

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

**Monday May 6, 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, May 6, 2013 at 7:06 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 Works Director John Bowen  
Development Services Jeff Stoddard  
Library Director Tom Miner  
Police Chief interim Glenn Childers

**ABSENT**

Councilman Earl Goolsby- Excused  
Councilman William "Bill" Nigh- Excused

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

**4. PROCLAMATIONS**

Mayor Irvin proclaims proclamation for the month of May for 1. National Historic Preservation Month presented to Kathy Klump 2. Peace Officers Week May 12-18 and May 15 2013 Peace Officers Memorial Day Presented to Glenn Childers.

**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. **CARRIED**

The following minutes:

- 8a. Approval of Regular Meeting Minutes of April 15
- 8b. Approval of Work Session Minutes of April 15, 2013

- 8c Approval of Work Session Minutes April 22, 2013
- 8d Approval of Work Session Minutes April 29, 2013
- 8e Approval of Special Meeting Minutes April 29, 2013

## 9. 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 Railroad Avenue, Suite B, Willcox, Az. and will be duplicated and distributed to the Mayor and Council members prior to said hearing

- a. Notice of Intent to Amend Title 13 "Public Services", Chapter 14 "Sewer Pretreatments". **OPEN:** 7:10 PM

**DISCUSSION:** City Manager McCourt stated this is part of our Consent Order for the Chapter and Title.  
**CLOSED:** 7:11 PM

## 10. PRESENTATION BY GAYLE BERRY ON THE WILLCOX HISTORIC THEATER PRESERVATION, INC.

**DISCUSSION:** Ms. Gayle Berry Thanked the Council and gave a brief explanation of where they are today, in the first part of November the theater was not open, a lot of repairs were needed and a number of volunteers came in and helped to get the theater open. We have had 42 movie weeks; we have a variety of movies and a number of public events, one of which was the grand opening ribbon cutting with the big band and movie of the time. We have a number of partnerships, WOW, Chamber of commerce, Wine festival, and Bonita Schools will be coming. We do buy locally. We have a lot of positive feedback since opening is nice to be able to have a place go on the weekend and few other comments. Some of the other projects in the future include: a fence along the sidewalk, buster seats for the little ones to be able to see, loyalty award program, open house to introduce some of the changes that have happened, we are developing with others to have some concerts. We are negotiating with a company to lease the digital projections so we have art deco outside and have the newest technology inside. We hope you come to our open house. Mayor Irvin asked what is the cost to complete the theater Ms. Berry stated, about \$99,000. Councilman Lindsey stated I am thrilled how far you have come with this.

## 11. ROPOSAL BY DONNIS BLACK TO PLACE MEMORIAL BOARD AT TWIN LAKES GOLF COURSE

**It was moved and seconded** to approve to approve the proposal by Donnis Black to Place Memorial Board at Twin Lakes Golf Course  
**CARRIED**

## 12. REGARDING RESIGNATION FROM TIM CHARLEY FROM PARKS AND RECREATION ADVISORY COMMITTEE

**It was moved and seconded** to accept the resignation from Tim Charley from Parks and Recreation Advisory Committee **CARRIED**

## 13. RESOLUTION NO. 2013-28 APPROVING A DONATION OF USED FIRE EQUIPMENT FROM THE CITY TO THE CHIRICAHUA TRAILS NONPROFIT FIRE DEPARTMENT; AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DIRECTING AUTHORIZED CITY OFFICERS AND AGENTS TCARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION

**It was moved and seconded** to approve Resolution No. 2013-28 approving a donation of used fire equipment from the City to the Chiricahua trails nonprofit fire department **CARRIED**

**14. ORDINANCE NO. NS 313 AMENDING THE WILLCOX MUNICIPAL CODE, BY ADOPTING AS A NEW CHAPTERS, THAT CERTAIN PUBLIC RECORD ENTITLED, "TITLE 13, PUBLIC SERVICES, CHAPTER 13.14, SEWER PRETREATMENT"; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; ESTABLISHING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY**

**It was moved and seconded** to approve ordinance amending the Willcox Municipal code, by adopting as a new chapter, that certain public record entitled, "title 13, public services, Chapter 13.14, sewer pretreatment"; providing penalties for the violation thereof; establishing an effective date; and declaring an emergency. **CARRIED**

**15. REPORT FROM SUB-COMMITTEE REGARDING CITY ATTORNEY POSITION**

**DISCUSSION:** Vice Mayor Holloway explained this item and asked if they would continue as a contract, or this contract for 20 hours as a part-time city employee so she could contribute into the ASRS, with the same amount of money. City Attorney Roberts stated I have contributed in the last 12 years into the ASRS and this would help me continue to contribute. Councilmember Cronberg stated she understood why she would like to continue to do this. Councilmember Cronberg stated what concerns me is the time constraints of the 20 hours. City Attorney Roberts stated this is the minimum hours to be able to contribute into the ASRS. City Attorney Roberts stated this is a rough draft I knew you would ask this. Councilman Lindsey requested the new contract state the employee benefits, be limited to those included with the contract and the contract includes who will substitute for Ms. Roberts in her absence. Vice Mayor Holloway asked for the attorney to work on the contract and bring it back to council for our final review.

**17. CITY MANAGER REPORTS**

**Council Work Session Meetings- in the Month of May**

- 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, Library
- **General-** City Manager to take vacation from June 3-5, 2013. Ruth Graham will step in while away.
- **June 3, 2013** will be the preliminary Budget adoption.
- **Update:** Chip sealing project pictures on the Dias for Council to see what has been done. Also we have been circulating raffle tickets for the fireworks. I am proud to announce that we have appointed John Bowen as the new Public Works Director.

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

Councilmember Johnson inquired about the Golf Course and would like for staff to come back to council with what is being done. City Manager McCourt stated we are looking at the pump system. Mr. Bowen stated we will have Bill Pump system to look at it. I do have bids going out and hopefully have this back to council for the next agenda.

Councilmember Lindsey asked for the pump filter to be looked at to see if it needed to back flushed. It is good to see Apple Annie's is close to being up and going.

Vice Mayor Holloway stated the theater has come a long way and it is great they continue to improve.

**19. EXECUTIVE SESSION FOR DISCUSSION/CONSIDERATION REGARDING THE HIRING OF THE CITY MANAGER AND CONSULTATION FOR LEGAL ADVICE WITH THE ATTORNEY OF THE PUBLIC BODY**

**MOTION:** Vice Mayor Holloway to approve entering into an Executive Session pursuant to A.R.S. §38-431.03(A) (1) and (A)(3), for the purpose of Discussion or consideration of employment.

**It was moved and seconded** to approve enter into executive session for discussion/consideration regarding the hiring of the City Manager and consultation for legal advice with the attorney of the public body **CARRIED**

**20. RECESS TO EXECUTIVE SESSION, IF APPROVED at 7:38 pm.**

**21. RECONVENE FROM EXECUTIVE SESSION 7:53 p.m.**

**22. DISCUSSION/DECISION/DIRECTION TO STAFF REGARDING MATTERS DISCUSSED IN EXECUTIVE SESSION ON CITY MANAGER HIRING PROCESS**

**DISCUSSION:** Vice Mayor Holloway asked if anyone else had any other questions. Councilmember Cronberg stated the number three question is good. Vice Mayor Holloway stated on the second group of questions some of these do not comply at this stage of the hiring process. Councilmember Cronberg stated we could ask 7 questions. City Manager McCourt asked if with Councilmember Cronberg would work with The Clerk on the questions. Councilwoman stated that would be fine with her.

**23. ADJOURN -with not further discussion at 8:00 p.m.**

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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.