

**THE MINUTES OF THE REGULAR SESSION OF THE MAYOR AND  
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ  
HELD ON THIS 15<sup>th</sup> DAY OF APRIL 15, 2013**

**CALL TO ORDER**- Mayor Bob Irvin called the regular session meeting to order on Monday, April 15, 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 Interim Director John Bowen  
Development Services Jeff Stoddard  
Library Director Tom Miner  
Police Chief interim Glenn Childers

**ABSENT**

Councilwoman Monika Cronberg-Excused

**PLEDGE OF ALLEGIANCE TO THE FLAG** led by Mayor Irvin

**PROCLAMATIONS**

Mayor Irvin proclaims (2) proclamations one week in April 2013 as National Library Week and one week in April 2013 as National Volunteer Week. Was presented to Mr. Tom Minor Library Director for National Library and Mr. John Cropper for National Volunteer Week

**CALL TO THE PUBLIC**- None

**DECLARATION ON CONFLICT OF INTEREST**

None Declared

**ADOPTION OF THE AGENDA**

**MOTION:** Councilmember Johnson to adopt the agenda as presented.

**SECONDED:** Vice Mayor Holloway **CARRIED**

**CONSENT AGENDA**

**MOTION:** Vice Mayor Holloway to adopt the agenda as presented with one correction already pointed out to City Clerk.

**SECONDED:** Councilmember Johnson **CARRIED**

Minutes approve on consent agenda.

8a. Approval of Special Meeting Minutes of March 25, 2013

8b. Approval of Work Session Minutes of March 25, 2013

8c. Approval of Regular Minutes April 1, 2013

8d. Approval of Work Session Minutes April 08, 2013

**PUBLIC HEARINGS**

- a. Second reading, Liquor License Series #9 for KT's Market **Open:** 7:09 **Closed:** 7:11  
b. Second reading, Liquor License Series #12 for Tortilleria La Unica **Open:** 7:11 **Closed:** 7:12

**THE MINUTES OF THE REGULAR SESSION OF THE MAYOR AND  
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ  
HELD ON THIS 15<sup>th</sup> DAY OF APRIL 15, 2013**

**REGARDING THE APPLICATION FOR LIQUOR LICENSE SERIES #9 KT'S MARKET NEW LICENSE**

**MOTION:** Councilmember Johnson moved to approve the application for Liquor License Series #9 KT's Market new license.

**SECONDED:** Councilmember Goolsby **CARRIED**

**REGARDING THE APPLICATION FOR LIQUOR LICENSE SERIES #12 TORTILLERIA LA UNICA NEW LICENSE**

**MOTION:** Councilmember Johnson moved to approve the application for Liquor License Series #12 Tortilleria La Unica new license

**SECONDED:** Councilmember Goolsby **CARRIED**

**REGARDING REX ALLEN DAYS REQUEST FOR APPROVAL LIQUOR LICENSE APPLICATION FOR A CHARITY DANCE ON SATURDAY, MAY 18, 2013**

**MOTION:** Councilmember Johnson moved to approve Rex Allen Days request for Liquor License application approval for a Charity dance on Saturday, May 18, 2013

**SECONDED:** Vice Mayor Holloway **CARRIED**

**REGARDING REX ALLEN DAYS REQUEST FOR APPROVAL LIQUOR LICENSE APPLICATION FOR A CHARITY DANCE ON THURSDAY, JULY 4, 2013**

**MOTION:** Councilmember Johnson moved to approve Rex Allen Days request for Liquor License application approval for a charity dance on Thursday, July 4, 2013

**SECONDED:** Councilmember Goolsby **CARRIED**

**REGARDING CITY MANAGER ADVERTISEMENTS AND TENTATIVE HIRING TIMEFRAME**

**DISCUSSION:** regarding City Manager Advertisements, and tentative hiring timeframe Vice Mayor Holloway asked if we could move this to after the Work Session. Mayor Irvin asked if the Council would like for Mr. McCourt to participate in the hiring process. City Manager McCourt stated I have not looked at any of the application. Mayor Irvin asked how many applications have come in. City Manage. McCourt stated we have received 12 and 2 more have come in today.

**REGARDING CONTRACT FOR RENTAL OF CITY EQUIPMENT BY PRIVATE INDIVIDUAL**

**MOTION:** Vice Mayor Holloway moved to approve contract for rental of city equipment as additional fee in the amount of \$50.00

**SECONDED:** Councilmember Goolsby **DISCUSSION:** City Manager McCourt stated the current City Policy doesn't allow us to loan out equipment. At the Rodeo Grounds it has to be tilled and evened out; the city does do this before the rodeo and in the course of the rodeo it needs to be done again. Some of the individuals do have this equipment but this individual doesn't have this type of equipment. I have spoken to the insurance and they are not too keen on renting this equipment, and the staff doesn't want to be in the rental equipment business. There haven't been any problems but when we realized the it was in violation of policy we don't feel comfortable and stopped it. Councilmember Lindsey stated can't we do this and include it with the rental of the arena. Vice Mayor Holloway stated if we could set this up with the rental of the arena or something like that. Councilmember Goolsby stated this is a very unique I think we should be as accommodating as possible. City Manager McCourt asked if Council were asking for a fee to be added to the rental of the arena. Council stated yes. **AYES:** Vice Mayor Holloway and Councilmember Goolsby; **NAYES:** Mayor Irvin, Councilmembers Lindsey, Johnson, and Nigh **MOTION FAILED**

**MOTION:** Councilmember Jonson made a motion to include the equipment in the rental fee for the arena.

**SECONDED:** Councilmember Nigh

**AYES:** Mayor Irvin, Councilmembers Lindsey, Johnson, and Nigh **NAYES:** Vice Mayor Holloway and Councilmember Goolsby **CARRIED**

**REGARDING PURCHASE OF 2007 PATROL CAR FROM ARIZONA EMERGENCY PRODUCTS**

**MOTION:** Vice mayor Holloway moved to approve purchase of 2007 Patrol Car from Arizona Emergency Products

**SECONDED:** Councilmember Goolsby **DISCUSSION:** City Manager McCourt explained this item and Councilmember Johnson asked if any of the staff mechanics had a chance to look at it. Sgt Childers stated no they have not but Chief Weaver knows them very well and they put all of our patrol cars together. Johnson stated it worries me that it is a 2006 model. Sgt Childers stated Officer Valle currently drives a 2000 and the Crown Victoria is no longer being sold which sent chaos to everyone. The company did call and ask Chief Weaver if he would be interested in buying it this demo. Lindsey

**THE MINUTES OF THE REGULAR SESSION OF THE MAYOR AND  
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ  
HELD ON THIS 15<sup>th</sup> DAY OF APRIL 15, 2013**

stated if we were going to buy a new vehicle we would have to go out to bid. Mr. McCourt stated it is a sole source and we need Council approve it. **CARRIED**

**REGARDING TO ACT AS FISCAL AGENT FOR WILLCOX LITTLE LEAGUE ON GRANT FROM COCHISE  
COMMUNITY FOUNDATION**

**MOTION:** Councilmember Johnson moved to approve to Act as Fiscal Agent for Willcox Little League on grant from Cochise Community Foundation

**SECONDED:** Councilmember Lindsey **DISCUSSION:** Mr. McCourt stated they are asking us to be fiscal agent and I am recommending Council to approve this item. **CARRIED**

**REGARDING VOLUNTEER WORK AT KEILLER PARK BY THE LITTLE LEAGUE**

**MOTION:** Councilmember Johnson moved to approve volunteer work at Keiller Park by the Little League

**SECONDED:** Vice Mayor Holloway **DISCUSSION:** Mr. Trevor Ward stated the all-stars for 11-12 we gave a presentation and we got the all-stars to our town which has not been here for 28 years and we would like to replace the dugouts and we have Jeff Stoddard to get this set up right. We need to add more dirt to the field and paint the dugouts and concession stand and the city has done a lot for us already and we appreciate it. **CARRIED**

**REGARDING EMPLOYEE COMPENSATION OPTIONS FOR FY 2014 BUDGET**

**MOTION:** Councilmember Goolsby moved to approve employee compensation options of 1.7%.

**SECONDED:** Councilmember Lindsey **DISCUSSION:** City Manager McCourt stated we have brought the same 4 options and we would like direction for the budget and one of the option is no increase, 2<sup>nd</sup> option is 1.7 Cost of Living (COL), 3<sup>rd</sup> option is 50 cents and the 4<sup>th</sup> option is \$1.00. He asked the council to look at page 4 of the handout where it is broken down. Councilmember Lindsey stated it is nice to bring up moral with a raise and something is better than nothing. Vice Mayor Holloway state he would like to see a bit more like a 2% pay increase. Councilmember Johnson stated I would like to see the lower end of the pay scale received more as a percentage they usually get less than the upper pay scale employees this is why I would like to see a 50 cents across the board raise. **AYES:** Mayor Irvin, Councilmember's Lindsey, Goolsby, and Nigh **Nays:** Vice Mayor Holloway and Councilmember Johnson. **CARRIED**

**PRESENTATION/DISCUSSION REGARDING JULY 1 – MARCH 31, 2013 FINANCIAL STATEMENT AND INVESTMENT  
REPORT FROM RUTH GRAHAM.**

**DISCUSSION:** Ruth Graham discussed July 1- March 31, 2013 Financial Statement and Investment Report and recapped the funds from the handouts sheets to the Council. Ms. Graham pointed out the projects that were completed. The matching funds that were complete for example the Historical Theater of \$15,000. On the sales tax revenue chart shows 9 year comparison on the chart from the handouts. Investment report shows where the money is being invested and pointed out each allocation for each fund.

**REGARDING CITY ATTORNEY POSITION AND CONTRACT**

**DISCUSSION:** City Manager stated we have contracted services for this position and we have had conversation and one way to do this would be to make if you wish to attain the existing City Attorney. We could make this position a city employee if you wish or keep it as contract services. Councilmember Johnson stated didn't we have this before. City Manager McCourt stated it may have been that is how it is done at other places. City Attorney Roberts stated the only change would be in the State Retirement because I currently participate in the State Retirement. Vice Mayor Holloway stated first of all are we happy with the current city Attorney. The council stated yes. Councilmember Lindsey stated it depends on what is negotiated and I would like to sit down with the City Attorney and see what was being proposed in either open or executive session. Councilmember Johnson asked is wage and salary being discussed in open session. City Attorney Roberts stated she is fine with an open session as my contract will be public document anyways. Councilmember Goolsby asked would we need a job description. City Attorney Roberts stated in the policy it states the City Attorney will be a contracted employee; we would need to change the policy that states it maybe a contracted services.

**THE MINUTES OF THE REGULAR SESSION OF THE MAYOR AND  
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ  
HELD ON THIS 15<sup>th</sup> DAY OF APRIL 15, 2013**

**RESOLUTION NO. 2013-27 REGARDING APPROVING THE PURCHASE OF 77 TONS OF CRS-2 OIL AND APPLICATOR TRUCK AND DRIVER FROM WESTERN EMULSIONS; AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DIRECTING AUTHORIZED CITY OFFICERS AND AGENTS TO CARRY OUT THE PURPOSES AND INTENT OF THE RESOLUTION; DECLARING AN EMERGENCY TO EXIST.**

**MOTION:** Councilmember Johnson moved to approve Resolution No. 2013-27 regarding approving the purchase of 77 tons of CRS-2 oil and applicator truck and driver from western emulsions; authorizing the mayor to execute this resolution and directing authorized city officers and agents to carry out the purposes and intent of the resolution.

**SECONDED:** Councilmember Lindsey **DISCUSSION:** City Manager stated this tie into the Zipper. **CARRIED**

**RESOLUTION NO. 2013-23 REGARDING APPROVING AND ADOPTING THE AMENDED JOB DESCRIPTION FOR THE POSITION OF CODE ENFORCEMENT SPECIALIST TO BE PLACED WITHIN THE JOB DESCRIPTION MANUAL FOR THE CITY AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION**

**MOTION:** Vice Mayor Holloway moved to approve resolution No. 2013-23 approving and adopting the amended job description for the position of Code Enforcement Specialist to be placed within the job description manual

**SECONDED:** Councilmember Goolsby **DISCUSSION:** City Manager McCourt stated this is missing who they report to and that is the only change. Councilmember Nigh stated it is very important to have some knowledge of inspector experience. Mr. Stoddard stated this job of code enforcement is dealing with ordinance only. **CARRIED**

**RESOLUTION NO. 2013-24 ADOPTING A NOTICE OF INTENTION TO MODIFY THE CITY CODE, TITLE 13, "PUBLIC SERVICES", CHAPTER 14, "SEWER PRETREATMENT", DECLARING APRIL 22, 2013, AS THE DATE FOR THE FINAL TEXT OF SUCH ADDED CHAPTER TO BE FILED IN THE OFFICE OF THE CITY CLERK AS A PUBLIC RECORD AND SETTING MAY 6, 2013, AS THE DATE FOR PUBLIC HEARING ON THE PROPOSED CODE MODIFICATION AND ORDINANCE ADOPTION.**

**MOTION:** Councilmember Johnson moved to approve Resolution No. 2013-24 adopting a Notice of Intention to modify the city code, title 13, "Public Services", Chapter 14, "Sewer Pretreatment", declaring April 22, 2013, as the date for the final text of such added chapter to be filed in the office of the City Clerk as Public Record and setting May 6, 2013, as the date for Public Hearing on the proposed Code Modification and Ordinance Adoption.

**SECONDED:** Councilmember Lindsey **CARRIED**

**RESOLUTION NO. 2013-26 FOR THE PURPOSE OF AUTHORIZING AND APPROVING AUDIT SERVICES TO BE PROVIDED BY HINTON, BURDICK, HALL & SPILKER, PPLC; AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION; DIRECTING AUTHORIZED CITY OFFICERS AND AGENTS TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.**

**MOTION:** Councilmember Johnson moved to approve Resolution No. 2013-26 for the purpose of authorizing and approving Audit Services to be provided by Hinton, Burdick, Hall, & Spilker, PPLC

**SECONDED:** Councilmember Lindsey **DISCUSSION:** Councilmember stated it didn't state if there was no audit it would reduce the cost by \$4,500. Ms. Graham stated it was a bit confusing but if we have a federal audit we would have it in the budget. **CARRIED**

**PRESENTATION OF SALE OF LOTS AT INDUSTRIAL PARK**

**PRESENTATION:** Mr. White spoke on the lots at Industrial Park. Mr. White stated they have been in Cochise County for many years. Mr. Johnson asked what would be your intention acquiring this property would you be creating jobs? Mr. White stated we would be shipping and as it grows the sky is the limit.

Second presentation by Arizona Grain regarding presentation by Barney Barnes, he spoke a little bit about his back ground he stated he was out of the Casa Grande area. He gave the Council a hand out with outline of what the plans he had in mind for the property. They plan to unload commodities and shipping he has made contact with UP railroad and San Pedro .We would incorporate all the property this is why we included a drawing of how we would use the property. We would incorporate with the community. Councilmember Johnson asked how many employees you would hire. Councilmember Johnson asked how many people would be employed once he is open for business. Right know we would employee 2 fulltime employees. We also plan to put in a processing plant down in this area. It is difficult for me to say how many employees.

**THE MINUTES OF THE REGULAR SESSION OF THE MAYOR AND  
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ  
HELD ON THIS 15<sup>th</sup> DAY OF APRIL 15, 2013**

**CITY MANAGER REPORTS**

- **Council Work Session Meetings-** every Monday in the Month of **April**  
Work Session Monday, April 22, 2013 at 6:30 pm for Streets/HURF  
Work Session Monday, April, 29, 2013 at 6:30pm for General Fund Revenue and General Fund Capital Improvements
- **City Clean-up-** Saturday, April 27, 2013
- **Council Work Session Meetings-** in the Month of **May**  
Work Session Monday, May 6, 2013 at 6:00 pm Admin, Council, Comm Program, Legal/Courts, Dev Serv., Finance, Library  
Work Session Monday, May 13, 2013 at 6:30 pm Admin PW including admin, Swimming Pool, Cemetery, Vehicle Maintenance., Buildings & Grounds, and Parks
- Work Session Monday, May 20, 2013 6:00 pm Patrol, Investigations, K-9 & Fire Department
- **General-** City Manager to take vacation from June 3-5, 2013. Police Chief Weaver will step in while away. City Manager announced that Chief Weaver's last day would be April 15, 2013,

**COMMENTS NOT FOR DISCUSSION FROM MAYOR AND COUNCILMEMBERS**

Councilmember Goolsby commented on Boston regarding latest tragedy they are going through and the impact the bombing at the Boston Marathon. My heart goes out their City Council and what they are facing.  
Councilmember Nigh stated there is a lot of property out in the area that has not been development around the property being sold Industrial Park that the Economic Development committee should pursue.

**EXECUTIVE SESSION FOR CONSULTATION FOR LEGAL ADVICE WITH THE ATTORNEY OF THE PUBLIC BODY REGARDING THE PURCHASE, SALE, OR LEASE OF REAL PROPERTY**

**MOTION:** Councilmember Lindsey moved to enter 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 regarding the purchase, sale, or lease of real property.

**SECONDED:** Vice Mayor Holloway **CARRIED**

**30. RECESS TO EXECUTIVE SESSION, IF APPROVED: 8:27 pm**

**31. RECONVENE FROM EXECUTIVE SESSION: 8:33 pm**

**32. DISCUSSION/DECISION/DIRECTION TO STAFF REGARDING MATTERS DISCUSSED IN EXECUTIVE SESSION  
RESOLUTION NO. 2013-25 FOR THE PURPOSE OF ACCEPTING THE BID FOR PURCHASE OF REAL  
PROPERTY FROM ARIZONA GRAIN IN THE AMOUNT OF \$110,001.00, FOR THE SALE OF CITY OF  
WILLCOX INDUSTRIAL PARK PROPERTY LOCATED AT SOUTH FIRST AVENUE, WILLCOX, ARIZONA;  
AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DIRECTING AUTHORIZED CIT  
OFFICERS AND AGENTS TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION**

**MOTION:** Vice Mayor Holloway moved to approve Resolution No. 2013-25 for the purpose of accepting the bid for purchase of real property form Arizona Grain in the amount of \$110,001.00 for the sale of City of Willcox Industrial Park Property located at South First Avenue, Willcox Arizona for the best interest of the City of Willcox

**SECONDED:** Councilmember Johnson **CARRIED**

**ADJOURN-** with no further discussion at 8: 52 pm.

**THE MINUTES OF THE REGULAR SESSION OF THE MAYOR AND  
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ  
HELD ON THIS 15<sup>th</sup> DAY OF APRIL 15, 2013**

**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 15<sup>th</sup> day of April 2013. I further certify that the meeting was duly called and held, and that a quorum was present.

**Dated this 15<sup>th</sup> day of April 2013**

/s/ Virginia A. Mefford

City Clerk Virginia A. Mefford

**PASSED, APPROVED AND ADOPTED** this 6<sup>th</sup> day of May 2013.

/s/ Robert A. Irvin

MAYOR ROBERT A IRVIN

Signed 5-8-2013

ATTEST:

/s/ Virginia A. Mefford

City Clerk Virginia A. Mefford