

**THE MINUTES OF THE REGULAR SESSION OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 1st DAY OF APRIL 2013**

CALL TO ORDER- Mayor Bob Irvin called the regular session meeting to order on Monday April 1, 2013, 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

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 Elwood A. Johnson

PLEDGE OF ALLEGIANCE TO THE FLAG led by Mayor Irvin

PROCLAMATION - Mayor Irvin read the Proclamation and proclaimed May as the "Unleash the Power of Age".

CALL TO THE PUBLIC – None

DECLARATION ON CONFLICT OF INTEREST

None Declared

ADOPTION OF THE AGENDA

MOTION: Councilmember Cronberg moved to adopt the agenda as presented.

SECONDED: Councilmember Lindsey **CARRIED**

CONSENT AGENDA

MOTION: Councilmember Lindsey moved to adopt consent agenda as presented **SECOND:** Councilmember Lindsey **CARRIED**

MINUTES OF PREVIOUS MEETINGS

Minutes approve on consent agenda.

- 8a. Approval of Regular Minutes of March 4, 2013
- 8b. Approval of Work Session Minutes of March 4, 2013
- 8c. Approval of Work Session Minutes of March 11, 2013
- 8d. Approval of Regular Minutes of March 18, 2013
- 8e. Approval of Work Session Minutes of March 18, 2013

PUBLIC HEARINGS

The Mayor and Council will receive comments from the public on those items scheduled for public hearing. For those persons unable to attend, written comments will be accepted until 4 p.m. on the day of the hearing in the Office of the City Clerk, 101 S. Railroad Avenue, Suite B, Willcox, Az. and will be duplicated and distributed to the Mayor and Council members prior to said hearing.

- a. FY 2013-2014 Utility rates; Adopt rates by Resolution **OPEN: 7:05 DISCUSSION:** City Manager McCourt gave an overview of all of the funds as stated in city codes, the enterprise funds he overviewed tonight was the Gas, Sewer, Water, and Solid Waste (Garbage). On the Sewer rates two rates determine this fund a fixed rate set by size of water

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Meter and the averages used are the months of December, January, and February. We then estimate this for the average customer. Each of these is charged a fixed rate charge the next is the variable rate. I am recommending a 5% rate increase between the fixed and variable. The next rate would be \$35.10. The impact would be for the next ten years. At this time I would like to explain the process of how the 5% comes into play over that next 10 years. We are taking sewer water and have to clean it up. Our lagoon will not be able to handle this anymore. We have been dealing with this for the last 4 years. We have been working through that process. FY12 is actual numbers and the other years on the charts are estimates. Two sources to pay for this are by WIFI and BECC of 5,000,000 and the other source is BECC/USDA. Is \$5,000,000. This is why we are suggesting the 5% increase so it won't be such a shock to the consumer. Councilmember Cronberg asked if we will be able to be review to see if we have to increase this by 5% every year. City Manager McCourt stated that is exactly what you will need to do every year. Solid Waste (Garbage) Fund this is an easy fund to operate. We have a loan in this particular fund from 2011 and this fund has been repaying the GF, and it will be paid in full in 2014.

We bid out this contract and we awarded it to the lowest bidder and it increases by the COL of 1.7% and we have tipping fees and we take it to the county transfer station E Maley and we get charged by the tonnage and this is transferred to Whet one landfill. We do need to have a contingency fund in here as this fund does go up and down \$50,000 and we have \$8,000 for recycling program. I am recommending a 1.7% rate increase. What we are striving for in all of these enterprise funds is to break even. What this increase does is it increases the rate by .40 cents a month, only on the Solid Waste. Water fund we have the similar rate as the sewer of the fixed rate on the meter size. This one is a bit more difficult to estimate the variable charge. City Manager went over the various charges in the Council packet, as Mr. Bowen had stated in the Work Session of using the wells in the city to help conserve the water supply. What I am suggesting to the Council tonight is no rate change to the customer, this should last for quite sometime but not forever. In the Bulk water I am suggesting a rate increase; we do sell this by Keller Park by hydrometers it is a manual station the current cost per thousand is \$4.00. We purpose to put in meters so they can swipe their card so we don't have to be there. We brought to the Council 4 different options our recommendation is using option 3 the minimum charge of \$5.00 this is more of a fairness system. Only the bulk water rate will be adjusted. Gas fund, we do have a base charge and variable. The cost by meter usage and then we have a fee per thousand per cubic ft. We do have to look at the volume we use an average year projection. We have a deficit that is a plan deficit we have a substantial amount in this so we are suggesting no rate increase. He used the month of July, September, and December the percent change is 1.5% a little less than the cost of living (COL) we have enough in the plan deficit to cover this. He went over the various rate changes using different variables. Councilmember Cronberg stated percentages are a bit difficult to translate this increase and a better way of showing this is to say it will be a \$2.00 increase per month for all the utilities combined for residential. I think this means more to the average customer to know how much it will increase monthly. **CLOSED: 7:45 pm**

b. First reading, Liquor License Series #9 for KT's Market **OPEN:7:25 pm CLOSED: 7:26 pm**

c. First reading, Liquor License Series #12 for Tortilleria La Unica **OPEN: 7:27 pm CLOSED: 7:28 pm**

REGARDING CITY MANAGER ADVERTISEMENTS AND TENTATIVE HIRING TIMEFRAME

DISCUSSION: Mayor Irvin asked if any discussion was need on this item. With no discussion moved to next item on the agenda.

REGARDING WILLCOX WINE COUNTRY FESTIVAL REQUEST FOR LIQUOR LICENSE APPLICATION APPROVAL FOR WINE VENDORS AT WINE FESTIVAL MAY 18-19, 2013

MOTION: Councilmember Cronberg moved to approve Willcox Wine Country Festival request for Liquor License Application approval for wine vendors at Wine Festival in Railroad Park on May 08-19, 2013 **SECONDED:** Vice Mayor Holloway **CARRIED**

REGARDING WILLCOX WINE COUNTRY WINE FESTIVAL REQUEST FOR A WAIVER FOR GLASS CONTAINERS IN RAILROAD PARK

MOTION: Councilmember Cronberg moved to approve Willcox Wine Country Wine Festival request for a Waiver for Glass Containers in Railroad Park **SECONDED:** Vice Mayor Holloway **CARRIED**

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REGARDING EMPLOYEE COMPENSATION OPTIONS FOR FY 2014 BUDGET

DISCUSSION: City Manager McCourt stated last year you asked for options but we recently received from EMOD (Workman's Compensation) an increase and explained the different options. The options were 1.7% the COL adjustment of \$39,538 and we did a 50 cent an hour \$70,374 and a \$1.00 an hour increase would be \$136,523 and these are the increases would be. He went over each of the funds and pointed out the increase to each of the funds streets, utility and magistrate. Councilmember Nigh suggested the 1.7%. City Manager stated you can make a motion if you would like. Councilmember Cronberg stated as we just received this information I'm not ready to make a decision. Vice Mayor Holloway would like this item on the next meeting to make a decision.

RESOLUTION NO. 2013-17 REGARDING APPROVING THE REQUEST FOR A TWO YEAR EXTENSION OF THE LOAN AGREEMENT WITH THE WATER INFRASTRUCTURE FINANCE AUTHORITY OF ARIZONA (WIFA); DIRECTING THE EXECUTION AND DELIVERY OF SUCH REQUEST TO THE WIFA BOARD AND ANY OTHER SUPPORTING DOCUMENTATION IN CONNECTION THEREWITH; DIRECTING THE MAYOR TO EXECUTE THIS RESOLUTION AS PRESENTED AND FURTHER DIRECTING CITY STAFF TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION

MOTION: Councilmember Lindsey moved to approve Resolution No. 2013-17 approving the request for a two year extension of the loan agreement with the water infrastructure Finance authority of Arizona (WIFA); directing the execution and delivery of such request to the WIFA Board and any other supporting documentation in connection therewith

SECONDED: Councilmember Cronberg **DISCUSSION:** Councilmember Lindsey stated if we can approve the extension it will help the City of Willcox. **CARRIED**

RESOLUTION NO. 2013-18 REGARDING APPROVING AND ADOPTING RATES AND CHARGES WASTEWATER UTILITY SERVICES PROVIDED BY THE CITY OF WILLCOX, SETTING AN EFFECTIVE DATE AND DIRECTING AUTHORIZED CITY OFFICERS AND ADMINISTRATORS TO CARRY OUT THE PURPOSE AND INTENT OF THIS RESOLUTION

MOTION: Vice Mayor Holloway moved to approve regarding Resolution No. 2013-18 approving and adopting rates and charges for Wastewater Utility services provided by the City of Willcox, setting an effective date and directing authorized city officers and administrators to carry out the purpose and intent of this resolution. **SECONDED:** Councilmember Lindsey **CARRIED**

RESOLUTION NO.. 2013-19 REGARDING APPROVING AND ADOPTING RATES AND CHARGES FOR SOLID WASTE UTILITY SERVICES PROVIDED BY THE CITY OF WILLCOX, SETTING AN EFFECTIVE DATE AND DIRECTING AUTHORIZED CITY OFFICERS AND ADMINISTRATORS TO CARRY OUT THE PURPOSE AND INTENT OF THIS RESOLUTION

MOTION: Councilmember Cronberg moved to approve Resolution No. 2013-19 approving and adopting rates and charges for Solid Waste Utility services provided by the City of Willcox, setting an effective date and directing authorized city officers and administrators to carry out the purpose and intent of this resolution **SECONDED:** councilmember Lindsey **CARRIED**

RESOLUTION NO. 2013-20 REGARDING APPROVING AND ADOPTING RATES AND CHARGES FOR WATER UTILITY SERVICES PROVIDED BY THE CITY OF WILLCOX, SETTING AN EFFECTIVE DATE AND DIRECTING AUTHORIZED CITY OFFICERS AND ADMINISTRATORS TO CARRY OUT THE PURPOSE AND INTENT OF THIS RESOLUTION

MOTION: Councilmember Lindsey moved to approve Resolution No. 2013-20 approving and adopting rates and charges for Water Utility services provided by the City of Willcox, setting an effective date and directing authorized city officers and administrators to carry out the purpose and intent of this resolution.

SECONDED: Councilmember Cronberg **CARRIED**

RESOLUTION NO. 2013-21 REGARDING APPROVING AND ADOPTING RATES AND CHARGES FOR GAS UTILITY SERVICES PROVIDED BY THE CITY OF WILLCOX, SETTING AN EFFECTIVE DATE AND DIRECTING AUTHORIZED CITY OFFICERS AND ADMINISTRATORS TO CARRY OUT THE PURPOSE AND INTENT OF THIS RESOLUTION

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MOTION: Councilmember Lindsey moved to approve Resolution No. 2013-21 approving and adopting rates and charges for Gas Utility services provided by the City of Willcox, setting an effective date and directing authorized city officers and administrators to carry out the purpose and intent of this resolution.

SECONDED: Councilmember Cronberg **CARRIED**

CITY MANAGER REPORTS

- **Council Work Session Meetings-** every Monday in the Month of April
Work Session Monday, April 8, 2013 at 6:30 pm., for Debt Service, Capital Project. Court, VFF, Economic Development, General Fund Review Service
Work Session Monday, April 15 2013 at 6:00 pm for Grants and Special Revenue Funds (16 & 17)
Work Session Monday, April 22, 2013 at 6:30 pm for Streets/HURF
Work Session Monday, April, 29, 2013 for General Fund Revenue
- **Report-** Sale of Willcox Rural Fire the City of Willcox was contacted to see if the City of Willcox would be interested in purchasing this, and discussion with Chief Weaver and it was decided it would not be of the best interests to the City of Willcox to purchase this.
- **Follow-up-** on question from Councilman Johnson regarding Inde Motorsports it was expressed there were no concern with this.
- **City Clean-up-** Saturday, April 27, 2013 I would like to take this time to Wish Dave in all his future endeavors and appreciate all he has done for the city.

COMMENTS NOT FOR DISCUSSION FROM MAYOR AND COUNCILMEMBERS

Councilman Goolsby stated he wanted to echo on Mr. McCourt it has been a pleasure working with you.

Councilwoman stated I can't say anything more but Thank you for your service.

Vice Mayor stated Thank you Mr. Bonner for your service and I would like to add that they have been using the Inde race track.

Mayor Irving thanked Mr. Bonner for his service.

Councilman Lindsey Thanked Mr. Bonner for his service.

Councilman Nigh stated I have concern the hiring of Dave's position and would like to be involve

EXECUTIVE SESSION FOR CONSULTATION FOR LEGAL ADVICE WITH THE ATTORNEY OF THE PUBLIC BODY

Consideration, regarding entering into an Executive Session pursuant to A.R.S. §38-431.03(A) (3), for the purpose of consultation for legal advice with the attorney(s) of the public body

MOTION: Councilmember Lindsey moved to approve entering into an Executive Session pursuant to A.R.S. §38-431.03(A) (3), for the purpose of consultation for legal advice with the attorney(s) of the public body

SECONDED: Vice Mayor Holloway **CARRIED**

RECESS TO EXECUTIVE SESSION, IF APPROVED at 8:05 pm.

RECONVENE FROM EXECUTIVE SESSION at 8:42 pm.

UPDATE ON DESERT INN MOTEL

DISCUSSION: Mr. Stoddard gave the rate quotes to the Council received 4 bids and 3 bids were rejected and one was the only one that turned in the correctly at a cost of \$309,000. Staff recommends rejecting all bids. Councilmember Cronberg stated with the bid being too high for the City of Willcox I recommend to reject all bids. Mr. Stoddard stated even if we did all this we still have a \$45,000 back taxes to pay if we wanted to acquire this property. Councilmember Cronberg stated this is way above our level to pay. Vice Mayor Holloway stated to subject the Tax payer of \$1000 each to pay for this clean-up, I think we should go after the parties responsible. City Attorney Roberts stated the best way to move forward is to do a mandatory in junction to have this resolved.

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RESOLUTION NO. 2013-22 REGARDING REJECTING ALL DEMOLITION BIDS RECEIVED IN RESPONSE TO THE INVITATION TO BIDDERS FOR DEMOLITION OF 704 S. HASKELL AVENUE, WILLCOX, ARIZONA, AND DIRECTING AUTHORIZED CITY OFFICERS AND AGENTS TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

MOTION: Councilmember Lindsey moved to approve Resolution No. 2013-22 rejecting all Demolition bids received in response to the invitation to bidders for demolition of 704 S. Haskell Avenue, Willcox Arizona and directing and authorized city officers and agents to carry out the purposes and intent of this resolution **SECONDED:** Councilmember Cronberg **CARRIED**

ADJOURN- With no further discussion adjourned at 8:49pm.

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 1st day of April 2013. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 1st day of April 2013

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

PASSED, APPROVED AND ADOPTED this 15th day of April 2013.

/s/ Robert A. Irvin
MAYOR ROBERT A IRVIN

Signed 4-17-2013

ATTEST:

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