROVING AND AWARDED THE BID PURCHASE TO AMERICAN RAMP COMPANY, INC. ["ARC"] UNDER THE NJPA COOPERATIVE PURCHASING AGREEMENT TO BE USED FOR THE COMMUNITY SKATE PARK PROJECT AND DECLARING AN EMERGENCY TO EXIST.**

**MOTION:** Councilman Johnson moved to approve Resolution NO. 2012-24, as stated, awarding bid purchase to ARC under the NJPA Cooperative Purchasing Agreement for the Skate Park Project.

**SECONDED:** Councilman Donahue seconded the motion. **DISCUSSION:** Public Works Director, Dave Bonner discussed which items the City could purchase with the amount of money available. **CARRIED**

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-25 AUTHORIZING THE SUBMISSION OF APPLICATIONS FOR FY 2012 STATE SPECIAL PROJECT AND FOR FY2012 REGIONAL ACCOUNT COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS, CERTIFYING THAT SAID APPLICATIONS MEET THE COMMUNITY'S PREVIOUSLY IDENTIFIED HOUSING AND COMMUNITY DEVELOPMENT NEEDS AND THE REQUIREMENTS OF THE STATE CDBG PROGRAM, AND AUTHORIZING ALL ACTIONS NECESSARY TO IMPLEMENT AND COMPLETE THE ACTIVITIES OUTLINED IN SAID APPLICATION.**

**MOTION:** Councilman Johnson moved to approve Resolution NO. 2012-25, as presented, authorizing the submission of applications for FY2012 SSP and FY2012 Regional Account CDBG Funds.

**SECONDED:** CD seconded the motion. **DISCUSSION:** Vice Mayor Cronberg asked if the City is still applying for other competitive grants and City Manager Mc Court replied in the affirmative. **CARRIED**

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND  
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ  
HELD ON THIS 02<sup>nd</sup> DAY OF APRIL 2012**

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-26 APPROVING THE FORMATION OF THE STEERING COMMITTEE AND THE TECHNICAL GROUP UNDER THE BORDER ENVIRONMENT COOPERATION COMMISSION ("BECC") TO PREPARE A PUBLIC PARTICIPATION PLAN ("PPP") AND CONDUCT PUBLIC MEETINGS FOR THE GRANT APPLICATION SUBMITTAL FOR THE UPGRADES AT THE WASTE WATER TREATMENT PLANT ("WWTP") AND DECLARING AN EMERGENCY TO EXIST.**

**MOTION:** Councilman Klump moved to approve Resolution NO. 2012-26, as presented, approving the formation of the Steering Committee and the Technical Group under BECC to prepare a PPP and conduct public meetings for the Grant Application Submittal for the upgrades at the WWTP.

**SECONDED:** Councilman Irvin seconded the motion. **DISCUSSION:** Guidelines from BECC will be provided to the steering committee. **CARRIED**

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-27 RATIFYING, APPROVING AND AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE GOVERNOR'S OFFICE OF HIGHWAY SAFETY ("GOHS") FOR THE 2013 GRANT FUNDING CYCLE. AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.**

***Councilman Johnson declared a conflict of interest.***

**MOTION:** Councilman Klump moved to approve Resolution NO. 2012-27, as presented, ratifying, approving and authorizing the submittal of a Grant Application to GOHS for the 2013 Grant Funding Cycle.

**SECONDED:** Councilman Donahue seconded the motion. **DISCUSSION:** Vice mayor Cronberg asked for clarification on the application submitted. Chief Weaver explained to meet deadlines the application was sent last week and it had been delayed due to the vendor returning information late. He explained we are now asking for ratification.

**CARRIED 5-0-1 Councilman Johnson abstained.**

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-28 APPROVING AND ADOPTING A NOTICE OF INTENTION TO INCREASE RATES AND CHARGES OF THE GAS, WATER, WASTEWATER, AND SOLID WASTE UTILITIES OF THE CITY OF WILLCOX.**

**MOTION:** Councilman Donahue moved to approve Resolution NO. 2012-28, as stated, approving and adopting a Notice of Intention to increase rates and charges of the Gas, Water, Wastewater and Solid Waste Utilities of the City.

**SECONDED:** Councilman Klump seconded the motion. **DISCUSSION:** Clarification on wording from Councilman Johnson, this is item is requesting approval to begin publishing the notices and scheduling the public hearings on May 7 and 21, 2012. Manager McCourt replied in the affirmative. **CARRIED**

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-29 APPROVING AND AUTHORIZING THE WILLCOX DEPARTMENT OF PUBLIC SAFETY TO SUBMIT THE OPERATIONS PLAN FOR PARTICIPATION IN THE FY2012 STONEGARDEN GRANT FUNDING THROUGH THE US DEPARTMENT OF HOMELAND SECURITY FOR THE PURPOSE OF COLLABORATIVE LAW ENFORCEMENT ACTIVITIES AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.**

**MOTION:** Councilman Johnson moved to approve Resolution No. 2012-29, as presented, approving and authorizing the WDPS to submit the Operations Plan for Participation in the FY2012 Stonegarden Grant Funding through USDHS for the purpose of Collaborative Law Enforcement Activities.

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

**REPORTS BY THE CITY MANAGER PAT MCCOURT**

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

**Report on City Election** – General Election to be held on Tuesday, May 15, 2012, for one (1) position. Nomination papers from write-in candidates are due Thursday, April 5, 2012. Those Official write in name(s) will not appear on the ballot. County Voter Registration ends April 14, 2012. Request for early Ballots begins April 19, 2012 by calling Cochise County Elections at 1-520-432-8354 or 1-888-457-4513.

**Library Update**-Tom Miner reported the USDA Grant consisted of 5-elements, Solarium, painting the building, outside murals, carpeting and landscaping. Three of these five projects have been completed.

**Report City Clean Up April 28 2012**

**Report on Fire**- Mr. Mc Court asked Chief to give update on the recent fire at Desert Inn. Building was a loss.

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND  
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ  
HELD ON THIS 02<sup>nd</sup> DAY OF APRIL 2012**

Budget Revised Schedule and Work Session Monday, April 16, 2012-at 6:00 p.m. has been changed from a Budget to a Presentation by Severn Trent regarding Public/Private Operations of Wastewater Treatment Plant.

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

Councilman Klump thanked the regular meeting attendees ... Mr. John Cropper

**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 relating to advice from City Attorney.~~

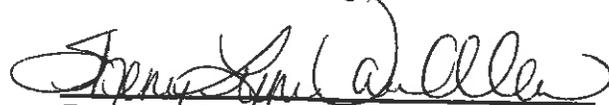
**ADJOURN**

Being no further business before the Mayor and Council of the City of Willcox, Vice Mayor Cronberg adjourned the regular 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 2<sup>nd</sup> day of April 2012. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 27<sup>th</sup> day of August 2012

  
\_\_\_\_\_  
Transcribed Sherry Lynn Van Allen, HR

PASSED, APPROVED AND ADOPTED this 4th day of September 2012.

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

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

ATTEST:

\_\_\_\_\_  
City Clerk Virginia 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**

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**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 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 announced Attorney Figueroa is not going to be here this evening.

**RECESS TO EXECUTIVE SESSION, IF APPROVED**

**RECONVENE FROM EXECUTIVE SESSION**

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

**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**

**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 4th day of September 2012.

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

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

ATTEST:

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

**THE MINUTES OF THE WORK SESSION MEETING OF THE MAYOR AND  
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ  
HELD ON THIS 7<sup>TH</sup> DAY OF MAY 2012**

**CALL TO ORDER**-Mayor Gerald W. Lindsey called the work session meeting to order on Monday, May 7, 2012 at 6:05 p.m. and welcomed all to this meeting and happy to have them here and welcomed them any time.

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

**PRESENT**

Mayor Gerald W. Lindsey  
Vice Mayor Monika Cronberg  
Councilman Elwood A. Johnson  
Councilman Stephen Klump  
Councilman Christopher Donahue-7:00 p.m. arrived  
Councilman William "Bill" Holloway-6:25 p.m. arrived  
Councilman Robert "Bob" Irvin

**STAFF**

City Manager Pat McCourt  
City Attorney Hector M. Figueroa  
City Clerk Cristina Garcia Whelan, CMC  
Library Director Tom Miner  
Finance Director Ruth Graham  
Public Services & Works Director Dave Bonner  
Development Services Jeff Stoddard

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

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

**ADOPTION OF THE AGENDA**

**MOTION:** Vice Mayor Cronberg moved to adopt the agenda as presented.

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

**DISCUSSION REGARDING COMPARISON OF A DOLLAR PER HOUR VERSUS 3% RAISE BY FUND FOR FY13**

City Manager Pat McCourt reported when we start budget work shops start talking about budget summary sheets with all the budgets of the City. They have 13 Funds including the Repair & Demotion discussed at the last budget work session. Each Fund is like an independent company it has its own balance sheet, income and expenses and Fund Balance.

Cost estimate comparison for payroll taken by Fund, General Fund, Utilities and summary 3% Cost of Living Adjustment \$49,658; Streets \$8,220; Gas \$3,719; Water \$4,825; Sewer \$4,059 and also Magistrate adjustment \$28,935.00. Then he was asked to prepare dollar per hour adjustment as opposed to 3% across the board. Dollar per hour totaled by Department and by Fund. Approximately it is: General Fund \$135,546; Streets \$22,086; Gas \$8,640; Water \$11,414; and Sewer \$8,411.00. Magistrate contract states if the Council makes adjustment he would also get adjustment. Councilman Johnson said "if employees get 50/cents/hour they would be happy."

**DISCUSSION REGARDING PRESENTATION OF FISCAL YEAR 2012-13 GENERAL FUND BUDGET FOR PUBLIC WORKS INCLUDING PW ADMINISTRATION, VEHICLE MAINTENANCE, PARKS, BUILDINGS AND GROUNDS, CEMETERY, AND SWIMMING POOL**

Public Works Director Dave Bonner addressed the Mayor and Council and presented a Power Point Presentation:

- **General Fund**-and there are six (6) funds. Beginning with summary budget overall of what Public Works entire General Fund impact last year \$888,053 and this year current projecting \$829,647, and shows steady decline.
- **Administration**-\$198,830, and most is salaries and Utilities for Public Works building and those are the largest numbers. Transfer out of \$4,000 for the radios General Fund which we have to replace them due to FCC changes.
- **Pool**-there are about 12-14 lifeguards, and this year instead of having Assistant manager have Head Lifeguard, Manager and 13 lifeguards. When the Lifeguards and Manager on duty they do cleaning, vacuuming of the pool and trash. Swims Lessons-there are 2-sessions and 2-different time frames and 2-times during those periods. They have early and earlier morning swim and always full. This is one area "the pool makes money." The Pool is open from Memorial Day to Labor Day and it is open right now for Middle School with current Manager Jennifer Norris who has Certification and as the Manager oversees the swimming so that it is safe for the kids to go in and swim.
- **Cemetery** - there is one (1) person assigned but one person does not work there full time. They do spend a lot of time in summer time and late fall, cleaning up weeks and spend a lot of time for burying. Capital Improvements is \$5,000 Transfer and that is for the curbing around the graves purchased per Resolution No. 2004-07 and staff has not found anyone to do that on a regular basis or at a reasonable price. Probably will have to use own staff to do that. Overall they are short staffed

**THE MINUTES OF THE WORK SESSION MEETING OF THE MAYOR AND  
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ  
HELD ON THIS 7<sup>TH</sup> DAY OF MAY 2012**

in Parks, Cemetery, Buildings & Grounds, over \$52,000 and has been around \$39,310.38 is projection for FY13 \$65,000 and reducing that budget.

- **Vehicle Maintenance**-Basically consists of 2-people. Money comes from individual budgets. There is no money except for one car to get gets or taken to Safford to pick up or drop off vehicles. There is no Capital Purchase because City owns tools they use and equipment. Mayor Lindsey referenced salaries which are \$69,968 and asked staff how they are broken out. Mr. Bonner explained that is for 2-employees and comes out of General Fund Expense and not allocated to any other Fund. City Manager McCourt explained this is area to look at cost allocation we have not put Vehicle Maintenance allocation in the past.
- **Buildings & Grounds**-there are 31 structures that the City owns and this department maintains. There is one (1) person assigned to that and in the summer only one person does all the work due to work assigned to other sections in this area. This building does not require a lot of attention and we have had issues at City Hall air conditioners and contracted out because we had to replace compressor. There will be written summary on all the buildings in the final budget. Mayor Lindsey asked where we put cost of Inmate Labor and Dave said Fort Grant Contract and each budget has that lime and Enterprise Funds.
- **Parks**-This is for six (6) Parks and most attention gets the most use i.e. Keller Park and Railroad Park and Gonzales gets a lot of negative attention due to vandalism and tagged. Considering removing the objects of vandalism due to time it takes every week to repair them.
- **Utilities**- \$117,000 and the Majority is water. Watered are 10 acres at Keiller and 3 at Quail and 1.5 ac at Cemetery; grass at Hazel Johnson, Gonzales and Railroad Parks. Also lights at ball fields and paths. Contract with Golf Court is \$40,000 and those are the biggest along with salaries and Insurance \$18,912 and for Skate Park it will be \$1,600.00 which he just received today.

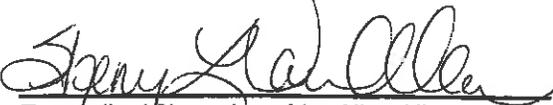
**ADJOURN**

Mayor Lindsey adjourned the work session at 7:03 pm and stated there will be a five minute break before the Regular Meeting will be called to order.

**CERTIFICATION**

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the work session of the City Council of the City of Willcox held on the 7<sup>th</sup> day of May 2012. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 27<sup>th</sup> day of August 2012



Transcribed Sherry Lynn Van Allen, HR

PASSED, APPROVED AND ADOPTED this 4<sup>th</sup> day of September 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 4<sup>th</sup> day of September 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. Now with the Railroad they have their own why of dealing with this kind of thing, if a derailment does happen. Chief Weaver stated plan is in place if something like this is to happen we would be requested to help evacuate. Councilman Goolsby stated this is just a fire department and local police department, is this for communication. Councilman Nigh asked does the railroad have a disaster kit. Mr. Bonner stated he could not answer that. Chief Weaver stated the Railroad would have something like this in place and the railroad would be responsible for this. Councilman Nigh stated they should have the equipment and I will ask them this. Mr.

**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**

Bonner stated I have been here for 10 years and I have not seen this happen. 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 was 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 disaster help. Councilman Goolsby stated sometimes the State or the Federal does declare an emergency and does this go with this? Chief Weaver replied 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 asked is this what you are asking us to do. Mr. Bonner stated this is a work in progress, as stated above it will be done every five years. Councilman Goolsby stated yes your right every five years we will be looking at this again with other changes. Mr. Bonner stated this is for the City's 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 4<sup>th</sup> day of September 2012.**

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

ATTEST:

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

**THE MINUTES OF THE REGULAR MEETING 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 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 from 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 from 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 from 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 clarify this with City Clerk to.

**SECONDED:** Councilman Johnson to remove item 8a for minutes to be corrected **CARRIED**

**THE MINUTES OF THE REGULAR MEETING 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**

**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 form 20108 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 **DISSCUSSION:** 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 **DISSCUSSION:** 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 **DISSCUSSION:** 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 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

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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; 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.**

**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 understood 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 provide the electricity to your citizens of 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 the word "solely". Councilman Lindsey stated it doesn't

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matter if the word "solely" is 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 we 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 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

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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 question too. That is historical area where all the performances are and what I consider Rex Allen Square. Mr. Torres stated 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.**

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

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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~~

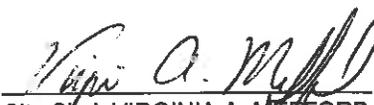
~~Consideration, discussion, decision and/or direction to staff regarding matters discussed in Executive Session and/or  
consultation for legal advice from City Attorney.~~

25. ADJOURN at 8:21 pm.

**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

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**PASSED, APPROVED AND ADOPTED** this 4th day of September 2012.

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

ATTEST:

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



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**CALL TO ORDER**-Mayor Robert "Bob" Irvin called the regular session meeting to order on Monday, August 20, 2012 at 7:00 p.m.

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

**PRESENT**

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

**STAFF**

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

**ABSENT**

**PLEDGE OF ALLEGIANCE TO THE FLAG** led by Mayor Robert "Bob" Irvin

**DECLARATION ON CONFLICT OF INTEREST**

No Conflicts were declared.

**CALL TO THE PUBLIC**

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

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

**DECLARATION ON CONFLICT OF INTEREST**

None Declared

**ADOPTION OF THE AGENDA**

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

**PUBLIC HEARINGS, PETITIONS, AND COMMUNICATIONS**

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

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

and

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The 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

**CONSENT AGENDA**

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

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

**MOTION:** Councilwoman Cronberg made a motion to approve the consent agenda and removed item 8A to regular agenda **SECOND:** Councilman Johnson **CARRIED**

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

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

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

**MOTION:** Councilman Lindsey made a motion to approve Ordinance No. Ns-311 relating to taxation: Levying separate amounts to be raised for primary and secondary Property Tax Levies upon each one hundred dollars (\$100.00) of the assessed valuation of property subject to taxation within the City Of Willcox for the Fiscal Year ending June 30, 2012 **SECOND:** Vice Mayor Holloway **DISCUSSION:** Councilman Johnson asked how much will Property tax go up and what the City is doing. Ms. Graham explained the Property tax will go up on the PowerPoint presentation and explained how the property tax bill looks like for the City of Willcox. Councilman Johnson asked did you do the maximum amount. Ms. Graham stated it is using the maximum, and gave several examples of other cities around our area. Councilman

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

Johnson asked if there was a report that shows the delinquent property taxes in Willcox. Ms. Graham stated we have not accessed that report it is available, but I will check into this and let you know. Councilwoman Cronberg asked if some tax payers pay the half/half type of scenario and others pay the whole thing at once how this does impact us. Ms. Graham stated they pay in May/November so it is in the same fiscal year so it doesn't impact us but we do have some delinquent tax payers. Councilman Johnson asked Ms. Graham if she knew how much was collected last year on property taxes. Ms. Graham pointed this out on the PowerPoint presentation. Councilman Johnson asked if we don't raise property taxes how this will affect the revenue. Ms. Graham explained this on the PowerPoint presentation. City Manager asked the secondary taxes is not used for operational uses right. Ms. Graham stated no, it is strictly for Bond purposes. City Manager McCourt asked this was voted by the voter right? Ms. Graham stated that was correct in the 2004 election. Councilman Goolsby asked the Council is raising taxes as the voters have requested it. Ms. Graham stated yes. **CARRIED 6- ayes:** Mayor Irvin; Vice Mayor Holloway, Councilman Lindsey; Councilwoman Cronberg; Councilman Goolsby; Councilman Nigh **1 Nay:** Councilman Johnson

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

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

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

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

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

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

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

**MOTION:** Councilman Johnson moved to approve Resolution No. 2012-74 approving and adopting the assignment of the City Attorney Legal Services Contract to Ann P Roberts, Esq. of the Law Firm of Battaglia & Roberts, P.C.

**Second:** Vice Mayor Holloway and Councilman Lindsey **DISCUSSION:** Cronberg asked was the other interested party also involved in the discussion about this. Mr. Figueroa stated at the last meeting I did say there was another interested party and I was asked to give my recommendation and it was my professional opinion to recommend Ms. Roberts as she more than capable do the job and I did mention to her I would provide her all my files for the past five years and computer files. Councilwoman Cronberg noted that her resume speaks well to that confidence along with the experience of the practice of Municipal law I just wanted to make sure we were clear with that. She also asked Ms. Roberts about the travel back and forth as he lived in Benson. Ms. Roberts stated she was okay with the current contract of the flat rate. Councilman Lindsey stated we are not bound by Mr. Figueroa contract to do this but it really makes sense because it gives us a chance to work with Ms. Roberts and make a better decision when we do decide to renew the contract. **CARRIED**

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

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

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

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

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

**REPORTS BY THE CITY MANAGER PAT MCCOURT**

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

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

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

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

**~~DISCUSSION/DECISION ENTER INTO AN EXECUTIVE SESSION PURSUANT TO ARIZONA REVISED STATUTES §38-431.03A(3) DISCUSSION OR CONSULTATION FOR LEGAL ADVICE WITH THE ATTORNEY OR ATTORNEYS OF THE PUBLIC BODY~~**

~~Consideration, discussion and/or decision to enter into an Executive Session pursuant to ARS §38-431.03A(1) and (3), as stated, relating to consideration of employee and consultation for legal advice with the attorney(s) of the public body.~~

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

**~~RECONVENE FROM EXECUTIVE SESSION~~**

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

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

~~Consideration, discussion, decision and/or direction to staff regarding matters discussed in Executive Session and/or consultation for legal advice from City Attorney.~~

**ADJOURN at 8:00 pm.**

**CERTIFICATION**

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

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

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

**PASSED, APPROVED AND ADOPTED this 4<sup>th</sup> day of September 2012.**

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

**ATTEST:**

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



Willcox Historic Theater Preservation Inc.  
Willcox City Council Meeting for September 10

Topic: Status – theater acquisition or not

1. Community perception
2. WHTP Mission and Corporate goal
3. Alternative venues
4. Broaden Scope
5. Continued Support
6. Questions from Council

Submitted:

Kurt Edelman  
Willcox Historic Theater Preservation Inc.



TAB 4  
Item #10

Consideration, discussion and/or decision/direction regarding the application for Liquor License Series #13 Aridus Winery Company, LLC, new license 1126 N. Haskell Avenue, Willcox, AZ

Complete Application available for viewing in the City Clerk's Office



**CITY OF WILLCOX  
REQUEST FOR COUNCIL ACTION**

Agenda Item 11  
Tab Number 5  
Date: 9/4/12

**Date Requested:**  
8/27/2012

Resolution  
 Ordinance  
 Formal  
 Other

**Subject:**  
Approval to accept an  
SSVEC gift of 8 CPUs  
- 4 for Teen use, 4 for  
Public use

**TO: HONORABLE MAYOR AND CITY COUNCIL**

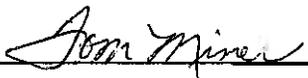
**FROM: Tom Miner, Library Director**

**DISCUSSION:** On Aug 24<sup>th</sup> at the Library, we received 8 used (3-5 yrs old) desktop Central Processing Units (CPUs) as a gift from SSVEC. Their only stipulation was to request that we use 4 of them in the Teen area, and 4 for the general public. I have no problem honoring that request, as we have several computers down for repair or replacement in those areas now. This gives us the flexibility to upgrade from some existing 7-10 yr-old computers we have now, at a fraction of the normal (new) cost, saving the City a considerable amount of money. SSVEC has valued their gift at \$320<sup>00</sup>.

**RECOMMENDATION:** The City Council acknowledge and accept this CPU donation from SSVEC on behalf of the Elsie S. Hogan Community Library.

**FISCAL IMPACTS:** Minus aprx \$700 for new keyboards and monitors.

Submitted by:

  
\_\_\_\_\_

Tom Miner, Library Director

Approved by:

  
\_\_\_\_\_

Pat McCourt, City Manager



**CITY OF WILLCOX  
REQUEST FOR COUNCIL ACTION**

Agenda Item:   12    
Tab Number:   6    
Date: 09-04-2012

<b>Date Submitted:</b> 8-21-12 <b>Date Requested:</b> 9-04-12
--

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

<b>Subject: A Resolution of support for route 4B of the SunZia proposed Transmission Line.</b>
--

**TO:           MAYOR AND COUNCIL**

**FROM:       City Manager**

**DISCUSSION:** SunZia is one of two private companies proposing to build an electric transmission line across southern New Mexico and Arizona for the purpose of transmitting electrical power from points of origin to points further west.

SunZia has held a series of public meetings in which the project and the various proposed routes were discussed.

The United States Bureau of Land Management (BLM) is the lead agency for the Environmental clearance process.

There have been negative comments on ALL of the proposed routes.

The direct long term impact on Willcox is small (since this is a transmission line not a distribution line; although the Willow substation does provide the opportunity to “hookin” to the 500KV line for potential generators of electric power). The short term impact would be during the construction phase when there will likely be jobs and lodging provided during the local construction.

Attached are various documents which describe the project, describe the economic impacts anticipated (both of these are in the macro sense not the local impacts on Willcox) and a map showing the various routes west of Willcox.

The map shows the various routes. The BLM is supporting route 4C2c. Cochise County, Graham County, and Benson are supporting route 4B. The primary reasons stated for support 4B are: it is shorter by 28 miles – less expensive and less impact; it avoids the San Pedro river basin- which is a very environmentally sensitive area; and it is out of the range of the FT. Huachuca testing range – thereby minimizing any interference with the range activities.

While all three of the entities above support the project, they also support route 4B. Additionally, Pinal County has issued a letter of support for the project. The proposed Resolution supports both the project and Route 4B.

**RECOMMENDATION:** Approve the proposed Resolution and direct staff to transmit to the BLM.

**FISCAL IMPACT:** Unknown, as stated above there is potential through the Willow substation to provide some economic possibility of development of energy generation and hookin to the 500KV line. There is some likely benefit during the construction of jobs and lodging in the community of Willcox.

**Prepared by:** Pat McCourt

**Approved by:** \_\_\_\_\_



**City Manager**

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

**RESOLUTION 2012-76**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA, (“CITY”) SUPPORTING THE SUNZIA SOUTHWEST TRANSMISSION PROJECT WITH REGARD TO ROUTE 4B OF THE SUNZIA PROPOSED TRANSMISSION LINE AND DIRECTING AUTHORIZED CITY OFFICERS AND AGENTS TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.**

**WHEREAS**, the SunZia Southwest Transmission Project is a plan to construct approximately 500 miles of two single-circuit 500 kV transmission lines and associated substations to interconnect SunZia with numerous 345 kV lines in both Arizona and New Mexico for electrical transmission to the population centers in the Desert Southwest; and,

**WHEREAS**, SunZia will create jobs and tax revenue in local towns and counties, as documented in a recent study by the University of Arizona and New Mexico State University; and,

**WHEREAS**, SunZia will enable the development of utility-scale renewable energy projects (solar, wind, etc.) in the Desert Southwest; and,

**WHEREAS**, renewable energy projects are good for the environment and help to minimize our dependence upon foreign sources of energy, reduce air pollution and diversify the sources of energy on which we rely; and,

**WHEREAS**, SunZia will strengthen our infrastructure and improve the reliability of the Arizona and western electrical grid systems; and

**WHEREAS**, the Federal Bureau of Land Management (“BLM”) has been conducting a thorough environmental review of SunZia for the past three years under the National Environmental Policy Act (NEPA) and has received extensive input from numerous stakeholders in central and southern Arizona; and,

**WHEREAS**, the BLM has conducted multiple public meetings on SunZia in Cochise County to solicit local input; and,

**WHEREAS**, the Arizona State Land Department, Arizona Game and Fish Department and Arizona Department of Transportation are Cooperating Agencies in SunZia’s NEPA process and have a responsibility to assist the BLM in providing Arizona’s assessment of SunZia’s alternatives and environmental impacts; and,

**WHEREAS**, the Arizona Power Plant and Transmission Line Siting Committee and Arizona Corporation Commission will conduct its own thorough review of SunZia under the state's Certificate of Environmental Compatibility process in 2013; and,

**WHEREAS**, the City of Willcox desires that the route to be selected through southeastern Arizona should have the fewest impacts on land use within the greater Willcox region of Cochise County, Arizona.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLCOX, ARIZONA**, as follows:

**SECTION 1:** The City Council's recommendation is for Subroute 4B of the Route Group 4 alternatives, as this route has fewer impacts on land use in the greater Willcox region than BLM's Preferred Alternative, known as Subroute 4C2c, or the other alternatives under consideration; and,

**SECTION 2:** That the City Manager, City Clerk, Legal Counsel, Elected Officials or their duly authorized officers and agents are hereby authorized and directed to take all necessary steps to carry out the purposes and intent of this Resolution; and,

**SECTION 3:** That the Mayor is authorized and empowered to execute this Resolution as presented.

**PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLCOX, ARIZONA**, this 4<sup>th</sup> day of September, 2012.

**APPROVED/EXECUTED:**

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

**ATTEST:**

\_\_\_\_\_  
**VIRGINIA A. MEFFORD, City Clerk**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**ANN P. ROBERTS, City Attorney**

**RESOLUTION 2012-76**



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## Project Information

- [Project Description](#)
- [Economic Impacts](#)
- [Project Team](#)
- [Sponsors](#)
- [Anchor Tenants](#)

An Economic Impact Assessment was jointly prepared by:



Economic and Business Research Center  
Eller College of Management



Arrowhead Center, Inc.  
New Mexico State University

The University of Arizona  
Tucson, Arizona

Las Cruces, New Mexico



**Summary of Economic Impacts to Arizona & New Mexico**

**6,200 jobs** during a four-year construction period to build SunZia's transmission lines and substations

**Over 36,700 jobs** during a 2-year construction period for renewable generation projects

**Up to 600** permanent jobs from transmission and generation operations



**Summary of Economic Impacts to Arizona**

**Over \$145 million** in estimated wages and salaries (including benefits) during construction of SunZia

**Over \$25 million** in state and local taxes during construction of SunZia

**Over \$5 million** per year in wages and salaries during operation



**Summary of Economic Impacts to New Mexico**

**Over \$275 million** in estimated wages and salaries (including benefits) during construction of SunZia

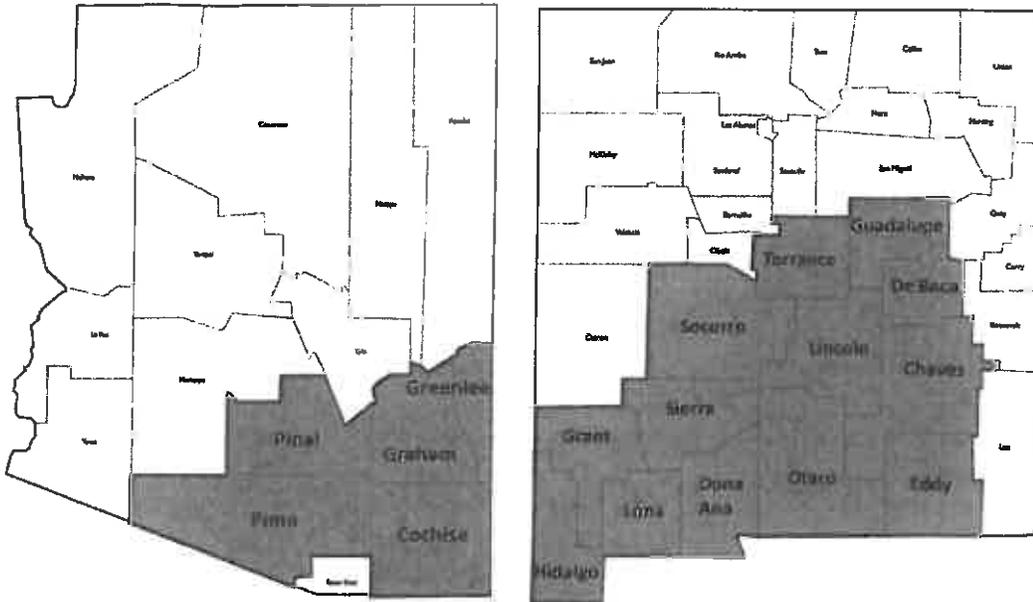
**Over \$65 million** in state and local taxes during construction of SunZia

**Over \$2 million** per year in wages and salaries during operation

**Learn more about the economic impacts to the counties that were studied in the Economic Impact Assessment.**

**Arizona Counties:**

**New Mexico Counties:**



Graham  
Greenlee  
Pima  
Pinal

De Baca  
Dona Ana  
Eddy  
Grant  
Guadalupe  
Hidalgo

Cochise  
Luna  
Otero  
Sierra  
Socorro  
Torrance

Chaves

Lincoln

Download the Economic Impact Assessment prepared by the University of Arizona and New Mexico State University:



[SunZia Southwest Transmission Project](#)



[Potential Renewable Generation Facilities](#)

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## Project Description

The SunZia Southwest Transmission Project is planned to be approximately 500 miles of two single-circuit 500 kV transmission lines and associated substations that interconnect SunZia with numerous 345 kV lines in both states. SunZia will connect and deliver electricity generated in Arizona and New Mexico to population centers in the Desert Southwest.

SunZia will increase power reliability and enhance domestic energy security in the Desert Southwest through strategic interconnections with the underlying extra high voltage grid in Arizona and New Mexico. The electricity distributed by SunZia will help meet the nation's demand for renewable energy and reduce dependence on fossil fuels for power production.

### Land Use

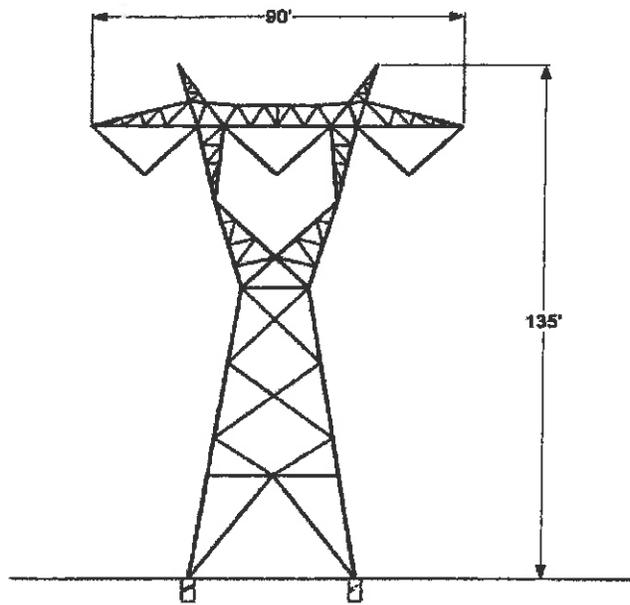
The 'Preferred Alternative' identified by the Bureau of Land Management (BLM) in the Draft Environmental Impact Statement (EIS) is approximately 530 miles and is comprised of 191 miles of federal lands, 226 miles of state lands and 113 miles of private or other lands in Arizona and New Mexico. The BLM's final determination on SunZia's alignment has not been made and there are alternate routes still under consideration. [View detailed maps.](#)

- Right-of-way corridors for both lines may be up to 1,000 feet, depending on terrain conditions. Typical right-of-way corridor width is 200 feet per 500 kV circuit.
- Use of private property will be acquired through fee purchase and easements.

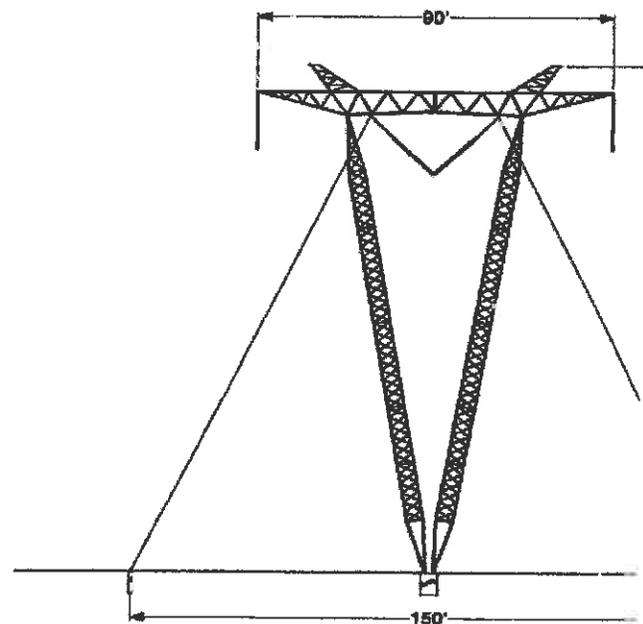
### Some Typical Characteristics of 500 kV Transmission Lines

- Lattice steel towers (see below for images of typical tower structure drawings)
- Towers will be approximately 130 feet in height. Tower heights will vary depending on terrain.
- The distance between towers will be approximately 1,400 feet. This separation will vary depending on route elevation and terrain.
- Access to line and tower locations will make maximum use of existing roadways, but new roads, many only for construction use, will be needed.
- The project may utilize aerial construction techniques to minimize ground disturbance, where necessary.

### Some Typical Tower Designs



**Self Supporting Lattice Steel Tower**



**Guyed-V Lattice Steel Tower**

## Substations

SunZia currently proposes to interconnect with up to five substations:

-  Pinal Central (near Coolidge in Pinal County, AZ)
-  Willow 500 kV (East of US 191 in Graham County, AZ)
-  A substation in Hidalgo County
-  SunZia South (near Deming in Luna County, NM)
-  SunZia East (near Corona in Lincoln County, NM)

Other substations may be constructed along SunZia's route should interconnection with generation facilities be requested.

## Configuration Options

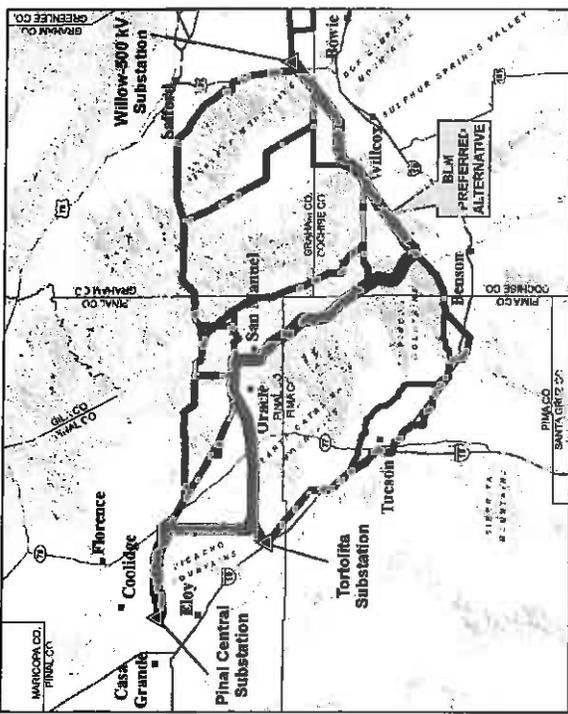
1. Two single-circuit 500 kV AC lines that have an approved rating of 3,000 MW from the Western Electricity Coordinating Council.
2. One single-circuit 500 kV AC line and one single circuit 500 kV DC line with an estimated power transfer capacity of up to 4,500 megawatts.

Configuration number 2 will depend on how much power transfer capacity is in demand by the energy market in the Desert Southwest. In addition, the project's construction will likely occur in phases (e.g.: line number 1 being built prior to line number 2, etc.) and segment (e.g.: portions between substations may be built and energized before subsequent similar segments, etc.).

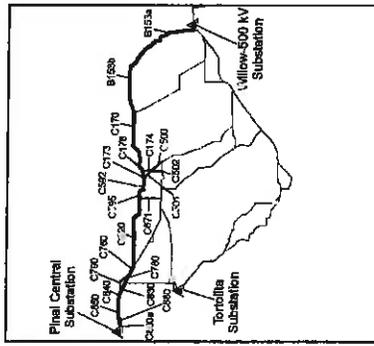
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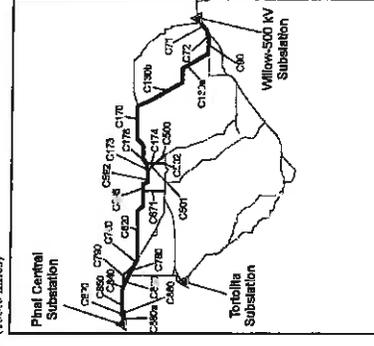
**ROUTE GROUP 4: Willow-500 kV Substation to Pinal Central Substation**



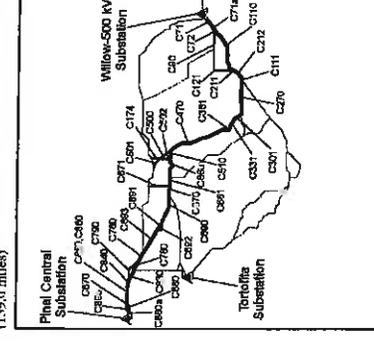
**SUBROUTE 4A - NORTH OF MT. GRAHAM**  
(132.9 miles)



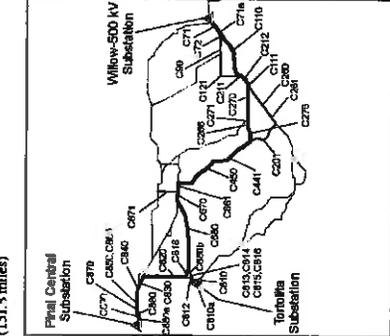
**SUBROUTE 4B - SULPHUR SPRINGS VALLEY**  
(133.0 miles)



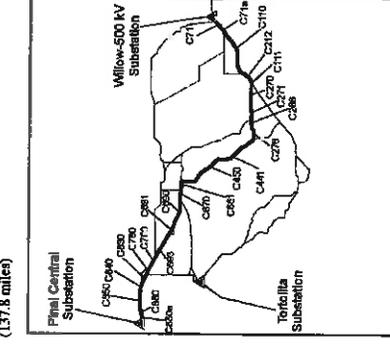
**SUBROUTE 4C1 - EAST OF SAN PEDRO VALLEY**  
(119.0 miles)



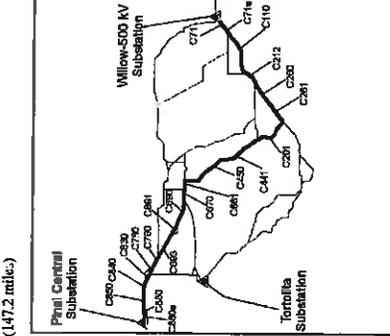
**SUBROUTE 4C2 - WEST OF SAN PEDRO VALLEY**  
(151.8 miles)



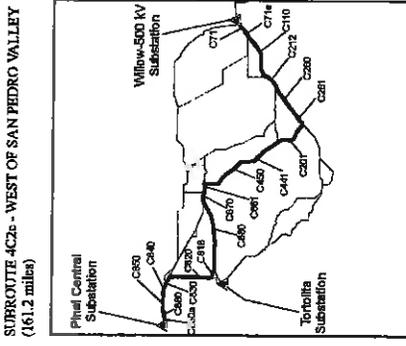
**SUBROUTE 4C2a - WEST OF SAN PEDRO VALLEY**  
(137.8 miles)



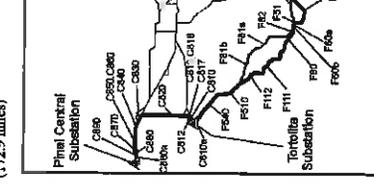
**SUBROUTE 4C2b - WEST OF SAN PEDRO VALLEY**  
(147.2 miles)



**BLM PREFERRED ALTERNATIVE**  
**SUBROUTE 4C2c - WEST OF SAN PEDRO VALLEY**  
(161.2 miles)



**SUBROUTE 4C3 - TUCSON**  
(172.9 miles)



**Figure 2-6. Route Group 4: Willow-500 kV Substation to Pinal Central Substation**



**CITY OF WILLCOX  
REQUEST FOR COUNCIL ACTION**

Agenda Item: 13  
Tab Number: 7  
Date: 09-04-2012

<b>Date Submitted:</b> 8-21-12 <b>Date Requested:</b> 9-04-12
--

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

<b>Subject: Resolution to the EPA, opposing the Federal Implementation Plan on Nitrogen Oxides</b>
--

**TO: MAYOR AND COUNCIL**

**FROM:** City Manager

**DISCUSSION:** The United States Environmental Protection Agency (EPA) has proposed regulations to address "regional haze". The regulations are known as the Federal Implementation Plan on Nitrogen Oxides. While the goal of the EPA may be nice, the attached documents indicate that the results will be at best minimal and the costs very large.

The proposed regulations will have a very large impact on the Arizona Electric Power Cooperative Inc. (AEP CO) and specifically the Apache Generating Station. AEP CO is owned by a group of Electric cooperatives including Sulphur Springs Valley Electric Cooperative (SSVEC) which provides electric power in our immediate area. Attached you will find a letter and discussion points relative to the proposed Regulations, which were prepared by Mr. Geoff Oldfather, Communications and Public Relations Manager AEP CO. Mr. Godfather is planning on being in attendance at the meeting and will be available to provide additional information.

**RECOMMENDATION:** Adopt the proposed Resolution and direct staff to present it to the EPA.

**FISCAL IMPACT:** The City of Willcox is a user of electrical power generated at the AEP CO Plant. The literature attached indicates that this proposed regulation could pass through up to an 18 percent increase in electric rates: the direct effect on the City government would be an estimated increase of \$51,004 per year in charges paid to SSVEC. The indirect impact will be much larger as all of the users of electricity from SSVEC will be affected and this will reduce the available income within the economic community.

**Prepared by:** Pat McCourt

**Approved by:**   
City Manager



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

**RESOLUTION 2012-77**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA, (“CITY”) OPPOSING THE FEDERAL IMPLEMENTATION PLAN ON NITROGEN OXIDES PROPOSED BY THE UNITES STATES ENVIRONMENTAL PROTECTION AGENCY AND DIRECTING AUTHORIZED CITY OFFICERS AND AGENTS TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.**

**WHEREAS**, the United States Environmental Protection Agency (“EPA”) has proposed regulations known as the Federal Implementation Plan on Nitrogen Oxides to reduce “regional haze” problems; and,

**WHEREAS**, the proposed regulations will have a very significant financial impact on the Arizona Electric Power Cooperative, Inc., (“AEPKO”) and the Apache Generating Station, located in Cochise County; and,

**WHEREAS**, AEPKO is projecting that the proposed technology could cost as much as 218 million dollars, which would translate into approximately a eighteen percent (18%) rate increase in AEPKO’s wholesale power costs and such cost would have to be passed on to the distribution cooperative, Sulphur Springs Valley Electric Cooperative (“SSVEC”), which would place an unacceptable burden on rural consumer members and create an estimated increase of approximately \$51,004.00 per year in electrical costs to the City of Willcox; and,

**WHEREAS**, the financial impact of the proposed regulations to the local economy goes beyond the burden of increased electrical costs to the community; if AEPKO is required to install the proposed technology at the Apache Generating Station, the cost will endanger the viability and sustainability of the power plant, and if the Apache Generating Station were forced to shut down, the result would be the loss of a significant number of jobs with one of the largest employers in Cochise County.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, ARIZONA**, as follows:

**SECTION 1:** The City of Willcox opposes the EPA proposed regulations known as the Federal Implementation Plan on Nitrogen Oxides; and,

**SECTION 2:** The City of Willcox requests that the EPA coordinate with the Arizona Department of Environmental Quality (“ADEQ”) to find a solution to “regional haze”, much of which is originating in Mexico, by remedying the deficiencies in the states

implementation plan so as to cause the fewest economic impacts on Cochise County and the greater Willcox region of Cochise County, Arizona; and,

**SECTION 3:** That the City Manager, City Clerk, Legal Counsel, Elected Officials or their duly authorized officers and agents are hereby authorized and directed to take all necessary steps to carry out the purposes and intent of this Resolution; and,

**SECTION 4:** That the Mayor is authorized and empowered to execute this Resolution as presented.

**PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLCOX, ARIZONA, this 4<sup>th</sup> day of September, 2012.**

**APPROVED/EXECUTED:**

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

**ATTEST:**

\_\_\_\_\_  
**VIRGINIA A. MEFFORD, City Clerk**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**ANN P. ROBERTS, City Attorney**

**RESOLUTION 2012-77**

Whereas, the Apache Generating Station at Cochise, south of Willcox, owned by Arizona's G&T Cooperatives/Arizona Electric Power Cooperative, is and for more than 50 years has been a vital and important part of the societal and economic fabric of the region and has provided jobs as well as reliable, safe and affordable electric power to rural Arizona, California and New Mexico residents who otherwise would have none,

And, Whereas, the Apache Generating Station and its cooperative employees have always been, are and will always strive to be responsible corporate citizens and environmental stewards,

And, Whereas, the Apache Generating Station and its cooperative employees have always worked professionally and proactively with local, state and federal agencies and always has and will continue to meet or exceed regulatory standards,

And, Whereas, the Apache Generating Station has been part of a dynamic and ongoing process with the Arizona Department of Environmental Quality and the U.S. Environmental Protection Agency to implement "low NOx burner and Overfire Air" equipment on its two coal-fired steam units to reduce NOx (nitrogen oxide) emissions which contribute to what the agencies call 'regional haze,'

And, Whereas, the Apache Generating Station in 1989 installed low NOx burners, overfire and underfire air modifications to its Steam Unit 2 at a cost of \$2 million, In 1993, installed an upgraded version of low NOx burners, overfire, and underfire air modifications to its Steam Unit 3 at a cost of \$2.7 million, And in 2008 installed upgraded low NOx burners and overfire air modifications at a cost of \$3 million – all for a total of \$7.7 million,

And, Whereas, the U.S. Environmental Protection Agency is now proposing that the Apache Generating Station be required to install 'selective catalytic reduction' (SCR) technology on its steam units to further reduce already low NOx emissions – at a cost estimated by the cooperative of up to \$218 million,

And, Whereas, the Arizona Department of Environmental Quality, itself a strict regulating agency, has said this prohibitively expensive technology would have an "imperceptible" impact on regional haze,

And, Whereas, the annual operating and maintenance costs of SCR technology would be almost 30 times the annual margins of Arizona's G&T Cooperatives,

And, Whereas, given the prohibitive financial impact of a technology that the state of Arizona's own Department of Environmental Quality says is unnecessary, one or both of the Apache Generating Station's steam units could be forced to shut down with the resulting loss of jobs and the ripple effect to the already-depressed regional economy,

Now, therefore, be it resolved that the Cochise County Board of Supervisors opposes the proposed EPA mandate for SCR technology and supports the Apache Generating Station's ongoing efforts to

comply with the state of Arizona's State Implementation Plan (SIP) process for controlling emissions that contribute to regional haze,

And, further, be it resolved that the Cochise County Board of Supervisors urges the U.S. Environmental Protection Agency to consider all the impacts its proposed mandate would have not only on the Apache Generating Station but to the entire region and all the rural members who receive power from it and not mandate the installation of SCR technology,

Given this x.x.x.x.x day of.x.x.x.x.x

PROPOSED

## Call To Action Letter on EPA to Community Leaders

Dear Sir/Madam,

The U.S. Environmental Protection Agency (EPA) has proposed regulations that could seriously impact you, your family, your businesses, the economic future of your community and everyone in the region. It's why we're reaching out to you in this way for the first time - because we need your help.

Please find time to attend an EPA hearing to be held the evening of August 15 in Benson. The details of the meeting are on the next page, but first here is a brief look at what the EPA proposes and why it could deal a crippling blow to our rural economies.

The EPA has said it may require Arizona Electric Power Cooperative (AEP) and the Apache Generating Station south of Willcox to install what's called "selective catalytic reduction" (SCR) technology on the plant's two coal-fired generators.

Why? Because of "regional haze." Simply put, the EPA says SCR technology on the Apache Generating Station and at two other plants in the state owned by other companies would cut down on haze that theoretically impairs the view at the Grand Canyon and other national parks and wilderness areas.

But the cost to install SCR equipment at Apache Generating Station is mind-boggling - estimated at up to \$218 million dollars. For a not-for-profit electric cooperative like AEP it represents a tremendous economic burden, one that would be passed to our distribution cooperative owners and the end-use consumer. It could add \$27.7 million in annual operating expenses, which would translate to an 18-percent hike in wholesale power costs. That's a minimum 12-percent increase in your electric bill. AEP operates on extremely narrow margins to begin with, and the yearly cost of this is almost 30 times AEP's annual margins. Bottom line - it will dramatically impact the economic viability of Apache's steam units and one or both could be shut down. AEP pays the largest property tax bill in Cochise County and that income to the county would be impacted. Jobs would be lost, not just at the plant but at businesses that support its operations. The ripple effect would be extensive and ongoing. Our rural economies, already reeling from the ongoing recession, would be permanently damaged.

And our position is that SCR technology is simply not necessary. AEP has, since 2007, been part of a dynamic and ongoing process to install "low NOx burner and Overfire Air" equipment on the units that would achieve the same result - at a fraction of the cost. Even the

Call To Action Letter on EPA to Community Leaders  
Arizona Department of Environmental Quality - a strict regulating agency - has said  
the

□  
GO-Blue.jpg  
technology we propose is more than adequate and that the EPA mandate would result in  
an  
"imperceptible" benefit.

Please read the talking points on the next page and, based on what you read, decide  
how  
you feel this federal government agency's overreaching mandate would impact you and  
your  
family and neighbors. Then attend the hearing and make your voice heard. Thank you  
for your  
support.

Best regards,

Geoff Oldfather  
Communications and Public Relations Manager  
(520) 586-5465  
(520) 444-3473 (cell)  
go1dfather@ssw.coop

EPA/Apache Generating Station Public Hearing  
Wednesday, Aug. 15  
6 p.m. - 8 p.m.  
Cochise College Benson Campus  
1025 S. Highway 90  
(1/2 mile south of I-10 Interchange on east side of Hwy 90)

□

## Talking Points Response to EPA FIP

### Arizona Electric Power Cooperative, Inc.'s Response to the Environmental Protection Agency's Proposed Regional Haze State and Federal Implementation Plans

#### 1. If implemented, what the ruling will require you to do?

If the Federal Implementation Plan (FIP) on Nitrogen Oxides (NOx) remains as proposed, Arizona Electric Power Cooperative, Inc. (AEPCO) would be required to install selective catalytic reduction (SCR), Low NOx Burner (LNB) and Overfire Air (OFA) on AEPCO's Apache Generating Station ST2 and ST3, 195 MW (each) coal-fired generators located in Cochise, Arizona.

#### 2. How much it will cost?

According to the EPA's estimate, \$88.6 million in capital cost and \$12 million in annualized expense. Preliminary estimates by AEPCO indicate the costs could be significantly greater, perhaps double the EPA estimate. AEPCO is a "small entity" for regulatory purposes. The EPA conducted an initial assessment of the potential adverse impacts on AEPCO of requiring SCR with LNB and OFA. Using publicly available information, the EPA estimates, based on their costs, that the annualized cost of requiring SCR in ST2 and ST3 would likely be in the range of three percent of AEPCO's assets and between six and seven percent of AEPCO's annual sales. The projected annual costs of approximately \$12 million exceed AEPCO's net margins of \$9.5 million in 2010 and \$1.9 million in 2011.

The required investment would swamp AEPCO's budget and limited financial resources. An \$80 million investment in controls would increase AEPCO's existing net plant investment by a third and would be roughly 42 times AEPCO's 2011 margin.

#### 3. What the cost to ratepayers might be?

The associated investment would necessitate a substantial long-term increase in AEPCO's rates, and those rates would be borne by customer-members with relatively low incomes. The low-population-density areas of southeastern Arizona serviced by AEPCO present significant economic challenges.

#### 4. Whether there is a risk of one or more units being shut down?

## Talking Points Response to EPA FIP

Yes. Given the financial impact of the proposed FIP, operation of these units may not be economically viable for our Member Distribution Cooperatives. The Apache Generating Station fleet includes two coal-fired steam units and five gas-fired generation units, which consist of four peaking units and a single steam unit. Apache Generating Station is the only generation plant owned and controlled by AEPCO.

□

5. If unit(s) are shut down, what the impact would be to neighboring communities/regions, including possible tax revenue loss?

Shutting down the units would result in the loss of a significant number of jobs with one of the largest employers in Southern Arizona. The economic impact of job loss alone would be devastating to hundreds of families living in an already economically depressed region of the State. Additionally, AEPCO pays approximately \$2.4 million annually in property taxes to Cochise County.

6. Whether the higher NOx standard the EPA is demanding would have a visible impact on air quality?

Based on AEPCO and ADEQ's analysis, no.

7. Whether the higher NOx standard would have an impact on public health?

Regional Haze is not a health-based standard.

8. What steps your utilities have already taken to reduce NOx emissions and how much it has cost?

AEPCO installed low NOx burners, overfire and underfire air modifications to ST2 in 1989 at a cost of \$2 million.

AEPCO installed an upgraded version of low NOx burners, overfire, and underfire air modifications to Unit ST3 in 1993 for \$2.7 million.

The EPA lowered the total NOx limits at Apache Generating Station again for January 1, 2008. AEPCO responded by installing upgraded low NOx burners and overfire air modifications in 2008 for the cost of \$3 million.

□

Comments of  
Arizona Electric Power Cooperative, Inc.

Presented by Geoff Oldfather

Proposed Rule re Regional Haze State and Federal Implementation Plans  
Holbrook High School  
George Gardner Performing Arts Center  
455 N. 8th Ave. Holbrook AZ 86025  
August 14, 2012

## **Introduction**

Hello, my name is Geoff Oldfather. Thank you for providing this opportunity to comment on EPA's partial approval and partial disapproval of Arizona's State Implementation Plan (SIP) for Regional Haze.

I am the Communications and Public Relations Manager for Arizona Electric Power Cooperative, and I am here to speak about the impact EPA's rejection of portions of the Arizona State Implementation Plan will have on AEPCO's Apache Generating Station and the members we serve.

Part of my job responsibility is to become involved in the community and get to know the members who are the end users of our electricity. Because of that, I know how many of our end users have been affected by the ongoing economic challenges in the US. AEPCO's customer base is relatively economically disadvantaged and requiring the installation of controls at a cost estimated by AEPCO up to \$219 million would impose a disproportionate burden on these customers.

These factors make affordable rates even more critical for AEPCO and their customers. Nationally, the service territory average household income for electric co-ops falls almost 11% below the U.S. average household income. For Arizona's cooperative consumers, these economic conditions are more acute. Cooperative customers average 16.4% lower household income than the rest of the state and 18.3% lower than the U.S. average. The per capita

income of AEPCO consumers is \$29,183 a staggering 39% lower than the national average.

Cooperatives, as not for profit member-owned entities, must pass increased costs directly to their customers. Any increased costs created by the EPA's proposal have a direct impact on cooperative customers.

I would like share a couple of examples of how profoundly a dramatic increase in the cost of electricity would affect the members we serve:

Deborah is a resident of Benson who owns a small hair salon and a mobile home park with rent subsidies for clients receiving mental health services from Southeast Arizona Behavioral Health Services (SEABHS). I learned her story when I was profiling members for our annual report. Her business has declined by a third since 2009 as people in the region have lost their jobs. In order for her doors to stay open, her sign has to stay on, her equipment and sterilizers and dryers all have to stay plugged in. Her electricity bill is one cost she cannot cut back on. She said if her electric bill, which is the largest fixed cost she has, went up even 10 percent it might force her to close her doors.

**Comment:** I thought they changed names?

In the mobile home park, eight of her 10 tenants are physically and/or mentally disabled and clients not only of SEABHS but also of other agencies that help subsidize their day-to-day living expenses. She pays the electric bill for the park and then itemizes for each tenant and includes his or her share of the cost in the rent. Deborah told me she's already living on a shoestring and that if the cost of electricity goes up at the park she has to pass that along to the tenants and she doubts they would be able to pay it.

They're not just on a fixed income; they depend on incomes that are declining because of cutbacks in federal and state aid programs. By the way, she leaves all the lights off in every room except her bedroom at night and has tried every way she can to keep the utility bill at her home from going up because as a resident, she almost can't afford it as it is.

Ray is another example of how this proposal will affect our end use customers. Ray is 72, an Army Airborne Ranger veteran who lives on a disability check of less than \$1,000 a month. He has medical care and benefits through the VA but that's the only benefit and income he has. Ray lives in an 18-foot camp trailer in a small park in St. David. His situation is so precarious, he can't afford to run the cooler in his camp trailer during the summer months so he comes in to the local DAV office and spends his days there answering phones and doing odd jobs – just so he doesn't have to run the few appliances in his trailer. He's not the only one in that park living on the edge like that.

Ray's and Deborah's stories are a microcosm of our rural communities and unfortunately, they reflect what a majority of our rural residents deal with every day – the question of how to get by and just put food on the table when the cost of everything is going up. They are literally – just – surviving.

**Conclusion:**

Coops also have a responsibility to their consumers who bear the cost of meeting various regulatory obligations. EPA's proposal to require SCR and the cost associated with the installation and operation of these controls would place a significant cost burden on AEPCO and its members and could

potentially undermine the viability of AEPCO to cost effectively serve their members. The EPA should revisit its proposal with these considerations in mind.

Thank you.



## Senator Griffin Testimony to EPA Public Hearing

Good evening. My name is Gail Griffin and I am a State Senator representing Legislative District 25, which includes Benson as well as Sierra Vista, Tombstone, and Bisbee.

I am here tonight because the EPA plan would devastate the economy of southeast Arizona—and I won't stand for it.

Let's do a real simply cost-benefit analysis of the EPA's proposed plan. First, cost:

- More than \$500 million dollars to install SCR technology at three power plants, including the Apache Generating Station where installation of SCR technology will exceed \$200 million.
- As a result, a **dramatic increase** in the cost of electricity for Arizona working families and employers
- A loss of jobs if any of these power plants are shut down
- A significantly weakened state economy as a result of these job losses and higher electricity costs

Let's look at what the EPA plan would do to Benson. If implemented, the plan would require the Arizona Electric Power Cooperative, which owns the Apache Generating Station, to install Selective Catalytic Reduction technology at a cost of **up to \$220 million** in one-time capital costs and **\$17 million to \$24 million** in annual, ongoing costs.

Folks, AEPCO's margins in 2011 were less than \$1 million. **There is NO WAY AEPCO can absorb these costs.** If you demand that AEPCO install SCR technology, you'll endanger the viability and sustainability of this plant and threaten the jobs of the **250** individuals who work here—that is unacceptable!

The EPA may not know or may not care, but the Town of Benson **has an unemployment rate of almost 14%**. Does the EPA really think it's a good idea to shut this plant down?

If the Apache Generating Station is closed, hundreds of local jobs and over \$2 million dollars in tax revenue for local schools and public safety would be lost. That's \$2 million dollars in funding for classrooms, textbooks, teachers' salaries, and desks, to say nothing of funding for sheriffs deputies and their patrol cars and equipment.

As a small electric cooperative that sells less than 3 million megawatt hours of electricity, AEPCO should be treated as a small entity under the regulatory flexibility act, which requires the EPA to prepare a regulatory flexibility analysis of its proposed rule. Such an analysis would show that the proposed rule would render the Apache Generating Station financially unsustainable and require the EPA to modify or dismiss the rule.

Meanwhile, while the EPA is threatening to shut down Arizona power plants, it's doing nothing about pollution coming into Arizona from landfills in Mexico that burn trash and debris. I would also point out that some of the largest sources of pollution in Arizona in the last two years has been from wildfires—including the Monument Fire in Cochise County—that have burned over a million acres and dumped an unknown quantity of pollution into the air.

Those wildfires were a result of failed **federal** land management policies on **federal** land.

Finally, I am disturbed and disappointed that, contrary to what is required under the Clean Air Act, the EPA has failed to coordinate with both the state and local communities on this proposed rule. Rather than defer to the state, as the Clean Air Act requires, the EPA has mandated this federal plan, which does not take into consideration what the costs and impacts would be to Arizona's economy.

Now let's look at the benefits of the EPA plan. What are the benefits?

The answer is **NONE**. **SCR technology will not improve visibility by even one deciview.**

With this in mind, I just have one question:

Why can't the EPA just be honest and say—'We want to shut these plants down. We don't like coal'? That kind of honesty would be refreshing.

**CITY OF WILLCOX  
REQUEST FOR COUNCIL ACTION**

Agenda Item: 14  
Tab Number: 8  
Date: 9-04-12

**Date Submitted:**  
8-27-12  
**Date Requested:**  
9-04-12

**Action:**  
 Resolution  
 Ordinance  
 Formal  
 Other

**Subject: A Resolution  
appointing Ann Roberts  
as the City Attorney for  
the City of Willcox  
effective September 1,  
2012**

**TO: MAYOR AND COUNCIL**

**FROM: City Manager**

**DISCUSSION:** The City Council at their regular meeting of August 20, 2012 approved the assignment of the legal services contract from Hector Figueroa to Ann Roberts. The proposed Resolution will replace Hector Figueroa as City Attorney with Ms. Ann Roberts, effective September 1, 2012. (This will avoid any "lapse" in service.)

**RECOMMENDATION:** Approve the Resolution

**FISCAL IMPACT:** None. The expense is already budgeted in the General Fund under "Legal Services".

**Prepared by:** Pat McCourt

**Approved by:**



\_\_\_\_\_  
**City Manager**



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

**RESOLUTION 2012-78**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA, (“CITY”) APPROVING THE APPOINTMENT OF ANN P. ROBERTS, ESQ., TO THE POSITION OF CITY ATTORNEY PURSUANT TO THE ASSIGNMENT OF LEGAL SERVICES CONTRACT APPROVED BY RESOLUTION NO. 2012-74; DIRECTING AUTHORIZED CITY OFFICERS AND AGENTS TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION; AND, DECLARING AN EMERGENCY TO EXIST.**

**WHEREAS**, the CITY is empowered pursuant to Arizona Revised Statutes, Title 9, Section 9-499.01, et. seq., vesting it with all powers of incorporated towns, and the Willcox City Code, Title 1, Chapter 7, Article C, Section 1-7C-1, to appoint/retain an independent contractor to provide Municipal Legal Services to the CITY as City Attorney; and,

**WHEREAS**, on the 20<sup>th</sup> day of August, 2012, the Mayor and City Council passed and adopted Resolution No. 2012-74, assigning the Legal Services Contract dated July 1, 2010, as amended July 1, 2011, with a termination date of June 30, 2012, to Ann P. Roberts, Esq., of the law firm of Battaglia & Roberts, P.C.; and,

**WHEREAS**, the Mayor and City Council desire to have this Resolution presented at the September 4, 2012, Council Meeting for the purpose of confirming the appointment of Ann P. Roberts, Esq., as City Attorney, replacing Hector M. Figueroa, Esq., effective September 1, 2012; and,

**WHEREAS**, the Mayor and City Council have determined that formal action on this Resolution is in the best interest of the CITY and its citizens; and,

**WHEREAS**, it is necessary for the preservation of peace, health, and the safety of the City of Willcox, Cochise County, State of Arizona, that an emergency be declared to exist and directing that this Resolution shall become effective immediately upon its passage and adoption.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLCOX, ARIZONA**, as follows:

**SECTION 1:** The CITY desires formal appointment of Ann P. Roberts, Esq. as City Attorney, with an affirmed effective date of September 1, 2012 through June 30, 2013; and,

**SECTION 2:** That the immediate operation of the provisions of this Resolution is necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, and this Resolution shall be in full force and effect from and after its passage by the City of Willcox, Cochise County, Arizona; and,

**SECTION 3:** That the Mayor is authorized and empowered to execute this Resolution as presented.

**PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLCOX, ARIZONA, this 4<sup>th</sup> day of September, 2012.**

**APPROVED/EXECUTED:**

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

**ATTEST:**

\_\_\_\_\_  
**VIRGINIA A. MEFFORD, City Clerk**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**ANN P. ROBERTS, City Attorney**

**RESOLUTION 2012-78**



**Mayor Robert A. Irvin  
City Council and City Manager**  
*Request the pleasure of your company at the*

***Mayors'/Managers' Luncheon***

***On Thursday, the 20<sup>th</sup> day of September, 2012  
at twelve o' clock noon.***

***Kiva Room  
at Quality Inn***

***1100 West Rex Allen Drive  
Willcox, AZ 85643***

***Guest Speaker:  
Eurofresh Farms: Green House History***

***Meal Selection:  
Buffet: Beef Enchiladas, Chicken Fajitas, Rice, Beans  
Chips & Salsa  
Coffee, Tea or Water***

***Please R.S.V.P. by Friday,  
September 14, 2012 (520) 766 4204 or (520) 766-4203  
Fax (520) 384-2590  
or [svanallen@willcoxcity.org](mailto:svanallen@willcoxcity.org) or  
[vmefford@willcoxcity.org](mailto:vmefford@willcoxcity.org)***





## NOTICE OF EXECUTIVE SESSION

### 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 an **EXECUTIVE SESSION**, if approved, 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**

Item for Consideration and Discussion are:

**A.R.S. §38.431.03A(3) DISCUSSION OR CONSULTATION FOR LEGAL ADVICE WITH THE ATTORNEY OR ATTORNEYS OF THE PUBLIC BODY,**  
Consideration and/or discussion regarding consultation for legal advice with the Attorney or Attorney's of the public body.

**DATED AND POSTED this 30<sup>th</sup> day of August 2012, at 4:00 P.M.**

**CITY OF WILLCOX, ARIZONA**

**/s/ Virginia A. Mefford**  
**City Clerk Virginia A. Mefford**

***"Mine, Yours, Ours"***

**CITY OF WILLCOX  
EXECUTIVE SESSION**

**AGENDA**

**TUESDAY, September 4, 2012**

**7:00 p.m.**

**300 W. REX ALLEN DRIVE**

**Willcox, Arizona**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. CONSIDERATION 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 and/or discussion pursuant to Arizona Revised Statutes §38-431.03(A)(3), as stated relating to consultation for legal advice with the attorney(s) of the public body.
- 4. ADJOURN**

***"Mine, Yours, Ours"***