

**THE MINUTES OF THE REGULAR SESSION OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 7th DAY OF JANUARY 2013**

CALL TO ORDER- Mayor Bob Irvin called the regular session meeting to order on Monday, January 7, 2013 at 7:01 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~~

STAFF

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 Jeff Stoddard
Library Director Tom Miner

ABSENT

Councilman William "Bill" Nigh excused

PLEDGE OF ALLEGIANCE TO THE FLAG led by Mayor Irvin

DECLARATION ON CONFLICT OF INTEREST

None Declared

ADOPTION OF THE AGENDA

MOTION: Councilman Lindsey remove items 16-18 and adopt the agenda as presented.

SECONDED: Vice Mayor Holloway **CARRIED**

PUBLIC HEARINGS, PETITIONS AND COMMUNICATIONS

Public Hearings: The Mayor and Council will hold a public hearing at the regular meeting on Monday, January 7, 2013 at 7:00 p.m., City Council Chambers, 300 W. Rex Allen Drive on:

1. 2nd Reading on Liquor License Series #10 for Dollar General Store #6599 new license. **OPEN:** 7:01 pm **CLOSED:** 7:02 pm

PRESENTATION BY CITY ATTORNEY ANN ROBERTS ON OPEN MEETING LAW MOTION DISCUSSION: City Attorney Ann Roberts presented to the Council Members regarding the Open Meeting Law (OML) and handed out handouts were given to the Council. Ms. Roberts went over what to do with e-mails, she explained her personal preference was not to e-mail when possible because these may be available as a public request item. Mr. McCourt asked how about Tweeter or other social media. Ms. Roberts stated yes, this also has the same effect. She explained what may happen is e-mails may get forwarded around and then it may one day turn into an agenda item. It is on page four on the AG opinion there are four things areas to think about they are: proposing legal action, taking legal action, discussing legal action, and deliberating. Ms. Roberts gave several examples from the OML handouts. Some of the recent changes in OML is voicing opinion to the media, and forthcoming their opinion on another Council Member in a public setting as it creates uneasiness amongst the Councilmembers. On Call to the Public, you may respond for example: "we will look into that" use common sense and don't engage if not an item on the agenda. Vice Mayor Holloway pointed out on page 3 of the packet given has examples of this topic. Virgie and I have looked at and discussed the agenda format a bit and we will make a few minor adjustments on the Discussion/Direction/Decision to be more uniform at the beginning.

DISCUSSION AND/OR DECISION/DIRECTION REGARDING THE APPLICATION FOR LIQUOR SERIES #10 DOLLAR GENERAL STORE #6599 NEW LICENSE

MOTION: Councilman Johnson moved to approve the application for Liquor License Series #10 Dollar General Store

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#6599, new license **SECONDED**: Councilman Goolsby **CARRIED**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2013-01 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: Vice Mayor

Holloway moved to approve Resolution NO. 2013-01 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 **SECONDED**: Councilman Lindsey seconded the motion.

DISCUSSION: Councilmember Cronberg stated I questioned myself why I voted this way and I will admit it was discussed three times in a row. I did request for this to be brought back as an agenda item and asked Councilman Lindsey why he voted the way he did. Councilman Lindsey stated the first time I saw this proposal I felt there was a more economical way to deal with this and as we talked about it my opinion at the time was that well #3 was used as purely a back up well and it was used 24 hours a day I said well, maybe we should spend more on this than it was intended. Mr. Bowen stated I have asked myself the same question as Councilman Johnson, when was the last time we didn't have any water and didn't have the service. Mr. Bowen stated we do have four backup systems for the sewer water but none for our regular water. Councilmember Cronberg stated the Hospital was one of the reasons I thought we do need this backup system it could turn into a catastrophe if this should happen and also for our local businesses. **CARRIED**

DISCUSSION/DECISION REGARDING APPROVING RESOLUTION NO. 2013-02 APPROVING ACCEPTING FROM TODD J. MYERS AND MICHELLE L. MINTA, A DONATION OF TWO HUNDRED DOLLARS TO THE WILLCOX HUMANE SHELTER; AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DIRECTING AUTHORIZED CITY OFFICERS AND AGENTS TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION. MOTION:

Councilman Lindsey moved to approve Resolution No. 2013-02 as stated above, approving and accepting a donation of \$200 to the Willcox Humane Shelter from a private donor.

SECONDED: Councilwoman Cronberg **CARRIED**

DISCUSSION/DECISION REGARDING APPROVING RESOLUTION NO. 2013- 03 APPROVING PURCHASES THROUGH MEMBERS OF ITS GOVERNING BODY

MOTION: Councilman Cronberg moved to approve Resolution NO. 2013-03 approving purchases through members of its governing body. **SECONDED**: Councilwoman Goolsby **DISCUSSION:** City Manger McCourt explained this is in our ordinance even though we don't have any of the councilmember's who exercises this. **CARRIED**

DISCUSSION/DECISION REGARDING APPROVING RESOLUTION NO. 2013- 04 APPROVING AND ADOPTING THE "INTERLOCAL CONTRACT FOR COOPERATIVE PURCHASING" AGREEMENT WITH THE HOUSTON- GALVESTON AREA COUNCIL, "H.G.A.C.Buy", FOR THE PURPOSE OF UTILIZING THE COOPERATIVE PROCUREMENT UNIT TO MAKE PURCHASES FOR THE CITY; AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DIRECTING AUTHORIZED CITY OFFICERS AND AGENTS TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

MOTION: Councilman Lindsey moved to approve Resolution NO. 2013-04 as stated above approving the inter-local contract for cooperative purchasing through HGAC Buy, directing authorized city officers and agents to carry out the purposes and intent of this resolution. **SECONDED**: Councilwoman Cronberg **DISCUSSION:** Vice Mayor Holloway asked if this is a cooperative you are asking to join. City Manager McCourt stated yes it is. Mr. Bonner gave a presentation/video on the Asphalt Zipper. Mr. Bonner stated he did have a presentation here in the city and it didn't create much vibration when using this machine. We are not asking to purchase this tonight. He explained we could finance it for five years and budget for it for next year's budget. Councilmember Lindsey asked in your opinion do you think this will pay for itself, I did give you a DVD on this three years ago. Mr. Bonner stated yes I do, this will give us a lot of options, if the Council agrees with the purchase agreement we could bring this back as an actual purchase, we do have a DVD with actual testimonials. **CARRIED**

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CITY MANAGER REPORTS

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

- **City Manager Jury Duty** – Beginning on January 08, 2013 in Bisbee, AZ
- **Wings Over Willcox**- January 17-20, 2013
- **City Hall Closed**- January 21, 2013 for observance of Martin Luther King Holiday.
- **Report on Next Regular Meeting Date**- on the 2nd regular meeting this will be a special meeting on Tuesday, January 22, 2013 due to Martin Luther King Holiday on Monday, January 21, 2013.
- **City Manager Vacation**- January 25-29, 2013; Chief Weaver will be covering while City Manager is out of town.
- **Financial Reports for Council Members** – These financial reports are due by January 31, 2013 to the City Clerk.
- **E-waste collection site**- Saturday 12, 2013 at the Community Center.

COMMENTS NOT FOR DISCUSSION FROM MAYOR AND COUNCIL MEMBERS

Mayor Don Ulises he is doing very well, I had this procedure done two years ago and it has worked out quite well for me .

~~**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**~~

~~**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- with no further discussion at 7:49 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 7th day of January 2013. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 7th day of January 2013

City Clerk Virginia A. Mefford

PASSED, APPROVED AND ADOPTED this 18th day of February 2013.

MAYOR ROBERT A IRVIN

Signed _____

ATTEST:

City Clerk Virginia A. Mefford