

**CITY OF WILLCOX  
MAYOR AND CITY COUNCIL  
STATEMENT OF LEGAL ACTIONS**

**Monday, April 15, 2013**

**7:00 p.m.**

**City Council Chambers**

**300 W. Rex Allen Drive**

**Willcox, AZ 85643**

(Mayor or Designee will read only **BOLD** print of each agenda item,  
except for Public Hearings, Petitions and Communications.)

**1. CALL TO ORDER** - Mayor Irvin called the regular session meeting to order on Monday, April 15, 2013 at 7:00 p.m. and welcomed everyone in attendance

**2. 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

**3. PLEDGE OF ALLEGIANCE TO THE FLAG**- Led by Mayor Irvin

**4. 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

**5. CALL TO THE PUBLIC**- None

**6. DECLARATION ON CONFLICT OF INTEREST** None Declared

**7. ADOPTION OF THE AGENDA**

**It was moved and seconded** to adopt the agenda as presented. **CARRIED**

**8. CONSENT AGENDA**

**It was moved and seconded** to adopt the consent agenda as presented with one correction already pointed out to City Clerk. **CARRIED**

## 9. PUBLIC HEARINGS, PETITIONS, AND COMMUNICATIONS

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. 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

### 10. THE APPLICATION FOR LIQUOR LICENSE SERIES #9 KT'S MARKET NEW LICENSE

**It was moved and seconded** to approve the application for Liquor License Series #9 KT's Market new license, new license **CARRIED**

### 11. THE APPLICATION FOR LIQUOR LICENSE SERIES #12 TORTILLERIA LA UNICA NEW LICENSE

**It was moved and seconded** to approve the application for Liquor License Series #12 Tortilleria La Unica new license, **CARRIED**

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

**It was moved and seconded** to approve Rex Allen Days request for Liquor License application approval for a Charity dance on Saturday, May 18, 2013 **CARRIED**

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

**It was moved and seconded** to approve Rex Allen Days request for Liquor License application approval for a Charity dance on Thursday, July 4, 2013 **CARRIED**

### 14. 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 Manager McCourt stated we have received 12 and 2 more have come in today.

### 15. REGARDING CONTRACT FOR RENTAL OF CITY EQUIPMENT BY PRIVATE INDIVIDUAL

**It was moved and seconded** to approve to approve contract for rental of city equipment as additional fee in the amount of \$50.00

**AYES** Councilmembers: Cronberg and Goolsby **NAYS** Mayor Irvin, Vice Mayor Holloway, Councilmembers: Lindsey, Johnson and Nigh **MOTION FAILED**

**It was moved and seconded** to lower the rental fee for the City equipment by private individual.

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

### 14. RESOLUTION NO. 2013-13 APPROVING PARTICIPATION OF THE CITY OF WILLCOX IN THE ARIZONA OPEN BOOKS PROGRAM TO BE ADMINISTERED BY THE ARIZONA DEPARTMENT OF ADMINISTRATION, APPROVING THE ADOA-GAO OPENBOOKS INTERAGENCY SERVICE AGREEMENT AND NAMING ENTITY ADMINISTRATORS AND USERS TO ACT ON BEHALF OF CITY; DIRECTING AUTHORIZED CITY OFFICERS AND CITY STAFF TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION; AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION.

**It was moved and seconded** to approve contract for rental of city equipment as additional fee in the amount of \$50.00 **AYES:** Vice Mayor Holloway and Councilmember Goolsby; **NAYES:** Mayor Irvin, Councilmembers Lindsey, Johnson, and Nigh **MOTION FAILED**

**It was moved and seconded** to lower the rental fee for the City equipment

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

Councilmember Goolsby **CARRIED**

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

**It was moved and seconded** to approve purchase of 2007 Patrol Car from Arizona Emergency Products  
**CARRIED**

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

**It was moved and seconded** to approve to Act as Fiscal Agent for Willcox Little League on grant from Cochise Community Foundation **CARRIED**

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

**It was moved and seconded** to approve volunteer work at Keiller Park by the Little League **CARRIED**

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

**It was moved and seconded** to approve employee compensation options of 1.7%. **CARRIED**

**19. 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.

**20. 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.

**21. 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.**

**It was moved and seconded** 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. **CARRIED**

**22. 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**

**It was moved and seconded** 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 **CARRIED**

**23. 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.**

**It was moved and seconded** 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.  
**CARRIED**

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

**It was moved and seconded** 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, PLLC **CARRIED**

**25. 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 he 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.

**26. 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, 2013at 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,

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

Councilmember Goolsby commented on City of Boston of the latest mishap they are going through and the impact that has happened with 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 of the property being sold out in the area that has not been development and the Economic Development committee should pursue this opportunity.

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

**It was moved and seconded** 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**

**It was moved and seconded** 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 **CARRIED**

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

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**NOTE:** Documentation (if any) for items listed on the Agenda is available for public inspection, a minimum of 24 hours prior to the Council Meeting, at any time during regular business hours in the Office of the City Clerk, 101 S. Railroad Avenue, Suite B, or the Elsie S. Hogan Community Library during regular business hours Monday-Saturday and on the City's website [www.cityofwillcox.org](http://www.cityofwillcox.org) .

**NOTE:** People with disabilities may request reasonable accommodations. Requests must be made 48 hours prior to the meeting by contacting City Hall at 384-4271 during regular business hours 8:00 a.m. to 4:30 p.m., Monday through Friday.