

CITY OF WILLCOX MAYOR AND CITY COUNCIL AGENDA

STATEMENT OF LEGAL ACTION

A REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF WILLCOX, ARIZONA
WILL BE HELD ON JUNE 3, 2013, AT 7:00 P.M.

AGENDA

The council may discuss, consider and take possible action pertaining to the following:

1. **CALL TO ORDER** by Mayor Irvin at 7:00pm and welcomed all in attendance.
2. **ROLL CALL** by Recording Secretary Sherry Lynn Van Allen

PRESENT

Mayor Robert Irvin
Councilman Elwood Johnson
Councilman Gerald Lindsey
Councilwoman Monika Cronberg
Councilman Earl Goolsby
Councilman Bill Nigh

ABSENT

Vice Mayor Bill Holloway – Excused

STAFF

Finance Director –Ruth Graham
City Attorney – Ann Roberts
Recording Secretary –Sherry Van Allen
Public Works Director – John Bowen
Interim Public Safety Director – Glenn Childers
Library Director – Tom Miner

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

4. **CALL TO THE PUBLIC**

Rob Jones – Discussed the City being stagnate and is glad to see that this Council wants to make Willcox the wonderful City it used to be. If a City is not growing it is dying. I know that this council has the drive and determination to see Willcox grow.

5. **DECLARATION ON CONFLICT OF INTEREST**

None declared

6. **ADOPTION OF THE AGENDA**

MOTION: It was moved to accept the agenda as presented removing item #9

SECOND: was received - **CARRIED**

7. **CONSENT AGENDA**

Tab 1

- 7a. Approval of Regular Meeting Minutes of May 6, 2013
- 7b. Approval of Work Session Minutes of May 6, 2013
- 7c. Approval of Work Session Minutes May 13, 2013

MOTION: It was moved to accept the Consent Agenda as presented

SECOND: was received - **CARRIED**

8. **REGARDING APPOINTMENT OF JANA IANNINI TO THE PARKS & RECREATION ADVISORY COMMITTEE TO FILL UNEXPIRED TERM VACATED BY TIM CHARLEY, TERM TO EXPIRE 12-31-2014.** Tab 2

MOTION: It moved to appoint Jana Iannini to the P&R Advisory Committee to fill the unexpired term.

SECOND: was received - **CARRIED**

- ~~9. **REGARDING THE REX ALLEN DAYS WOULD LIKE A STREET CLOSURE FROM RAILROAD AVENUE TO STEWART AND MALEY ON OCTOBER 5TH AND 6TH, 2013 FROM 6:00 AM UNTIL 12:00 AM FOR THE REX ALLEN DAYS**~~ Tab 3

Item was removed from Agenda.

10. REGARDING TENTATIVE CITY BUDGET FOR FISCAL YEAR 2013-2014

Tab 4

Finance Director Ruth Graham presented the tentative City Budget to the Council. Ms. Graham explained that all of the budgets have been presented in various work sessions and that the budget books were handed out. Pointed out that last year we projected a negative balance at year end and we are pleased to show that we are currently showing a profit in our General Fund. Spread sheets are enclosed in the council packets. Ms Graham asked for all input from Council members.

11 REGARDING APPOINTMENT TO THE ARIZONA LEAGUE OF CITIES RESOLUTION COMMITTEE

Tab 5

MOTION: It was moved to appoint Councilman Lindsey to The Arizona League of Cities Resolution Committee.

SECOND: was received - **CARRIED**

12. REGARDING INFORMATION ON HEALTH INSURANCE AGREEMENT WITH BLUE CROSS BLUE SHIELD IS CURRENTLY IN NEGOTIATIONS AND WILL BE AVAILABLE ON JUNE 17, 2013 REGULAR COUNCIL MEETING FOR APPROVAL.

Tab 6

Al Thunberg addressed the Council on the BC/BS Insurance presentation. Jon Stewart addressed the Council on the plan rates. Stewart explained to the Council we will not be renewing with Health net. The staff recommendation is to change BC/BS at a final rate increase of 5.49% from FY13. Stewart explained the MetLife renewal. Stewart called for questions. Thunberg also touched on Healthcare reform and assured they would be back to inform staff and Council on all changes regarding new laws.

13. RESOLUTION NO. 2013-36 FOR THE PURPOSE OF 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 TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION

Tab 7

MOTION: It was moved to approve Resolution No. 2013-36 approving a donation of used fire equipment from The City to the Chiricahua Trails nonprofit fire department **SECOND:** Motion received a second.

DISCUSSION: Councilman Lindsey asked why this item was approved in 2013-28 last month. Interim Director Childers addressed the Council explaining that this item originally belonged to another department (PW) and it has been corrected. **CARRIED**

14. REGARDING RESOLUTION NO. 2013-37 APPROVING AND AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE TOHONO O'DHOM NATION ("NATION") PURSUANT TO A.R.S. 5-601-02 12% GAMING DISTRIBUTION, DIRECTING CITY OFFICIALS TO SUBMIT APPLICATION DOCUMENTS AND DECLARING AN EMERGENCY TO EXIST.

Tab 8

MOTION: It was moved to approve Resolution No. 2013-37, as stated, relating to submission of an application to the Nation for 12% Gaming Distribution. **SECOND:** Motion received a Second

DISCUSSION: Councilman Johnson explained that this unit would cost \$507,000. Childers stated that the "Nation" had awarded the City a Brush truck a few years ago. **CARRIED**

15. ORDINANCE NO. NS 314 OF THE MAYOR AND CITY COUNCIL OF WILLCOX, ARIZONA, AMENDING THE CITY CODE, TITLE 1, CHAPTER 7C, ARTICLE C, ENTITLED "CITY OFFICERS AND PERSONNEL", SECTION 1-7C-1, REGARDING THE APPOINTMENT OF THE "CITY ATTORNEY"; PROVIDING FOR APPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY.

Tab 9

MOTION: It was moved to approve Ordinance No. NS 314, amending the City Code, Title 1, Chapter 7C, Article C, Entitled "City Officers and Personnel", Section 1-7C-1, Regarding The Appointment Of The "City Attorney"; Providing for Appeal of Conflicting Ordinances.

SECOND: Motion received a Second

DISCUSSION: City Attorney Roberts explained the amendment to City Code, Title 1, Chapter 7C, Article C. stating this change would allow the Council to determine if the City Attorney is a City Employee or a Contracted Position. - **CARRIED**

16. RESOLUTION NO. 2013-38 OF THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA, "CITY", FOR THE PURPOSE OF APPROVING THE EMPLOYMENT AGREEMENT WITH ANN P. ROBERTS; APPOINTING ANN P. ROBERTS TO THE POSITION OF CITY ATTORNEY AND, AUTHORIZING THE MAYOR TO EXECUTE THE EMPLOYMENT AGREEMENT AS PRESENTED AND THIS RESOLUTION

Tab 10

MOTION: It was moved to Approve Resolution No. 2013-40 approving the employment agreement with Ann P. Roberts; appointing Ann P. Roberts to the position of City Attorney and, authorizing the Mayor to execute the employment agreement as presented and this resolution. **SECOND:** was received - **CARRIED**

17. CITY MANAGER REPORTS – Presented by Finance Director Graham

- **General-** City Manager on vacation from June 3-5, 2013.
- **June 17, 2013** present and adopt Budget
- **League of Cities and Towns** Annual conference August 27-30, 2013 at El Conquistador, Tucson please let City Clerk, Virgie know if you are planning to attend. She has secured 6 rooms for this conference.

18. COMMENTS NOT FOR DISCUSSION FROM MAYOR AND COUNCIL MEMBERS

Johnson - Reminded staff not to forget the Elks Swim Meet on the next agenda.

Lindsey – asked for comments from Council to bring forth at the League's Resolution Committee Meeting.

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 **Tab 11**

Consideration, regarding 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 and consultation for legal advice with the attorney of the public body

MOTION: It was moved to enter into executive session. **SECOND:** was received - **CARRIED**

20. RECESS TO EXECUTIVE SESSION, IF APPROVED

Mayor and Council recessed into Executive Session at **7:40pm**

21. RECONVENE FROM EXECUTIVE SESSION

Mayor and Council reconvened from Executive Session at **8:45pm**

22. REGARDING CITY MANAGER TENTATIVE HIRING TIMEFRAME

Tab 12

MOTION: It was moved to direct staff to schedule face to face interviews with (3) three selected candidates: Darrel Steven Carlyle, Tedmond Soltis, & Robert Decker on Thursday June 06, 2013; and to notify other applicants that the Mayor & Council have made their final selections and thank them for applying with the City of Willcox.

SECOND: was received - **CARRIED**

23. DIRECTION TO CITY ATTORNEY REGARDING CITY CODE CODIFICATION

Tab 13

MOTION: It was moved to direct the City Attorney to compile a table of contents for the City Municipal Code Book and bring it back for Council review.

SECOND: was received - **CARRIED**

24. ADJOURN

Being no further business before the Mayor and City Council, Mayor Irvin adjourned the Regular Meeting at 8:48pm