

**CITY OF WILLCOX
MAYOR AND CITY COUNCIL
STATEMENT OF LEGAL ACTIONS
REGULAR MEETING AGENDA
Monday, September 17, 2012 at 7:00 p.m.
City Council Chambers
300 W. Rex Allen Drive
Willcox, AZ**

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

1. CALL TO ORDER-Mayor Robert A. Irvin called the regular meeting on Monday, September 17, 2012 to order at 7:00 p.m.

2. 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 "Woody" Johnson
~~Councilwoman Monika Cronberg~~
Councilman Earl Goolsby
Councilman William "Bill" Nigh

STAFF

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

ABSENT

Councilwoman Monika Cronberg- excused

3. PLEDGE OF ALLEGIANCE TO THE FLAG- Mayor Robert A. Irvin.

4. CALL TO THE PUBLIC

Mr. Telles addressed the Council regarding the Rex Allen Museum and the Rex Allen Theater. He stated the Museum was given an offer and was not comfortable with it and they are still in talks with the other group and will address this further at the next Museum meeting they will have later this week, but just wanted to update the council of what has transpired.

Ms. Terri Rowden introduced herself stated we are non profit organization that would like to purchase the Rex Allen Theater and our mission is to provide and revive the Rex Allen Downtown area. We are trying to provide a growth for the community art group. We are trying to target the youth in the community to give them a place to thrive and to be a catalyst for the growth of the community. The Historical preservation committee would like to have a work session with the Council in the near future.

Daniel Nix addressed the council regarding the alley behind where he lives. He stated the area is not taken care of and the weeds are fairly high and he provided council with photos of the alley. He would like to put a fence accessible to the utilities. He would like to request to be on the agenda for this purpose.

4. DECLARATION ON CONFLICT OF INTEREST- None Declared

5. ADOPTION OF THE AGENDA

It was moved and seconded to adopt the agenda as presented. **CARRIED**

ADOPTION OF THE AGENDA

It was moved and second to adopt the agenda and **DISCUSSION:** None. **CARRIED**

CONSENT AGENDA

MOTION: It was moved and **SECOND** to adopt the Consent Agenda **CARRIED**

MINUTES OF PREVIOUS MEETINGS

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.

DISCUSSION AND/OR DECISION/DIRECTION REGARDING STREET CLOSURE FOR VETERANS DAY PARADE, RAILROAD AVENUE FROM FREMONT TO MALEY

It was moved and second regarding street closure for Veterans Day Parade, Railroad Avenue from Fremont to Maley.

DISCUSSION: Johnson asked a group if they are going to have just as nice of display as last year and the group stated we hope so. **CARRIED**

REX ALLEN DAYS PARADE STREET CLOSURES DESIGNATED FOR PARADE ON SATURDAY OCTOBER 6th. (ORIGINAL PARADE ROUTE CLOSURES)

It was moved and second regarding the requests by Rex Allen Days, Inc. For The 61st Annual Rex Allen Days Parade Street closures designated for parade on Saturday October 6th. (Original Parade Route closures)

DISCUSSION: Mr. Telles stated this parade may be the death of me, but Rex Allen Day's committee has been working diligently with ADOT. We sent them both routes and they came back with accepting both routes for a \$2,000,000 liability insurance and because of this; we want to move the parade route back to the original route. **CARRIED**

DISCUSSION AND OR DECISION/DIRECTION REGARDING APPOINTMENT OF TIM CHARLEY TO THE PARKS & RECREATION ADVISORY COMMITTEE TO FILL UNEXPIRED TERM VACATED BY CODY BOWMAN, TERM TO EXPIRE 12-31-2014.

It was moved and second regarding appointment of Tim Charley to the P&R Advisory Committee to fill the unexpired term vacated by Cody Bowman, term to expire 12-31-2014. **DISCUSSION:** None. **CARRIED**

DISCUSSION AND/OR DECISION/DIRECTION REGARDING TO WAIVE OUR SHARE OF JUVENILE ACCOUNTABILITY BLOCK GRANT TO COCHISE COUNTY

It was moved and second regarding to waive our share of juvenile accountability block grant to Cochise County.

DISCUSSION: None **CARRIED**

DISCUSSION AND/OR DECISION/DIRECTION REGARDING ON DONATION OF MATERIALS AND LABOR TO CONSTRUCT A WILDLIFE OBSERVATION PLATFORM LOCATED ADJACENT TO THE GOLF COURSE

It was moved and second regarding on donation of materials and labor to construct a wildlife observation platform located adjacent to the golf course.. **DISCUSSION:** City Manager stated it also includes the City to add some cost on this. Lindsey asked why a survey was need of this to build this. Mr. Bonner stated it is a small portion of the property is owned by a private citizen. **Motion amended and second original motion to include the City cost. CARRIED**

DISCUSSION AND/OR DECISION/DIRECTION REGARDING RESOLUTION NO. 2012-79, AS STATED, A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA, "CITY", REAFFIRMING RESOLUTION NOS. 2012-71 AND 2012-72, REGARDING THE GRANTING AND RENEWAL OF A FRANCHISE AGREEMENT TO SULPHUR SPRINGS VALLEY ELECTRIC COOPERATIVE, INC., AN ARIZONA CORPORATION, PROVIDING FOR THE PUBLICATION OF THE PROPOSED FRANCHISE AGREEMENT AND DIRECTING AUTHORIZED CITY OFFICERS AND AGENTS TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

It was moved and second regarding Resolution No. 2012-79, as Stated, a resolution of the mayor and council of the City of Willcox, Cochise County, Arizona, "City", reaffirming resolution nos. 2012-71 and 2012-72, regarding the granting and renewal of a franchise agreement to Sulphur Springs Valley Electric Cooperative, Inc., an Arizona corporation, providing for the publication of the proposed franchise agreement and directing authorized city officers and agents to carry out the purposes and intent of this resolution. **DISCUSSION:** None **CARRIED**

DISCUSSION AND/OR DECISION/DIRECTION REGARDING RESOLUTION NO. 2012-80, AS STATED, APPROVING AND ACCEPTING PAYMENT IN THE AMOUNT OF \$8,355.14 FROM VALLEY CONNECTIONS, L.L.C., AS PAYMENT IN FULL FOR ALL TAX FEES DUE FOR THE TIME PERIOD FROM JANUARY 1, 2006 THROUGH JUNE 30, 2012 AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION.

It was moved and second regarding Resolution No. 2012-80 As Stated, approving and Accepting payment in the amount of \$8,355.14 from Valley Connections, L.L.C., as payment in full for all Tax fees due for the time period from January 1, 2006 through June 30, 2012 and authorizing the mayor to execute this resolution. **DISCUSSION:** Mr. explained the handout he stated they have many franchises and they have been doing self audit and realized they were not paying on the cable part and the telephone franchise we over collected and the net about was the \$8,355 and we wanted to settle up with this amount we would like to do this on a quarterly basis instead of the sales tax process. **CARRIED**

DISCUSSION AND/OR DECISION/DIRECTION RESOLUTION NO. 2012-81 AS STATED, APPROVING AND ADOPTING SECTION 317, ENTITLED "SUPPLEMENTAL BENEFITS FOR INJURED PUBLIC SAFETY EMPLOYEES", AS AN ADDITION TO THE "CITY OF WILLCOX EMPLOYEE HANDBOOK"; ESTABLISHING THE EFFECTIVE DATE; AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY.

It was moved and second regarding Resolution No. 2012-81, as Stated, approving and adopting section 317, entitled "supplemental benefits for injured public safety employees", an addition to the "city of Willcox employee handbook"; establishing the effective date. **DISCUSSION:** Lindsey asked I don't understand this other than it was handed down by the legislature, do we have a choice. City Manager stated no we don't have a choice it is a mandate and we may have an impact on our budget we will make this up we hope through the workman's comp. **CARRIED**

REPORTS BY THE CITY MANAGER PAT MCCOURT

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

- **Mayor Manager Luncheon** – Quality Inn - Kiva Room on Thursday, September 20, 2012 at noon
- **City wide clean-up**- September 29, 2012
- **City Manager gone to ICMA**- October 6-10, 2012
- **City Manager Vacation**- October 12, 2012
- **Special Work Session**- Capital needs on Gas System on the Monday, October 22, 2012 at 6:30 p.m.
- **Jury Duty**- I was selected to jury duty.

COMMENTS NOT FOR DISCUSSION FROM MAYOR AND COUNCIL MEMBERS.

Councilman Holloway stated I am proud the parade route went back to the original route.

Councilman Lindsey stated I am happy the parade route is back to the original route and I'm glad thing worked out.

Councilman Johnson asked for an update on the burnt down hotel.

Councilman Nigh stated he was relived the R.A.D had all there ducts in a row with the Parade route and looking forward to hear about the burnt down hotel.

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 REGARDING THE PURCHASE, SALE, OR LEASE OF REAL PROPERTY

It was moved and second 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 regarding the purchase, sale, or lease of real property. **CARRIED**

RECESS TO EXECUTIVE SESSION, IF APPROVED at 7:43 pm.

RECONVENE FROM EXECUTIVE SESSION 8:30 pm.

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

It was moved and second to give staff direction for easement on the property and go out for proper bid and advertise with no minimum bid per executive session **3 AYES**-Councilmen Johnson, Councilman Goolsby, and Councilman Nigh and **3 NAYS**: Councilman Lindsey, Councilman Nigh, and Vice Mayor Holloway. **FAILED**

It was moved and second to give Direction to staff with no minimum bid to be postponed a week later and easement for shared property **DISCUSSION**: Mr. Lindsey stated he would like a minimum bid for \$135,000. Ms. Roberts stated we have a motion on the floor. Mayor Irvin called for a vote **3 AYES**- Mayor Irvin, Councilman Lindsey, and Councilman Nigh and **3 NAYS**- Vice Mayor Holloway, Councilman Johnson, and Councilman Goolsby. **FAILED**

It was moved and second to direct staff to provide easement on that property. **CARRIED**

It was moved and second to extend the due date to November 9. **CARRIED**

It was moved and second to have a minimum bid of \$135,000 **DISCUSSION**: Councilman Goolsby asked why this number. Councilman Lindsey stated he has looked at it with a broker price opinion of it. I have looked at the area, building and the condition and I feel that is a fair number for a minimum bid; I hope it goes higher and I suspect that it will. Vice Mayor Holloway stated with the minimum bid of \$135,000 it seems as if we don't value that property. Councilman Goolsby stated I feel the same way. Councilman Holloway stated I want people to know it is a prime piece of property. Councilman Goolsby stated he feels the same way. Councilman Holloway stated it has an appraised value of \$168,000. Councilman Johnson stated that was where he was at. City Manager McCourt stated we are going to have sealed bids and to have a minimum bid they know they will have to bid what they think that property is worth to capture it. Councilman Lindsey stated all this does is keep the \$80,000 to \$90,000 bids out of the bids and then to have to turn around and start over. Councilman Goolsby asked would you entertain to compromise somewhere in the middle of \$135,000 and \$168,000 and do \$150,000. Councilman Lindsey stated it would be delaying the process but I would go with it, I'm just giving you my opinion. Councilman Johnson asked City Attorney Roberts if we receive a bid that is less than what the Council is looking for, we don't have to accept the bid. City Attorney Roberts stated it is the council's decision to accept the bid or none of these bids are comparable, my concern is, if we do a minimum bid of \$135,000 and someone was think of biding \$225,000 and with the minimum bid of \$135,000 they my bid lower we loose out. Councilman Holloway had the same concern. Councilman Johnson stated for the record and for public information it was the appraised at \$228,000 and because of the sewer situation it appraised at \$168,000. Councilman Nigh stated the property in Willcox has not accelerated in value as in other different areas so it is a different situation. I yelled with Councilman Lindsey as he has the experience in this area. Councilman Johnson stated I agree with you there but how often do you get to sell property by the interstate. Vice Mayor Holloway asked for the Mayor to call for the vote. **2 AYES**: Mayor Irvin and Councilman Lindsey **4 NAYS**: Vice Mayor Holloway, Councilman Johnson, Councilman Goolsby, and Councilman Nigh. **FAILED**

It was moved and second to set minimum bid at \$158,000 **DISCUSSION**: Councilman Lindsey stated he was apposed to it if you are going to set a minimum bid it should be realistic if not we should just go with no minimum bid. Mayor Irvin called for a vote **3 AYES**: Vice Mayor Holloway, Councilman Johnson, and Councilman Goolsby, **3 Nays**: Mayor Irvin, Councilman Lindsey and Councilman Nigh. **FAILED**

It was moved and second to have no minimum bid. **CARRIED**

ADJOURN at 8:45 p.m.