

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 5th DAY OF NOVEMBER 2012**

CALL TO ORDER- Mayor Bob Irvin called the regular meeting to order on Monday, November 5, 2012 at 7:00 p.m. and welcomed everyone in attendance

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

PRESENT

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

STAF

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

CALL TO THE PUBLIC- Connie Dunham and Janet O'Doniel invited the City Council to the parade and participate if the would like to.

PLEDGE OF ALLEGIANCE TO THE FLAG lead by Mayor Irvin

DECLARATION ON CONFLICT OF INTEREST

None Declared

ADOPTION OF THE AGENDA

MOTION: Councilman Nigh moved to adopt the agenda as presented and table item 19 until the first of the year.

SECONDED: Councilwoman Cronberg **DISCUSSION:** Councilman Lindsey stated he would like to be able to discuss it and tabling it will not allow for discussion. 4 to 3 Motion **AYES:** Mayor Irvin, Councilman Johnson, Councilwoman Cronberg, and Councilman Nigh **NAYS:** Vice Mayor Holloway, Councilman Lindsey, and Councilman Goolsby **CARRIED**

MOTION: Councilman Johnson moved to remove items 7A and items 24-27.

SECONDED: Councilman Nigh **CARRIED**

MINUTES OF PREVIOUS MEETINGS

Minutes approve on consent agenda.

~~Regular Meeting- June 4, 2012, September 4, 2012, September 17, October 1, 2012, and October 15, 2012~~

~~Work Session- Joint Work Session January 9, 2012, September 17, 2012, October 1, 2012 and October 15, 2012~~

DISCUSSION/DECISION REGARDING THE WILLCOX CHAMBER OF COMMERCE AND AGRICULTURE REQUEST FEES TO BE WAIVED FOR THE USE OF THE COMMUNITY CENTER FOR THE APPLE FESTIVAL ON WEDNESDAY, NOVEMBER 28, 2012 THROUGH SATURDAY DECEMBER 1, 2012.

MOTION: Councilman Johnson made a motion to approve the Willcox Chamber of Commerce and Agriculture request fees to be waived for the use of the community center for the apple festival on Wednesday, November 28, 2012 through Saturday December 1, 2012. **SECONDED:** Councilwoman Cronberg **DISCUSSION:** Councilman Nigh asked if they make any money. Councilman Johnson stated this has been going on for several years and brings the community together before the holiday season. Councilwoman Cronberg stated this is a community event and it brings a lot to the community and helps support our community. Councilwoman Cronberg asked Allan to speak on this subject. Mr. Allan Baker stated it brings about \$500. 00 and Councilwoman Cronberg added there is also an art show incorporated with this. Mayor Irvin stated the Chamber always reciprocates with events like this. **CARRIED**

DISCUSSION/DECISION REGARDING WILLCOX CHAMBER OF COMMERCE & AGRICULTURE'S REQUEST TO WAIVE THE REQUIREMENTS FOR ALL VENDORS TO HAVE INDIVIDUAL PERMITS FOR THE ANNUAL CHRISTMAS APPLE FESTIVAL FROM WEDNESDAY, NOVEMBER 28, 2012 THROUGH SATURDAY, DECEMBER 1, 2012.

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MOTION: Councilman Johnson made a motion to approve Willcox Chamber Of Commerce & Agriculture's request to waive the requirements for all vendors to have individual permits for the annual Christmas Apple Festival from Wednesday, November 28, 2012 through Saturday, December 1, 2012. **SECOND:** Councilman Holloway the motion. 6 to 1 **AYES:** Mayor Irvin, Vice Mayor Holloway, Councilman Lindsey, Councilman Johnson, Councilwoman Cronberg and Councilman Goolsby. **NAYS:** Councilman Nigh. **CARRIED**

PRESENTATION/DISCUSSION REGARDING THE WILLCOX CHAMBER OF COMMERCE AND AGRICULTURE REQUEST FOR A STREET CLOSURE FROM RAILROAD AVENUE AND HASKELL TO MALEY STREET FOR A CHRISTMAS LIGHTED PARADE ON SATURDAY, DECEMBER 1, 2012 FROM 4:30 PM - 9:00 PM

MOTION: Councilman Johnson made a motion to approve Willcox chamber of Commerce and Agriculture request for a street closure from Railroad Avenue and Haskell to Maley Street for a Christmas lighted parade on Saturday, December 1, 2012 from 4:30pm - 9:00 pm. **SECOND:** Councilwoman Cronberg the motion. **CARRIED**

DISCUSSION BY COUNCIL REGARDING THE REQUEST BY MR. NIX TO USE THE ALLEY BEHIND HIS PROPERTY IN IRONWOOD ESTATES.

Vicki Sue DeMarsico handed out sheets to the Council members regarding the alley behind Nix's home. She met with the title company regarding this and asked for the legal description, took pictures and all of the other homeowners were in agreement of this or if you would like to have this written and signed by the homeowners, she could arrange this. The only utilities on this easement are the gas company. Councilman Lindsey: you mentioned the only utility is the gas what about the electric. Ms. DeMarsico stated it is underground and it is on 76 and 77; she showed the picture to clarify where the easement is located and where it was located. Councilman Lindsey stated it is in the alley. Councilman Holloway stated isn't this a Planning and Zoning issue and shouldn't this have been brought up to them? City Manager McCourt stated this could go through Planning and Zoning and be brought back to the Council with their recommendations. Councilman Goolsby stated we have to look at the future of the City I may not be here when this happens but I may. Ms. DeMarsico stated there is another 16 feet available to do another alleyway if necessary. Vice Mayor Holloway stated: I just think this is a bad precedence to even talk about it. Ms. DeMarsico stated why if this has not been maintained and only privately owned property has to be maintained. Councilman Holloway asked what the benefit is. Is it for Mr. Nix to have a larger backyard? Councilman Goolsby stated I would like to see this go through Planning and Zoning this is what they are there for and bring this back to us with their recommendation. Councilwoman Cronberg stated: it looks like there has been a lack of maintenance. Ms. DeMarsico stated with the other bank owned property it is encroaching on this easement already and that is why I recommend a CC&R. Councilman Lindsey stated isn't the property owner responsibility to maintain the alleyway.

DISCUSSION/ DECISION REGARDING ACCEPT LETTER OF RESIGNATION FROM RAEANN KIESLING FROM THE PARKS AND RECREATION COMMITTEE.

MOTION: Vice Mayor Holloway made a motion to approve accepting letter of resignation from RaeAnn Kiesling from The Parks and Recreation Committee. **SECOND:** Councilwoman Cronberg. **CARRIED**

DISCUSSION/DECISION/DIRECTION REGARDING REVIEW REQUEST FROM THE WILLCOX HISTORICAL THEATER PRESERVATION INC. FOR FUNDING ASSISTANCE

MOTION: Vice Mayor Holloway made a motion to set up a line item for provision with a matching donation made a motion to approve Review Request from the Willcox Historical Theater Preservation Inc. for funding assistance **SECONDED:** Councilwoman Cronberg.

DISCUSSION: Mayor Irvin stated Ms. Berry requested a call to the public on this item. Ms. Berry stated they have gotten much further from the last time they presented and updated the council, they have partnered up with the Wine Festival and will incorporate a movie again during the wine festival and has asked the school to do an internship with them. This Theater will anchor and help the community bring in people and the marketing promotion makes Willcox more enticing for people and businesses to come to our city. This also targets youth involvement. To date we have raised \$19,000 from the community involvement from business to residents. We will need \$4000 for the walk-way once the shed is removed. In the smaller theater, we thought the seats were somewhere in the theater but they are not and we need to replace the seating at a cost of \$4200. We are not sure how to make this happen, but we will make this happen. Vice Mayor Holloway stated several years from now once the movies are not able to be showed have you thought of what you're going to do then. Ms. Berry stated we have, there is equipment we could purchase to help with this. Councilwoman Cronberg stated: I would like to see the City do a

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monetary investment and move outside the box. Councilman Goolsby: asked what is needed more, the walkway or the seats? Ms. Berry stated the seats. Councilman Lindsey stated: you have fought a long battle and this is a tough world we live in. As you can see in the next item we are in a deficit and we have to pay back \$32,000 that was not expected. What I would propose is we set up a \$10,000 line item to be set up with matching funds. City Manager McCourt stated if you could set this up as a quality-of- life item and move some of the appropriation line item, this can certainly be done. Councilwoman Cronberg stated we have done this with the Senior Citizen building and Skate park project; this took many years to accomplish. Councilman Holloway stated I propose making a line item for \$15,000 with matching donations. Councilman Goolsby stated it seems like we have a momentum taking place and I hate to see the City slow this down in any way. City Manager McCourt asked is there an ending time. Councilman Holloway stated I do not have an ending time. **CARRIED**

DISCUSSION REGARDING INFORMATION CONCERNING A SALES TAX REFUND

City Manager McCourt explained this is a significant refund to a taxpayer it was an error by the taxpayer for paying City sales tax to the city. This is a formula we have used in memo 1118 this year has declined in the General Fund.

PRESENTATION/DIRECTION/DECISION REGARDING INDIRECT COST FORMULA FOR PAYMENT TO THE GENERAL FUND FROM THE ENTERPRISE FUNDS FOR FY 14.

MOTION: Councilman Lindsey made a motion to approve the indirect cost formula for payment to the General Fund from the Enterprise Funds for FY 2014 **SECOND:** Councilman Goolsby. **CARRIED**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-83 THE OPERATIONAL AGENCY AGREEMENTS WITH BP ENERGY COMPANY; DIRECTING AUTHORIZED CITY OFFICERS AND AGENTS TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION; AND, DECLARING AN EMERGENCY TO EXIST

MOTION: Councilman Johnson made a motion to approve resolution NO. 2012-83 the operational agency agreement with BP Energy Company; directing authorized City officers and agents to carry out the purposes and intent of this resolution **SECONDED:** Councilman Lindsey **DISCUSSION:** Ms. Graham explained the allocations and the agreement. **CARRIED**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-84 THE BP ENERGY COMPANY PHYSICAL GAS TRANSACTION CONFIRMATION FOR IMMEDIATE DELIVERY NO. 9410309, DATED OCTOBER 24, 2012; DIRECTING AUTHORIZED CITY OFFICERS AND AGENTS TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION; AND, DECLARING AN EMERGENCY TO EXIST.

MOTION: Vice Mayor Holloway made a motion to approve Resolution NO. 2012-84 approving the BP Energy Company physical gas transaction confirmation for immediate delivery NO. 9410309, dated October 24, 2012; directing authorized city officers and agents to carry out the purposes and intent of this resolution.

SECOND: Councilman Goolsby. **DISCUSSION:** Councilman Nigh asked how many gas lines come though the City. Ms. Graham stated we asked others and have they have not been motivated enough to bid and EPNG does supply our gas lines. **CARRIED**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-85 FOR THE PURPOSE OF APPROVING AND AUTHORIZING AN OPTION FROM AMONG TWO OPTIONS RELATED TO CITY EMPLOYEES AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.

MOTION: Councilman Goolsby made a motion to approve Resolution No. 2012-85 as started above, regarding Employee Appreciation Awards.

SECOND: Mayor Irvin. **DISCUSSION:** City Manager McCourt explained to the Council this has done in the past to have an employee appreciation and indicated the City has not had the funds to do this for the employees and the City has set aside enough money to give the employees a little something and we did this last year and it was well received. Councilwoman Cronberg stated she would like to see a nice banquet. Option one would be potluck and check the second option would be a banquet. Councilman Johnson stated the banquet has always been a morale booster. Mayor Irvin asked City Manager if he thought about the cost of a banquet. City Manager stated in years past we did have sufficient monies for the banquet but if you factor in the spouse, it would be way more than anticipated. Mayor called for a vote 6 to 1 **AYES:** Mayor Irvin, Vice Mayor Holloway, Councilman Lindsey, Councilwoman Cronberg, Councilman Goolsby, and Councilman Nigh; **NAYS:** Councilman Johnson **CARRIED**

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DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-86 APPROVING THE CONTRACT AWARD TO WILSON ENGINEERS, LLC ("ENGINEER") FOR DESIGN AND ENGINEERING SERVICES FOR RECONSTRUCTION OF THE 0.6 MGD WASTEWATER TREATMENT SYSTEM FACILITIES; APPROVING AND DIRECTING AUTHORIZED CITY OFFICERS, AGENTS AND CITY STAFF TO FINALIZE THE CONTRACT; AND THE EXECUTION AND DELIVERY OF OTHER DOCUMENTS AND AGREEMENTS IN CONNECTION THEREWITH; PROVIDING FOR OTHER RELATED MATTERS; AND DECLARING AN

Approve Resolution NO. 2012-86 approving the contract award to Wilson Engineers, LLC ("Engineer") for design and engineering services for reconstruction of the 0.6 MGD wastewater treatment system facilities; approving and directing authorized city officers, agents and city staff to finalize the contract.

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-87 APPROVING THE PURCHASE OF A NATURAL GAS BACKUP POWER SYSTEM FOR WELL NUMBER THREE IN THE CITY OF WILLCOX WATER SYSTEM FROM BILL'S PUMP SERVICE; DIRECTING AUTHORIZED CITY OFFICERS AND AGENTS TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION; AND, DECLARING AN EMERGENCY TO EXIST.

MOTION: Councilman Goolsby made a motion to approve Resolution NO. 2012-87 approving the purchase of a natural gas backup power system for well number three in the city of Willcox water system from bill's pump service; directing authorized city officers and agents to carry out the purposes and intent of this resolution.

SECOND: Vice Mayor Holloway. **DISCUSSION:** Councilman Johnson asked if this was the one we shot down in the past. Mr. Bonner stated we do have a possibility to do an electric motor. This is to have our basic needs met. Mayor Irvin asked what the cost of this is. Councilman Johnson asked: \$ 24,000 is this for well #3 and is this back-up to our backup. Mr. Bonner stated we did budget for this. Councilman Lindsey stated I don't see why we need this if we don't use it. Mr. Bonner stated we have this running 24/7; it is used. Councilman Lindsey stated my understanding is it was a backup. Jonathan explained this is the cheaper running well per gallon we have and it is the best retro-fit for an emergency, but if we do get hit with an emergency we have it. Mr. Lindsey stated; my understanding was we didn't use it; it would be cheaper to put natural gas. Councilwoman Cronberg stated: is this a backup engine we were talking about? Mr. Bowman stated we have decided to have a combination gas/electric in case of a power outage. Mr. Nigh asked: have we ever had a gas outage? Isn't a gas outage less likely? Councilman Johnson stated: this is an expense for an electric engine. Councilman Lindsey asked: is this for a new electric pump? 2- to 5 **AYES:** Councilman Goolsby and Councilman Lindsey. **NAYS:** Mayor Irvin, Vice Mayor Holloway, Councilman Johnson, Councilwoman Cronberg, and Councilman Nigh. **FAILED**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-88 APPROVING AND ADOPTING AN NEW JOB DESCRIPTION FOR THE POSITION OF PROGRAM COORDINATOR PURSUANT TO SECTION 208 OF THE EMPLOYEE HANDBOOK AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.

MOTION: Councilwoman Cronberg made a motion to approve Resolution NO.2012-88 as stated, approving and adopting a new job description for the position of Program Coordinator pursuant to section 208 of the Employee Handbook.

SECOND: Councilman Goolsby the motion. **DISCUSSION:** City Manager explained this is grant funded. Councilwoman Cronberg asked for clarification of the Title: Is it for a Special Projects Coordinator or Program Coordinator. Mr. Minor responded: it is for a Special Projects Coordinator. **CARRIED**

CITY MANAGER REPORTS

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

- **Update** – on Title 11 process; Mr. Stoddard stated the process will start over with P& Z for two public hearing then it will be to Council for two more public hearings
- **Update-** on Desert Inn Motel; Mr. Stoddard stated we did serve a letter of intent for demolition and then it would go to Mr. Bonner to go out for bid for demolition.
- **City Hall Closed-** November 12, 2012 observance of Veterans day
- **City Hall Closed-** November 22 & 23, 2012 for Thanksgiving

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- **Land Sale** – Closes on November 9, 2012
- **Veteran Parade**- on Monday, November 12, 2012 at 10:00 am
- **Mayor/Manager Luncheon**- November 15, 2012 at 12:00 pm at Manda Le Restaurant in Sierra Vista, please RSVP to Virgie if you would like to attend.
- **Special Work Session**- Capital expense needs for Water System & Solid Waste Monday, November 26, 2012 at 6:30 pm.
- **Apple Festival**- November 28 –December 1, 2012 at the Community Center
- **Employee Appreciation Potluck**- December 6, 2012 from 11:00 am-1:00 pm.
- **Work Session**- Monday December 10, 2012 for Capital needs of the Sewer System

COMMENTS NOT FOR DISCUSSION FROM MAYOR AND COUNCIL MEMBERS

Councilman Johnson attended the Grand opening of Aridus and stated it will be quite the facility. Mayor Irvin commented on the City Hall participation for Halloween dress-up and it was nice to see. Vice Mayor Holloway asked for a work session on Item 13; we need to get rolling on this project. Councilman Goolsby asked for everyone to vote tomorrow and reminded about the invitation at his house tomorrow at 6:00 PM.

DISCUSSION/DECISION ENTER INTO AN EXECUTIVE SESSION PURSUANT TO ARIZONA REVISE 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

~~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 regarding the purchase, sale, or lease of real property.~~

RECESS TO EXECUTIVE SESSION, IF APPROVED

RECONVENE FROM EXECUTIVE SESSION

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

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

ADJOURN 8: with no further discussion at 8: 33 P.M.

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 5th day of November 2012. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 17th day of November 2012

City Clerk Virginia A. Mefford

PASSED, APPROVED AND ADOPTED this 17th day of December 2012.

MAYOR ROBERT A IRVIN
Signed _____

ATTEST:

City Clerk Virginia A. Mefford