

CITY OF WILLCOX
MAYOR AND CITY COUNCIL
STATEMENT OF LEGAL ACTIONS
REGULAR MEETING AGENDA
Monday, November 5, 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, October 15, 2012 to order at 7:03 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

CALL TO THE PUBLIC- 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 4 to 3 **AYES:** Mayor Irvin, Councilman Johnson, Councilwoman Cronberg, and Councilman Nigh **NAYS:** Vice Mayor Holloway, Councilman Lindsey, and Councilman Goolsby **CARRIED**

MOTION: Woody 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 **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.

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. **SECONDED:** 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**

17 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. **SECONDED:** Councilwoman Cronberg the motion. **CARRIED**

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

Discussion was held by Vicki Sue Demarsico and handed out sheets to council members regarding the alley behind Nix's home.

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. **SECONDED:** Councilwoman Cronberg the motion. **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 **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 **SECONDED:** 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 **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. 2011-84 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. **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 **CARRIED**

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 EMERGENCY

MOTION: Councilman _____ made a motion to 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 MGB wastewater treatment system facilities; approving and directing authorized city officers, agents and city staff to finalize the contract. **SECOND:** Councilman _____ the motion. **DISCUSSION:** _____ **CARRIED**

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 on stated this is an expense for an electric engine. Councilman Lindsey asked is this for a new electric engine. 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. **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
- **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 facilities. Mayor Irvin committed 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 my 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.

22 RECESS TO EXECUTIVE SESSION, IF APPROVED

23.

RECO

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.

2521 ADJOURN: 8:33 P.M.