

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 02nd DAY OF APRIL 2012**

NOTICE TO PARENTS: Valley Telecom Group records all Willcox City Council meetings. These recordings may be played and replayed on Valley Telecom Cable Channel 1. If you permit your child to participate in the Council Meeting, a recording will be made of your child's participation. If your child is seated in the audience, he or she may be recorded. If you desire, you may request that your child be seated in a designated area to avoid recording. To do so, please submit your request to the City Clerk prior to the meeting. (A.R.S. §1-602.A)

CALL TO ORDER- Vice Mayor Monika Cronberg called the regular meeting to order on Monday, April 2, 2012 at 7:03 p.m. and thanked all for being here.

ROLL CALL-City Clerk Cristina Garcia Whelan, CMC, called the roll:

PRESENT

Vice Mayor Monika Cronberg
Councilman Elwood A. Johnson
Councilman Stephen Klump
Councilman Christopher Donahue-7:06 p.m.
Councilman William "Bill" Holloway
Councilman Robert "Bob" Irvin

ABSENT

Mayor Gerald W. Lindsey

STAFF

City Manager Pat McCourt
City Attorney Hector M. Figueroa
City Clerk Cristina Garcia Whelan, CMC
Library Director Tom Miner
Public Safety Director Jake Weaver
Finance Director Ruth Graham
Public Services & Works Director Dave Bonner
Development Services Jeff Stoddard

PLEDGE OF ALLEGIANCE TO THE FLAG-Vice Mayor Cronberg.

CALL TO THE PUBLIC- Dr. Rundhaug addressed the Council on the effective way the Willcox Department of Public Safety responded to the recent shootings and thanked them again for the quick response during last years High School fire.

DECLARATION ON CONFLICT OF INTEREST –There was no response from Council or Staff.

ADOPTION OF THE AGENDA

MOTION: Councilman Johnson moved to adopt the agenda as presented, removal items 26-29 and moving Item 18 to follow #8.

SECONDED: Councilman Donahue seconded the motion. **DISCUSSION:** Consider moving #17 & 18

AMEND MOTION: Councilman Johnson amended his original motion to move both 17 & 18 to follow #8

SECONDED THE AMENDMENT: Councilman Klump seconded the amendment. **CARRIED**

ORIGINAL MOTION: CARRIED.

PUBLIC HEARINGS, PETITIONS AND COMMUNICATIONS

Public Hearing: The Vice Mayor announced that the Mayor and Council will hold (1) a Public Hearing on Monday, April 2, 2012 at 7:00 p.m., City Council Chambers, 300 W. Rex Allen Drive, to discuss the potential CDBG projects. (See attached for Ad and project names and descriptions.); and

(2) In accordance with ARS §9-499.15, Public Notice: The Mayor and Council will hold public hearings on Monday, May 7, 2011 (2012) and Monday, May 21, 2012 at 7:00 p.m. in the City Council Chambers, 300 W. Rex Allen Drive, Willcox, AZ, regarding the Notice of Intention to Increase Utility Rates and to consider the implementation of revised FY13 Utility Rate Schedules for the Gas, Water, Wastewater, and Solid Waste utilities.

Proclamation: Mayor Lindsey proclaimed and Vice Mayor Cronberg read the proclamations: (1) April is *Fair housing Month*; and (2) *National Library Week* April 8-14, 2012. Library Director Tom Miner to came forward and accepted the Library Week Proclamation.

Vice Mayor Cronberg opened the public hearing regarding CDBG projects at 7:15 p.m. City Manager McCourt discussed the CDGB project at the Community Center and possible future projects. All comments were taken into consideration and the Council Packet has handouts regarding additional projects for CDBG use. The Public Hearing was closed by Vice Mayor Cronberg at 7:25 p.m.

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CONSENT AGENDA

Items that are considered to be routine by the City Council will be enacted by one motion without discussion.

ACCEPT A \$50.00 DONATION TO THE WILLCOX DEPARTMENT OF PUBLIC SAFETY FROM A PRIVATE DONOR

MOTION: Councilman Johnson moved to approve the Consent Agenda items as presented.

SECONDED: Councilman Klump seconded the motion. **CARRIED**

Consider #17 & #18 (*items were moved per motion*)

**DISCUSSION/DECISION REGARDING APPOINTMENT TO THE PARKS & RECREATION ADVISORY COMMITTEE TO
FILL UNEXPIRED TERM VACATED BY TIMOTHY ATWELL, TERM TO EXPIRE 12-31-2014**

MOTION: Councilman Johnson to appoint Cody Bowman to the P&R Advisory Committee to fill the unexpired term vacated by Timothy Atwell, term to expire 12-31-2014.

SECONDED: Councilman Holloway seconded the motion. **DISCUSSION:** Mr. McCourt stated there will be more vacancies in the future. **CARRIED**

**DISCUSSION/DECISION REGARDING ACCEPTING THE LETTER OF RESIGNATION FROM SHARON RAE NIGH FROM
THE PARKS & RECREATION ADVISORY COMMITTEE**

MOTION: Councilman Johnson moved to accept the letter of resignation from Sharon Rae Nigh from the Parks and Recreation Advisory Committee.

SECONDED: Councilman Johnson seconded the motion. **CARRIED**

**DISCUSSION/DECISION REGARDING ACCEPTING THE LETTER OF RESIGNATION FROM WILLIAM M. NIGH FROM
THE PARKS & RECREATION ADVISORY COMMITTEE**

MOTION: Councilman Johnson moved to accept the letter of resignation from William M. Nigh from the P&R Advisory Committee.

SECONDED: Councilman Donahue seconded the motion. **CARRIED**

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-18 THE INTERGOVERNMENTAL AGREEMENT [IGA]
AMENDMENT FOR THE OPERATION OF THE ANIMAL SHELTER BETWEEN THE CITY OF WILLCOX ["CITY"] AND
COCHISE COUNTY ["COUNTY"] FOR FY2013 THROUGH FY2014 AND AUTHORIZING THE MAYOR TO EXECUTE THIS
RESOLUTION, THE IGA AMENDMENT AND DECLARING AN EMERGENCY TO EXIST**

MOTION: Councilman Johnson moved to approve Resolution No. 2012-18, as presented, relating to the IGA for the Operation of the Animal Shelter between the City and County for FY2013 through FY2014.

SECONDED: Councilman Donahue seconded the motion. **DISCUSSION:** There was an error on the Resolution the \$29,867 should be \$28,867. City Attorney stated the Resolution will be corrected.

AMENDED MOTION: Councilman Holloway moved that we reduce the original motion by \$1,000.00.

SECONDED AMENDMENT: Councilman Donahue seconded the amendment. **DISCUSSION:** Attorney Figueroa stated staff will correct the resolution if amendment passes. **CARRIED**

ORIGINAL MOTION – CARRIED.

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-19 THE COURT CONSOLIDATION AGREEMENT
BETWEEN THE CITY OF WILLCOX ["CITY"] AND COCHISE COUNTY ["COUNTY"] FOR THE PURPOSE OF
CONTINUING THE CONSOLIDATED COURT FOR THE PERIOD OF JULY 1, 2012 THROUGH DECEMBER 31, 2014,
AUTHORIZING THE MAYOR OR VICE MAYOR TO EXECUTE THIS RESOLUTION AND THE AGREEMENT AND
DECLARING AN EMERGENCY TO EXIST.**

MOTION: Councilman Johnson moved to approve Resolution NO. 2012-19, as presented, relating to the Court Consolidation between the City and County of continuing the Consolidated Court for the period of July 1, 2012 through December 31, 2014.

SECONDED: Councilman Holloway seconded the motion. **CARRIED**

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-20 FOR THE PURPOSE OF APPROVING THE
APPOINTMENT OF TREVOR J. WARD TO THE JUDICIAL POSITION OF CITY MAGISTRATE AND JUVENILE HEARING
OFFICER FOR FY 2013 AND FY 2014 AND AUTHORIZING THE MAYOR OR VICE MAYOR TO EXECUTE THIS
RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.**

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MOTION: Councilman Johnson moved to approve Resolution No. 2012-20, as presented, relating to approving the appointment of Trevor J. Ward to the Judicial Position of City Magistrate and Juvenile hearing Officer for FY2013-FY2014.

SECONDED: Councilman Donahue seconded the motion. **CARRIED**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-21 FOR THE PURPOSE OF APPROVING THE JUDICIAL SERVICES AGREEMENT WITH JUDGE TREVOR J. WARD FOR CONTRACT PERIOD BEGINNING JULY 1, 2012 AND TERMINATING DECEMBER 31, 2014, AUTHORIZING THE MAYOR OR VICE MAYOR TO EXECUTE THIS RESOLUTION AND THE JUDICIAL SERVICES AGREEMENT AND DECLARING AN EMERGENCY TO EXIST.

MOTION: Councilman Johnson moved to approve Resolution NO. 2012-21, as presented, relating to the Judicial Services Agreement with Judge Trevor J. Ward for contract period beginning July 1, 2012 and terminating December 31, 2014.

SECONDED: Councilman Donahue seconded the motion. **DISCUSSION:** City Attorney stated he wanted to make sure all contracts with County and Judge all consistent with Election dates. **CARRIED**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-22 THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF WILLCOX [CITY] AND THE WILLCOX UNIFIED SCHOOL DISTRICT #13 [SCHOOL] FOR THE PURPOSE OF CONTINUING A SCHOOL SAFETY PROGRAM AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION, THE IGA AND DECLARING AN EMERGENCY TO EXIST

MOTION: Councilman Johnson moved to approve Resolution No. 2012-22, as presented, relating to the IGA between the City and School for continuing a School Safety Program.

SECONDED: Councilman Klump seconded the motion. **DISCUSSION:** Vice mayor Cronberg asked for clarification on the rising costs to the City, asked if it was due to Retirement factors, City Manager McCourt replied in the affirmative. **CARRIED**

(APPROVED MOTIONS moved the next two items #17 & #18 after item #8)

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-23 APPROVING AND ADOPTING THE JOINT EXERCISE OF POWERS AGREEMENT WITH THE NATIONAL JOINT POWERS ALLIANCE, ["NJPA"] FOR THE PURPOSE OF UTILIZING THE PROCUREMENT UNIT TO MAKE PURCHASES FOR THE CITY FOR THE SKATE PARK PROJECT AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.

MOTION: Councilman Johnson moved to approve Resolution NO. 2012-23, as presented, approving and adopting the Joint Exercise of Powers Agreement with NJPA for the purpose of utilizing the Procurement Unit to make purchases for the City for the Skate Park Project.

SECONDED: Councilman Donahue seconded the motion. **CARRIED**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-24 APPROVING AND AWARDED THE BID PURCHASE TO AMERICAN RAMP COMPANY, INC. ["ARC"] UNDER THE NJPA COOPERATIVE PURCHASING AGREEMENT TO BE USED FOR THE COMMUNITY SKATE PARK PROJECT AND DECLARING AN EMERGENCY TO EXIST.

MOTION: Councilman Johnson moved to approve Resolution NO. 2012-24, as stated, awarding bid purchase to ARC under the NJPA Cooperative Purchasing Agreement for the Skate Park Project.

SECONDED: Councilman Donahue seconded the motion. **DISCUSSION:** Public Works Director, Dave Bonner discussed which items the City could purchase with the amount of money available. **CARRIED**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-25 AUTHORIZING THE SUBMISSION OF APPLICATIONS FOR FY 2012 STATE SPECIAL PROJECT AND FOR FY2012 REGIONAL ACCOUNT COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS, CERTIFYING THAT SAID APPLICATIONS MEET THE COMMUNITY'S PREVIOUSLY IDENTIFIED HOUSING AND COMMUNITY DEVELOPMENT NEEDS AND THE REQUIREMENTS OF THE STATE CDBG PROGRAM, AND AUTHORIZING ALL ACTIONS NECESSARY TO IMPLEMENT AND COMPLETE THE ACTIVITIES OUTLINED IN SAID APPLICATION.

MOTION: Councilman Johnson moved to approve Resolution NO. 2012-25, as presented, authorizing the submission of applications for FY2012 SSP and FY2012 Regional Account CDBG Funds.

SECONDED: CD seconded the motion. **DISCUSSION:** Vice Mayor Cronberg asked if the City is still applying for other competitive grants and City Manager Mc Court replied in the affirmative. **CARRIED**

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DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-26 APPROVING THE FORMATION OF THE STEERING COMMITTEE AND THE TECHNICAL GROUP UNDER THE BORDER ENVIRONMENT COOPERATION COMMISSION ("BECC") TO PREPARE A PUBLIC PARTICIPATION PLAN ("PPP") AND CONDUCT PUBLIC MEETINGS FOR THE GRANT APPLICATION SUBMITTAL FOR THE UPGRADES AT THE WASTE WATER TREATMENT PLANT ("WWTP") AND DECLARING AN EMERGENCY TO EXIST.

MOTION: Councilman Klump moved to approve Resolution NO. 2012-26, as presented, approving the formation of the Steering Committee and the Technical Group under BECC to prepare a PPP and conduct public meetings for the Grant Application Submittal for the upgrades at the WWTP.

SECONDED: Councilman Irvin seconded the motion. **DISCUSSION:** Guidelines from BECC will be provided to the steering committee. **CARRIED**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-27 RATIFYING, APPROVING AND AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE GOVERNOR'S OFFICE OF HIGHWAY SAFETY ("GOHS") FOR THE 2013 GRANT FUNDING CYCLE, AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.

Councilman Johnson declared a conflict of interest.

MOTION: Councilman Klump moved to approve Resolution NO. 2012-27, as presented, ratifying, approving and authorizing the submittal of a Grant Application to GOHS for the 2013 Grant Funding Cycle.

SECONDED: Councilman Donahue seconded the motion. **DISCUSSION:** Vice mayor Cronberg asked for clarification on the application submitted. Chief Weaver explained to meet deadlines the application was sent last week and it had been delayed due to the vendor returning information late. He explained we are now asking for ratification.

CARRIED 5-0-1 Councilman Johnson abstained.

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-28 APPROVING AND ADOPTING A NOTICE OF INTENTION TO INCREASE RATES AND CHARGES OF THE GAS, WATER, WASTEWATER, AND SOLID WASTE UTILITIES OF THE CITY OF WILLCOX.

MOTION: Councilman Donahue moved to approve Resolution NO. 2012-28, as stated, approving and adopting a Notice of Intention to increase rates and charges of the Gas, Water, Wastewater and Solid Waste Utilities of the City.

SECONDED: Councilman Klump seconded the motion. **DISCUSSION:** Clarification on wording from Councilman Johnson, this is item is requesting approval to begin publishing the notices and scheduling the public hearings on May 7 and 21, 2012. Manager McCourt replied in the affirmative. **CARRIED**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-29 APPROVING AND AUTHORIZING THE WILLCOX DEPARTMENT OF PUBLIC SAFETY TO SUBMIT THE OPERATIONS PLAN FOR PARTICIPATION IN THE FY2012 STONEGARDEN GRANT FUNDING THROUGH THE US DEPARTMENT OF HOMELAND SECURITY FOR THE PURPOSE OF COLLABORATIVE LAW ENFORCEMENT ACTIVITIES AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.

MOTION: Councilman Johnson moved to approve Resolution No. 2012-29, as presented, approving and authorizing the WDPS to submit the Operations Plan for Participation in the FY2012 Stonegarden Grant Funding through USDHS for the purpose of Collaborative Law Enforcement Activities.

SECONDED: Councilman Donahue seconded the motion. **CARRIED**

REPORTS BY THE CITY MANAGER PAT MCCOURT

Consideration, discussion, and/or decision regarding the following topics by the City Manager:

Report on City Election – General Election to be held on Tuesday, May 15, 2012, for one (1) position. Nomination papers from write-in candidates are due Thursday, April 5, 2012. Those Official write in name(s) will not appear on the ballot. County Voter Registration ends April 14, 2012. Request for early Ballots begins April 19, 2012 by calling Cochise County Elections at 1-520-432-8354 or 1-888-457-4513.

Library Update-Tom Miner reported the USDA Grant consisted of 5-elements, Solarium, painting the building, outside murals, carpeting and landscaping. Three of these five projects have been completed.

Report City Clean Up April 28, 2012

Report on Fire- Mr. Mc Court asked Chief to give update on the recent fire at Desert Inn. Building was a loss.

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Budget Revised Schedule and Work Session Monday, April 16, 2012-at 6:00 p.m. has been changed from a Budget to a Presentation by Severn Trent regarding Public/Private Operations of Wastewater Treatment Plant.

COMMENTS NOT FOR DISCUSSION FROM MAYOR AND COUNCIL MEMBERS.

Councilman Klump thanked the regular meeting attendees ... Mr. John Cropper

~~DISCUSSION/DECISION ENTER INTO AN EXECUTIVE SESSION PURSUANT TO ARIZONA REVISED STATUTES §38-431.03A(3) DISCUSSION OR CONSULTATION FOR LEGAL ADVICE WITH THE ATTORNEY OR ATTORNEYS OF THE PUBLIC BODY~~

~~Consideration, discussion and/or decision to enter into an Executive Session pursuant to ARS §38-431.03A(3), as stated, relating to consultation for legal advice with the attorney(s) of the public body.~~

~~RECESS TO EXECUTIVE SESSION, IF APPROVED~~

~~RECONVENE FROM EXECUTIVE SESSION~~

~~DISCUSSION/DECISION/DIRECTION TO STAFF REGARDING MATTERS DISCUSSED IN EXECUTIVE SESSION~~

~~Consideration, discussion, decision and/or direction to staff regarding matters discussed in Executive Session relating to advice from City Attorney.~~

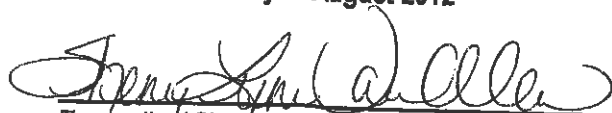
ADJOURN

Being no further business before the Mayor and Council of the City of Willcox, Vice Mayor Cronberg adjourned the regular meeting at 8:19 p.m.

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 2nd day of April 2012. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 27th day of August 2012


Transcribed Sherry Lynn Van Allen, HR

PASSED, APPROVED AND ADOPTED this 4th day of September 2012.

MAYOR ROBERT A. IRVIN

Signed: _____

ATTEST:

City Clerk Virginia Mefford

**THE MINUTES OF THE SPECIAL MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 05TH DAY OF APRIL 2012**

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CALL TO ORDER –Mayor Gerald W. Lindsey called the special meeting to order on Thursday, April 05, 2012 at 6:30 p.m. The Mayor held off starting this meeting due to Councilman Johnson being approximately 6-7 minutes away and stated that they are also waiting for the City Attorney to arrive.

Mayor Lindsey officially called the special meeting to order at 6:40 p.m.

ROLL CALL-City Clerk Cristina Garcia Whelan, CMC, called the roll:

PRESENT

Mayor Gerald W. Lindsey
Vice Mayor Monika Cronberg
Councilman Elwood A. Johnson-arrived at 6:42 p.m.
Councilman Stephen Klump
Councilman Christopher Donahue
Councilman William "Bill" Holloway
Councilman Robert "Bob" Irvin

STAFF

City Manager Pat McCourt
City Clerk Cristina Garcia Whelan, CMC
Development Services Jeff Stoddard

PLEDGE OF ALLEGIANCE TO THE FLAG-Mayor Lindsey

DECLARATION ON CONFLICT OF INTEREST-There was no response from the Mayor, Councilmen or staff.

ADOPTION OF THE AGENDA

MOTION: Councilman Irvin moved to adopt the agenda as presented.

SECONDED: Councilman Holloway seconded the motion. **CARRIED**

DISCUSSION/DECISION ENTER INTO AN EXECUTIVE SESSION PURSUANT TO ARIZONA REVISED STATUTES §38-431.03A(3) DISCUSSION OR CONSULTATION FOR LEGAL ADVICE WITH THE ATTORNEY OR ATTORNEYS OF THE PUBLIC BODY; §38-431.03A(4) DISCUSSION OR CONSULTATION WITH THE ATTORNEYS OF THE PUBLIC BODY IN ORDER TO CONSIDER ITS POSITION AND INSTRUCT ITS ATTORNEYS REGARDING THE PUBLIC BODY'S POSITION REGARDING CONTRACTS THAT ARE THE SUBJECT OF NEGOTIATIONS, IN PENDING OR CONTEMPLATED LITIGATION OR IN SETTLEMENT DISCUSSION CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION.

City Manager McCourt stated he is not legal counsel and since that individual has not arrived yet he does not believe the City can take any action. (Councilman Johnson arrived at 6:42 p.m.) [Mayor waited 5 additional minutes and the City Attorney had not arrived.]

Manager McCourt asked if they want to consider adjourning this meeting and rescheduling for Monday night when we have a budget session. Vice Mayor Cronberg asked how critical the time frame is and asked if it is better to deal with this as soon as possible. McCourt replied he is not aware based on information he has that there is a critical time frame. He then stated that based on information he has there is still time to receive the necessary information.

Councilman Holloway stated since all members of the Council made effort to get here "let's wait a few more minutes."

Mayor Lindsey asked if we can call Attorney Figueroa back and ask when he will be here. (City Clerk called him and gave the phone to the Mayor to talk to him. At 6:55 p.m.) Mayor Lindsey announced Attorney Figueroa is not going to be here this evening.

RECESS TO EXECUTIVE SESSION, IF APPROVED

RECONVENE FROM EXECUTIVE SESSION

DISCUSSION/DECISION/DIRECTION TO STAFF REGARDING MATTERS DISCUSSED IN EXECUTIVE SESSION
MOTION

**THE MINUTES OF THE SPECIAL MEETING OF THE MAYOR AND
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HELD ON THIS 05TH DAY OF APRIL 2012**

ADJOURN-

Mayor Lindsey adjourned the special meeting at 6:59 p.m. suggesting that we have an additional meeting on Monday if all could plan to attend. Mayor announced that Attorney Figueroa stated he considering submitting his resignation as of tomorrow. Mayor Lindsey stated he is not sure how that is going to play out and hopes it can be discussed on Monday and the Mayor and Council can determine what the Resolution might be.

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 5th day of April 2012. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 3rd day of August 2012


Transcribed Sherry Lynn Van Allen, HR

PASSED, APPROVED AND ADOPTED this 4th day of September 2012.

MAYOR ROBERT A. IRVIN

Signed: _____

ATTEST:

City Clerk Virginia Mefford

**THE MINUTES OF THE WORK SESSION MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 7TH DAY OF MAY 2012**

CALL TO ORDER-Mayor Gerald W. Lindsey called the work session meeting to order on Monday, May 7, 2012 at 6:05 p.m. and welcomed all to this meeting and happy to have them here and welcomed them any time.

ROLL CALL-City Clerk Cristina Garcia Whelan, called the roll:

PRESENT

Mayor Gerald W. Lindsey
Vice Mayor Monika Cronberg
Councilman Elwood A. Johnson
Councilman Stephen Klump
Councilman Christopher Donahue-7:00 p.m. arrived
Councilman William "Bill" Holloway-6:25 p.m. arrived
Councilman Robert "Bob" Irvin

STAFF

City Manager Pat McCourt
City Attorney Hector M. Figueroa
City Clerk Cristina Garcia Whelan, CMC
Library Director Tom Miner
Finance Director Ruth Graham
Public Services & Works Director Dave Bonner
Development Services Jeff Stoddard

PLEDGE OF ALLEGIANCE TO THE FLAG-Mayor Lindsey.

DECLARATION ON CONFLICT OF INTEREST-There was no response from the Mayor, Council members or staff.

ADOPTION OF THE AGENDA

MOTION: Vice Mayor Cronberg moved to adopt the agenda as presented.

SECONDED: Councilman Klump seconded the motion. **CARRIED.**

DISCUSSION REGARDING COMPARISON OF A DOLLAR PER HOUR VERSUS 3% RAISE BY FUND FOR FY13

City Manager Pat McCourt reported when we start budget work shops start talking about budget summary sheets with all the budgets of the City. They have 13 Funds including the Repair & Demotion discussed at the last budget work session. Each Fund is like an independent company it has its own balance sheet, income and expenses and Fund Balance.

Cost estimate comparison for payroll taken by Fund, General Fund, Utilities and summary 3% Cost of Living Adjustment \$49,658; Streets \$8,220; Gas \$3,719; Water \$4,825; Sewer \$4,059 and also Magistrate adjustment \$780.00. Then he was asked to prepare dollar per hour adjustment as opposed to 3% across the board. Dollar per hour totaled by Department and by Fund. Approximately it is: General Fund \$135,546; Streets \$22,086; Gas \$8,640; Water \$11,414; and Sewer \$8,411.00. Magistrate contract states if the Council makes adjustment he would also get adjustment. Councilman Johnson said "if employees get 50/cents/hour they would be happy."

DISCUSSION REGARDING PRESENTATION OF FISCAL YEAR 2012-13 GENERAL FUND BUDGET FOR PUBLIC WORKS INCLUDING PW ADMINISTRATION, VEHICLE MAINTENANCE, PARKS, BUILDINGS AND GROUNDS, CEMETERY, AND SWIMMING POOL

Public Works Director Dave Bonner addressed the Mayor and Council and presented a Power Point Presentation:

- **General Fund**-and there are six (6) funds. Beginning with summary budget overall of what Public Works entire General Fund impact last year \$888.053 and this year current projecting \$829,647, and shows steady decline.
- **Administration**-\$198,830 and most is salaries and Utilities for Public Works building and those are the largest numbers. Transfer out of \$4,000 for the radios General Fund which we have to replace them due to FCC changes.
- **Pool**-there are about 12-14 lifeguards, and this year instead of having Assistant manager have Head Lifeguard, Manager and 13 lifeguards. When the Lifeguards and Manager on duty they do cleaning, vacuuming of the pool and trash. Swims Lessons-there are 2-sessions and 2-different time frames and 2-times during those periods. They have early and earlier morning swim and always full. This is one area "the pool makes money." The Pool is open from Memorial Day to Labor Day and it is open right now for Middle School with current Manager Jennifer Norris who has Certification and as the Manager oversees the swimming so that it is safe for the kids to go in and swim.
- **Cemetery** - there is one (1) person assigned but one person does not work there full time. They do spend a lot of time in summer time and late fall, cleaning up weeks and spend a lot of time for burying. Capital Improvements is \$5,000 Transfer and that is for the curbing around the graves purchased per Resolution No. 2004-07 and staff has not found anyone to do that on a regular basis or at a reasonable price. Probably will have to use own staff to do that. Overall they are short staffed

**THE MINUTES OF THE WORK SESSION MEETING OF THE MAYOR AND
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HELD ON THIS 7TH DAY OF MAY 2012**

in Parks, Cemetery, Buildings & Grounds, over \$52,000 and has been around \$39,310.38 is projection for FY13 \$65,000 and reducing that budget.

- **Vehicle Maintenance**-Basically consists of 2-people. Money comes from individual budgets. There is no money except for one vehicle budgeted in vehicle maintenance in order to be picked up or drop off in Safford for warranty work. There is no Capital Purchase because City owns tools they use and equipment. Mayor Lindsey referenced salaries which are \$69,968 and asked staff how they are broken out. Mr. Bonner explained that is for 2-employees and comes out of General Fund Expense and not allocated to any other Fund. City Manager McCourt explained this is area to look at cost allocation we have not put Vehicle Maintenance allocation in the past.
- **Buildings & Grounds**-there are 31 structures that the City owns and this department maintains. There is one (1) person assigned to that and in the summer only one person does all the work due to work assigned to other sections in this area. This building does not require a lot of attention and we have had issues at City Hall air conditioners and contracted out because we had to replace compressor. There will be written summary on all the buildings in the final budget. Mayor Lindsey asked where we put cost of Inmate Labor and Dave said Fort Grant Contract and each budget has a line and Enterprise Funds.
- **Parks**-This is for six (6) Parks and most attention gets the most use i.e. Keller Park and Railroad Park and Gonzales gets a lot of negative attention due to vandalism and tagged. Considering removing the objects of vandalism due to time it takes every week to repair them.
- **Utilities**- \$117,000 and the Majority is water. Watered are 10 acres at Keiller and 3 at Quail and 1.5 ac at Cemetery; grass at Hazel Johnson, Gonzales and Railroad Parks. Also lights at ball fields and paths. Contract with Golf Court is \$40,000 and those are the biggest along with salaries and Insurance \$18,912 and for Skate Park it will be \$1,600.00 which he just received today.

ADJOURN

Mayor Lindsey adjourned the work session at 7:03 pm and stated there will be a five minute break before the Regular Meeting will be called to order.

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the work session of the City Council of the City of Willcox held on the 7th day of May 2012. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 27th day of August 2012



Transcribed Sherry Lynn Van Allen, HR

PASSED, APPROVED AND ADOPTED this 17th day of September 2012.

MAYOR ROBERT A. IRVIN

Signed: _____

ATTEST:

City Clerk Virginia Mefford

**THE MINUTES OF THE WORK SESSION OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 9th DAY OF JULY 2012**

CALL TO ORDER- Mayor Bob Irvin called the work session meeting to order on Monday, July 9, 2012 at 6:30 p.m. and welcomed everyone in attendance

ROLL CALL-City Clerk Virginia A. Mefford, called the roll:

PRESENT

Mayor Robert A. Irvin
Councilman Gerald W. Lindsey
Councilwoman Monika Cronberg
Councilman Elwood A. Johnson

STAFF

City Manager Pat McCourt
City Clerk Virginia A. Mefford
Finance Director Ruth Graham
Library Director Tom Miner
Public Services & Works Director Dave Bonner
Development Services Jeff Stoddard

ABSENT

Vice Chairman Bill Holloway
Councilman Earl Goolsby
Councilman William "Bill" Nigh

PLEDGE OF ALLEGIANCE TO THE FLAG lead by Mayor Irvin

DECLARATION ON CONFLICT OF INTEREST

None Declared

ADOPTION OF THE AGENDA.

MOTION: Councilman Lindsey moved to adopt the agenda as presented.

SECONDED: Councilwoman Cronberg seconded the motion. **DISCUSSION:** None **CARRIED.**

DISCUSSION REGARDING PROPERTY ON CIRCLE I ROAD

City Manager McCourt addressed the council concerning the Property on Circle I Road. He stated Staff asked for this meeting because the City has a piece of property, that the Department of Public Safety leases, the Chamber of Commerce and the third piece is the Stouts Cider mill that ended late last year. We have a building in the Northwest corner and Mr. Wood has the bill board and two large compressions that use to be fishing ponds that have not been utilized since I have been here we plan to use these as flood reservoirs. Staff has understood that the building could be renovated and used as commercial building we thought we could do this for about \$20,000 and we went out to bid for this, we received a broad range in bid. We did not proceed to award any of those bids. He stated, let's get more professional bids and we hired a civil engineer and the criteria we used is on Amendment 3 attachment. Based upon this you notice the leach and the ADEQ requirements to meet the Cochise county requirement. We know to reserve a piece of property and the trapezoid area we set aside here and pointed to the power point presentation, he stated we looked at pricing this and know we have reached about \$60,000 we are now talking about serious amount of money. One idea to look at is, currently we have holiday inn express were we could bring up the sewer line up to Stouts' Cider Mill it is pretty flat out here. We could do a lift station because it is too shallow unless we use the cast iron pipe about 200 ft. We get far enough up to serve the Stouts Cider Mill, chamber of commerce, and DPS. The city does have a regulation, Mr. Bonner made a clarification it is not required once the system is there. City Manager McCourt stated the clauses extends to private and I don't know if this was sustainable or not. We looked at this possibility if we could use the cast iron lift it decreases the cost a lot. We have sewer, water and gas all the way up to Virginia Ave. And showed it on the power point presentation. Councilman Lindsey asked if there was sewer up Virginia Ave. City Manager McCourt stated yes that is available. There is a lot of development land out there. We looked at the cost in the state gravity system I was asked if the city crews could do this job we do have a technical skills and we would have to hire an engineer, but it also has dollar amount cap and this would exceed it. It is conceivable to entice development. Councilman Lindsey stated it is kind of a different equation. City Manager McCourt stated if we wanted to do something like the sewer line we would have to be able to support this with a loan or bond expenditures. I put down a few options: (1) we could do nothing, (2) we could

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put in a sewer system, or (3) the city could just sell it, the entity that bought it could put in their own sewer system. The City would be governed by the Zoning Code unless the Council wanted to put more stipulations. We would still have a lot of land for potential development. I passed out another item on your dais the council may consider on this. There is a lot of private land marketable. Do we want to inject ourselves to this? If we do, we have land that is cheaper we could do this with. The bill boards spaces we have three of them. Councilman Lindsey asked a question regarding one of the power point slides. Mr. Stoddard explained the maximum what this facility we could hold. Cochise County stated we would have to go out for a RFQ with the maximum size of the 150 people coming through and 10 employees, which is two 4000 gallon tanks. Councilman Lindsey stated that a standard home has a 1500 gallon and Mr. Stoddard stated that is what is out there now, if a retail store comes out the 1500 gallon tank would be sufficient but if a restaurant open up we would need the two 4000 gallon tanks and the state requires you to have a reserved field just in case it goes out. Councilman Lindsey stated the objection is to get some use off that building. Mr. McCourt stated that what we need to discuss about what is our objection, do we want economic development if so there are cheaper ways than doing this, if a tornado came and wiped out that building would we even be having this conversation, I don't know. We have tried to give you basic direction and we have reached a point expenses are rising and we wanted to make sure the council felt was wanted. Mr. Irvin asked the City Manager if we sell this land, we would not have to come up with the money to do this. City Manager McCourt stated they could do that and the city could do this also but we assume they would like to maximize the usage of the land. Mr. Johnson stated at one point we had two interests. Mr. McCourt stated we did have two parties interested. If we do have some interest we could put it on the market and see what happens. Mayor Irvin asked the members of the audience if they had any comments. The audience indicated they are here just to listen. Councilwoman Cronberg stated I would rather put it on the market than to be property owners it's not our role as a City anyway and see what happen to see a private enterprise come in and see their ideas for development of this but I would rather see the city actively working with whatever private enterprise that comes in and build a bunch on additional walls beyond the huge problems we have already. Mayor Irvin stated I am in favor of putting this on the market myself. Mr. Stoddard stated we would have to wait and see if we would have to extend this line. Mayor Irvin stated right now we are holding on to this property because we are concerned of what business might come in is it is it worth \$60,000. Mr. Stoddard stated we would have to extend the line to make this sellable and I have moved the property line so they would have parking because it use to go right up to the door of Stout's. City Manager McCourt stated we do not have any use of the building at this point, I kind of like to move things into private hands for development. Mayor Irvin asked do we have concessions for the City Council to put this up for sell. Councilman Lindsey stated to give direction that is my thought also. Councilman Johnson stated yup, the City shouldn't be in the real estate business. City Manager McCourt stated I will give this to my staff to start on this tomorrow.

ADJOURN

Being no further business before the Mayor and Council Mayor Irvin adjourned the Work Session at 7:03 p.m.

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 9th day of July 2012. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 9th day of July 2012


City Clerk Virginia A. Mefford

PASSED, APPROVED AND ADOPTED this 4th day of September 2012.

MAYOR ROBERT A IRVIN

Signed _____

ATTEST:

City Clerk Virginia A. Mefford

**THE MINUTES OF THE WORK SESSION OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 6th DAY OF AUGUST 2012**

CALL TO ORDER- Mayor Bob Irvin called the work session meeting to order on Monday, August 6, 2012 at 6:00 p.m. and welcomed everyone in attendance

ROLL CALL-City Clerk Virginia A. Mefford, called the roll:

PRESENT

Mayor Robert A. Irvin
~~Vice Chairman Bill Holloway~~
Councilman Gerald W. Lindsey
Councilman Elwood A. Johnson arrived at 6:06 pm

~~Councilwoman Monika Cronberg~~
Councilman Earl Goolsby
Councilman William "Bill" Nigh

ABSENT

Vice Chairman Bill Holloway
Councilwoman Monika Cronberg

STAFF

~~City Manager Pat McCourt~~
~~City Attorney Hector M. Figueroa~~
Jake Weaver Chief of Police
City Clerk Virginia A. Mefford
Finance Director Ruth Graham
~~Library Director Tom Miner~~
Public Services & Works Director Dave Bonner
~~Development Services Jeff Stoddard~~

PLEDGE OF ALLEGIANCE TO THE FLAG lead by Mayor Irvin

DECLARATION ON CONFLICT OF INTEREST

None Declared

ADOPTION OF THE AGENDA.

MOTION: Councilman Lindsey moved to adopt the agenda as presented.

SECONDED: Councilman Nigh seconded the motion. **DISCUSSION:** None **CARRIED.**

DISCUSSION ON COCHISE COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

DISCUSSION: Mr. Bonner addressed the council and stated he wrote up a 14 page summary and hopes it helps for the discussion tonight. He stated that Jake Weaver, Mr. Benavedeous and few others back in 2007 put together but it never was put on the agenda he read portions of the summary and asked if anything comes up please let him know. The primary reason to have the hazard mitigation is to have federal funding. There is an Act and the actual Act wasn't approved until 2007 for the plan. There is also CFR 201-6 stated the local government has to have this Hazard Mitigation Program in place. This is the reason for this meeting tonight. I mentioned earlier when it started and when it was up for approval previously. So back in 2011 there were four meetings put together and that was when they were revising the plan. Most important part of the Mitigation in section 6 the mitigation surrounds the codes that are adopted by council and zoning title 17 that should be title 11, that will be revised and title 16. The previous Hazard Mitigation Plan that has not been adopted for example for flooding. If you were in a flooding area you would have to elevate at least one foot. This is also landing flood plan managers surveyors; we use contractor, emergency manager, public works department and city manager. In section six the hazards are fire, haz mat and flooding, these are the haz mats that we have to adhere to. Chief Weaver stated we did have one hazard about 2 miles out, the wind condition would be a factor of evacuation. This causes for the intersection to be closed, if this was closed it would be the potential for evacuation due to the wind condition. Councilman Goolsby asked does this program inclusive with the railway or combination of both the reason I'm asking is because I do discuss this with the students. I do talk to them about the railroad and how this program does impacts this. Mr. Bonner explained this is a planning tool, a just incase something like this happens. Now with the Railroad they have their own why of dealing with this kind of thing, if a derailment does happen. Chief Weaver stated plan is in place if something like this is to happen we would be requested to help evacuate. Councilman Goolsby stated this is just a fire department and local police department, is this for communication. Councilman Nigh asked does the railroad have a disaster kit. Mr. Bonner stated he could not answer that. Chief Weaver stated the Railroad would have something like this in place and the railroad would be responsible for this. Councilman Nigh stated they should have the equipment and I will ask them this. Mr.

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Bonner stated I have been here for 10 years and I have not seen this happen. Councilman Lindsey stated it should be noted we have had some major flooding and I was called from Washington DC to come here and set up a disaster zone back in the 1980's. Councilman Nigh asked when was the flood control channel done. Mr. Bonner stated back in 1979. Councilman Nigh stated so this didn't help back in 1983. Councilman Lindsey stated it was a unique situation and we had about 50 applications come through. Mr. Bonner stated I am looking to see if there was a sum amount back in 1983 of the cost. The final part of the plan is the Disaster Plan and every five years this plan is to be reviewed in it's entirety and we are here to put it back on the agenda for approval for the updated version. Councilman Lindsey asked why this has come to council. Mr. Bonner stated that is in section 6 on the summery if you get beyond that the maintenance of the drainage that was passed in the ordinance. Councilman Goolsby stated you have stated Willcox and Tombstone have not adopted and you are asking the council to approve this HMP. Mr. Bonner stated yes, it is an action on the regular agenda. Mr. Weaver stated I would like to add if we did not have this we would have to pay for this out of the General Fund and if we do adopt this we will be able to get disaster help. Councilman Goolsby stated sometimes the State or the Federal does declare an emergency and does this go with this? Chief Weaver replied yes it does we would have to do this at a local level then it goes to the county level and they would have to do what they have to do. Mr. Bonner stated this is what we are asking to pass tonight. Councilman Goolsby stated that is a good idea to do. Councilman Lindsey asked is this what you are asking us to do. Mr. Bonner stated this is a work in progress, as stated above it will be done every five years. Councilman Goolsby stated yes your right every five years we will be looking at this again with other changes. Mr. Bonner stated this is for the City's best interest. Councilman Lindsey said okay we will move on to the next item on the agenda and that is adjournment.

ADJOURN

Being no further business before the Mayor Irvin adjourned the Work Session at 6:35 p.m.

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 6th day of August 2012. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 6th day of August 2012


City Clerk Virginia A. Mefford

PASSED, APPROVED AND ADOPTED this 4th day of September 2012.

MAYOR ROBERT A IRVIN
Signed _____

ATTEST:

City Clerk Virginia A. Mefford

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 6TH DAY OF AUGUST 2012**

CALL TO ORDER – Mayor Robert A Irvin called the regular meeting to order on Monday, May 7, 2012 at 7:00 p.m. and welcomed all to this City Council meeting and is happy to have all of them here and thinks will be hearing from some of you.

ROLL CALL-City Clerk Virginia A. Mefford, called the roll

PRESENT

Mayor Robert "Bob" Irvin
Vice Mayor William "Bill" Holloway
Councilman Gerald W. Lindsey
Councilman Elwood A. Johnson
Councilwoman Monika Cronberg
Councilman Earl B. Goolsby
Councilman William "Bill" Nigh

STAFF

City Manager Pat McCourt
City Attorney Hector M. Figueroa
City Clerk Virginia A. Mefford
Library Director Tom Miner
Public Safety Director Jake Weaver
Finance Director Ruth Graham
Public Services & Works Director Dave Bonner
Human Resources Sherry Lynn Van Allen
Development Services Jeff Stoddard

PLEDGE OF ALLEGIANCE TO THE FLAG - Led by Mayor Irvin

CALL TO THE PUBLIC

DECLARATION ON CONFLICT OF INTEREST

No Conflicts were declared by Council or Staff

ADOPTION OF THE AGENDA

MOTION: Councilman Lindsey moved to adopt the agenda as presented and removing agenda items 21-24 relating to Executive Session and on the consent agenda **DISCUSSION:** On Consent agenda why are we looking at minutes from July 18, 2011.

SECONDED: Councilman Goolsby seconded the motion. **CARRIED**

PUBLIC HEARINGS, PETITIONS AND COMMUNICATIONS

PUBLIC HEARINGS: Mayor Irvin Read -

Communications: First Reading of: (1) Ordinance NS311 Relating To Taxation: Levying Separate Amounts To Be Raised For Primary and Secondary Property Tax Levies Upon Each One Hundred Dollars (\$100.00) of the Assessed Valuation of Property Subject To Taxation within the City Of Willcox for the Fiscal Year Ending June 30, 2013 And Declaring an Emergency to Exist

Public Hearing: The Mayor and Council will hold Public Hearing on Monday, August 6, 2012 at 7:00 p.m., City Council Chambers, 300 W. Rex Allen Drive, relating to: Public Hearing on Property Tax Levy 7:05 pm. Closed 7:06 pm.

- (1) Ordinance NS311 Relating To Taxation: Levying separate amounts to be raised for Primary And Secondary Property Tax Levies upon each one hundred dollars (\$100.00) of the assessed valuation of Property subject to Taxation within The City Of Willcox for the Fiscal Year ending June 30, 2013 and declaring an emergency to exist.

Proclamation: Mayor declares October 4-7, 2012 as the 61st Annual Rex Allen Days
"61 Years from Horses to Horsepower"

CONSENT AGENDA

MOTION: Councilman Lindsey made a motion with removing Item 8a from consent agenda I agree with Monika to ask the question approving from July 18, 2011. Mr. Bonner explained Virgie has gone through and organized the minutes and these are minutes that have not been finished. Councilman Lindsey stated I would like to have some corrections from minutes of July 2nd and the 9th; Councilwoman Cronberg stated I contest my statement and would like clarify this with City Clerk to.

SECONDED: Councilman Johnson to remove item 8a for minutes to be corrected **CARRIED**

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~~8A. MINUTES OF REGULAR MEETING Regular Meeting on July 18, 2011, Regular Minutes on July 2, 2012, Work Session Minutes of July 9, 2012.~~

9. PRESENTATION/DISCUSSION REGARDING REPORT FROM MS. BRENDA HAAS ON GOVERNOR' CONFERENCE ON TOURISM

DISCUSSION: Ms. Haas thanked the Council for sending her to the Governor' Conference on Tourism. She indicated she has been in the hospitality business for about 40 years. To which she stated I started when I about five years old (**laughing**), she didn't think anyone one would believe her, but she thought she try (**laugher**). Mr. Figueroa asked who paid for you. Ms. Hass stated the City. I have been here for three year and there is so much good about this city, there is so much potential and would like to the community to come together and realize that potential. Some of the reports that are listed here are the travel generated earning and employment for the county. One of the disturbing things on this report was our annual percentage has changed form20108 to 2011 we were down approximately 4% there were 98-11 we were up 3.9% and there were only three counties that were down and we one of them the things that impacted tourism to this was, the SB 1070, the boarder fear, and the boycott Arizona it is so important do something that is talked about in your community taking inventory of your assets right know I see our town who is divided and we need to come together. I have spoken to the chamber and Alan Baker about the Historic District as much as you all know I'm located by the holiday Inn I want County as a whole and especially Willcox as a whole to become a destination for tourist to come, like in The Rex Allen parade and The Wings Over Willcox. Bisbee has the Thousand Stair Climb and they won an award for it at this year's conference. I have stride to be the best, I want our community to win an award for something unique like this. What I got out of this years conference was the networking and would like for us to do the something in Willcox. I am not going to read the summer you do have a copy of this. If anyone has any good ideas Mr. Baker and I would be more than happy to hear them. I know we could do whatever we wanted to do. I thoroughly enjoyed the conference and it was a wealth of information. Thank You.

10. DISCUSSION/ DECISION REGARDING CITY OF WILLCOX HOSTING MAYOR/MANAGER LUNCHEON SEPTEMBER 20, 2012.

MOTION: Vice Mayor Holloway moved regarding City Of Willcox Hosting Mayor/Manager Luncheon September 20, 2012.
SECONDED: Councilman Lindsey seconded the motion **DISCUSSION:** None **CARRIED**

11. DISCUSSION/ DECISION REGARDING ACCEPT LETTER OF RESIGNATION FROM EARL GOOLSBY FROM THE PLANNING AND ZONING COMMISSION.

MOTION: Councilman Lindsey moved accept letter of resignation from Earl Goolsby from The Planning and Zoning Commission with great reluctance and appreciate his service for this. **SECONDED:** Councilwoman Cronberg seconded the motion **DISCUSSION:** Mayor Irvin stated their loss is our gain. Councilman Lindsey stated yes it is. **CARRIED**

12. DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-71 PLACEMENT BEFORE THE QUALIFIED ELECTORS OF THE CITY A NEW TWENTY-FIVE (25) YEAR FRANCHISE AGREEMENT FOR THE SULPHUR SPRINGS VALLEY ELECTRIC COOPERATIVE ("SSVEC") TO CONTINUE TO USE CITY PUBLIC RIGHT-OF WAYS TO SUPPLY ELECTRICITY TO THE CITIZENS OF THE CITY; AUTHORIZING AND DIRECTING AUTHORIZED CITY OFFICERS AND AGENTS TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

MOTION: Councilwoman Cronberg moved on Resolution NO. 2012-71 Call of Election for Franchise SSVEC. **SECONDED:** Councilman Goolsby seconded the motion **DISCUSSION:** Councilman Johnson asked are we bonded by stated land lease or something like that? Could you explain it to us further? Mayor Irvin asked Mr. Figueroa to further explain this. Mr. Figueroa stated Mayor and Council the City has had agreement for 25 years, either you renew it or you don't. This is just saying you are going to submit it to the voters and they either vote on it or they don't, the other issue is the resolution which deals with the agreement and what the ballot looks like. What you are doing is stating is do you want this on the ballot. On the agreement language is the recommendation from legal council as to what should be on sections 16 under invest of stock and it was our position to include it; they included it in Benson and in Sierra Vista they did not; it is my position to approve this agreement with the section 16 as it reads. Councilwoman Cronberg stated with the change on the law what would be the effect if the voter public decided not approve. Mr. Figueroa stated this use to be by ordinance but now it is by statue, they wouldn't have a franchise and what have the pull out all the polls and stuff, the public doesn't really have a real choice, the only choice they have is to re-approve this with our language that you agree to, they are not disagreeing to this agreement just to the pacific language. We are all have a conflict and this is because we all own a piece of SSVEC we have certain interest in SSVEC we

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don't have to agree with this but we all have a certain interest. Cronberg stated that is the next item. The legal council does not have problem with this. **CARRIED**

- 13. DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-72 FINDING AND DECLARING THAT SAME DEEM THE GRANTING OF A CERTAIN UTILITY FRANCHISE BENEFICIAL TO THE MUNICIPAL CORPORATION PURSUANT TO A.R.S. § 9-502(B); ORDERING THE SUBMITTAL OF THE QUESTION TO THE QUALIFIED ELECTORS AS TO WHETHER OR NOT THE FRANCHISE SHALL BE GRANTED TO SULPHUR SPRINGS VALLEY ELECTRIC COOPERATIVE ("SSVEC"); PROVIDING FOR THE GIVING OF NOTICE OF SAID ELECTION TO ALL QUALIFIED ELECTORS; PRESCRIBING THE FORM OF BALLOT TO BE USED; AUTHORIZING AND DIRECTING AUTHORIZED CITY OFFICERS AND AGENTS TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.**

MOTION: Councilman Lindsey moved on Resolution NO. 2012-72 finding and declaring that same deem the granting of a certain Utility Franchise Beneficial To The Municipal Corporation Pursuant To A.R.S. § 9-502(B); Ordering The submittal of the question to the qualified electors as to whether or not The Franchise shall be granted to Sulphur Springs Valley Electric Cooperative ("SSVEC"); providing for the giving of notice of said election to all qualified electors; prescribing the form of ballot to be used; authorizing and directing authorized city officers and agents to carry out the purposes and intent of this resolution. **SECONDED:** Councilwoman Cronberg seconded the motion **DISCUSSION:** Councilman Johnson asked if this is for the November election vote. Mayor Irvin stated, yes November 6th. Mr. Figueroa explained the section here is the language, is to approve it here with excluding section 16 or approving with section 16 with my recommendation. Mr. Mayor called on Mr. Chris Hitchcock introduced himself as the legal council for SSVEC. As Mr. Figueroa has stated we do agree with most of the language in the agreement we would accept section 16 if we could add the word solely and read section 16 with the word solely in the language. For us to be really comfortable with this we are asking for you to add this word into the agreement and I would be happy to take this agreement to our Board for approval. I would like to add this has not been approved by our Board of Directors yet it would go back to them for the meeting on the fourth Wednesday of the month and we will vote on that at that point of time. Councilman Holloway asked what the difference on solely or not solely is. Mr. Hitchcock stated he is a belt and suspenders guy and as everyone know this is 25 years old and this is to be the way I understand the city interprets no stock will be issued by SSVEC as this franchise being an asset and we just want to make sure the courts should look at this later down the road when were not here to explain it, it reads so it can follow what was to be interpreted and it would limit the finance of the Board of Directors of SSVEC later down the road 15 years from know the court could interpret it oh that is what the parties wanted with this agreement with that I would feel comfortable. In Sierra Vista they removed it entirely and in Benson they included this and quite frankly we missed that. Mr. Massey's interpretation and the staff agree with this interpretation and Mr. Massey is the City Attorney of Benson. Mr. Goolsby asked does the word solely by reciprocal. Mr. Hitchcock stated it restricts the issuance of stock to that citation. Mr. Goolsby stated that is what I am asking. Mr. Hitchcock stated yes it does, I miss understood you, are there any other questions? Councilman Johnson asked Mr. Figueroa your recommendation is. Mr. Figueroa stated let the courts decide on this interpretation. I specifically asked Mr. Bonner to contact the attorney to ask why they put the specific language as they did there was a specific financial working and clause they want to accomplish. Sierra Vista decided to leave it out that was my only questions they either accept the language that is there or they take a chance of not approving the franchise. I will not agree to have solely in there. This is a disagreement on the language and the two parties need to agree with this. Mr. Hitchcock stated once City Council and SSVEC agree to this agreement then you put this agreement up to the voters and as the city requirement we put this out on the voter to agree up or down and as state law requires we would publish the whole agreement so the voters know exactly what they are voting upon prior to the vote. Councilwoman Cronberg stated we are stuck on one word. Mr. Hitchcock stated yes. Councilwoman Cronberg stated and we are to put this in front of the voters to read upon and legal parties can't even come together on this and now we as a body have to agree on this. That is amazing. Mr. Hitchcock stated that is our position. Councilwoman Cronberg stated I am not a lawyer I have worked in an attorney's office and was a court reporter and I find this rather interesting we are stuck on one word: inclusion or not. And were going to hang this up there for one word and put it to the public and trust that everyone is going to do the right thing. Mr. Figueroa stated In my opinion you have more to lose than SSVEC in Willcox. They can only have what you are giving them you are giving them an out and after tonight I am not going to be here but I am here tonight and it is my legal obligation to give you my legal advice. Mr. Hitchcock stated if it is not to be agreed upon to add this word solely, I will take this back to our board and see if they agree with this wording. Councilman Goolsby asked if we are at a point of not accepting this agreement. Mr. Hitchcock stated I don't know, I can't speak for the Board. What this does is allows SSVEC to be in your right-away its not to say SSVEC is able provide the electricity to your citizens of Willcox that is determined by the Arizona Corporation commission. This is simply asking for us to be in your right away. Vice Mayor Holloway stated what we have on the table is not to have the word "solely". Councilman Lindsey stated it

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doesn't matter if the word "solely" is in there or not the meaning is the same. Councilman Goolsby asked Attorney Mr. Figueroa it is your opinion to not have the word solely in the agreement. Mr. Figueroa stated that is correct. **CARRIED**

14. DISCUSSION/ DIRECTION REGARDING RESOLUTION NO. 2012-73 THE HAZARD MITIGATION PLAN ("PLAN") DEVELOPED THROUGH A GRANT SECURED BY THE ARIZONA DIVISION OF EMERGENCY MANAGEMENT AS PART OF THE PROCESS TO HELP MITIGATE FUTURE HAZARDS AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING A - EMERGEN EXIST.

MOTION: Councilman Goolsby moved regarding the Hazard Mitigation Plan ("plan") developed through a grant secured by the Arizona division of emergency management as part of the process to help mitigate future hazards **SECONDED:** Councilwoman Cronberg seconded the motion **DISSCUSSION:** None **CARRIED**

15. PRESENTATION/DISCUSSION REGARDING JUNE 30, 2012 FINANCIAL STATEMENT AND INVESTMENT REPORT FROM RUTH GRAHAM.

DISSCUSSION: Ms. Ruth Graham gave a presentation on the statement and investment report and described each of the Revenues, Expense and fund balances. She stated we are recovering in the General Fund and that is good news. The Grant funds are a wash. We have a deficit due to fireworks, state park, and debt service fund should be a break even fund it varies a bit. The Capital Improvement fund the Gas has a revenue of. Ms. Graham explained the expenses on the second page are the same information as the first page. She explained the different accounts the city maintains in various funds and explained the liquidated funds and stated no money has been withdrawn out of this account. When we receive interests on the accounts we allocate it to different funds with the biggest VM Holloway asked if the heading were wrong it has 2010-2011 Ms. Graham apologized and said yes it is this is FY 2012-2013. We have smoothed out the data and we have matching numbers we have come up to 1.9% on the bed tax this is also recovering we are about 30,000 below of were need to be. We are about 6% lower of where we should be.

16. DISCUSSION/DECISION REGARDING REX ALLEN DAYS SPECIAL EVENTS LIQUOR LICENSE AT QUAIL PARK ON SATURDAY, OCTOBER 6, 2012 FROM 11:00 A.M. TO 7:00 P.M., AND SUNDAY, OCTOBER 7, 2012 FROM 12 NOON TO 6:00 P.M.

MOTION: Councilman Johnson moved regarding Rex Allen Days request for Special Events Liquor License at Quail Park on Saturday, October 6, 2012 from 11:00 a.m. to 7:00 p.m. and on Sunday, October 7, 2012 from 12 noon to 6:00 p.m. **SECONDED:** Councilman Lindsey seconded the motion **DISSCUSSION:** None **CARRIED**

17. DISCUSSION/DECISION REGARDING REX ALLEN DAYS SPECIAL EVENTS LIQUOR LICENSE AT KEILLER PARK ON SATURDAY, OCTOBER 6, 2012 FROM 11:00 A.M. TO 10:00 P.M.

MOTION: Councilman Johnson moved regarding decision regarding Rex Allen Days request for Special Events Liquor License at Keiller Park on Saturday, October 6, 2012 from 11:00 a.m. to 10:00 p.m. **SECONDED:** Councilman Lindsey seconded the motion **DISSCUSSION:** None **CARRIED**

18 DISCUSSION/DECISION REGARDING REX ALLEN DAYS REQUEST FOR NEW PARADE ROUTE DOWN HASKELL AVENUE FOR THE 61st ANNUAL REX ALLEN DAYS PARADE ON SATURDAY, OCTOBER 6, 2012 FROM 6:00 A.M. TO 12:00 P.M.

MOTION: Councilman Johnson moved regarding Rex Allen Days Request for New Parade Route down Haskell Avenue for the 61st Annual Rex Allen Days Parade On Saturday, October 6, 2012 from 6:00 A.M. To 12:00 P.M. **SECONDED:** Councilman Vice Mayor Holloway seconded the motion **DISSCUSSION:** Councilman Johnson asked one question, they use to set up on Railroad Park where the judge's stand and the parade come through and the band performs and the cheerleaders perform where are you going to set that up know? They congregated there, where are we going to do this know. Ms. Mullins stated it was decided to put it by the old bank building on the side of Maley so it will be on Haskell in front of that building and it is wide enough for this. Councilman Johnson stated it is usually where the parade stops it will spread out. Councilman Lindsey stated this whole item is little misleading as it reads for the new parade route it looks like we are not voting at all for the new parade route but the closure of the streets and I have a problem with that. I think it is a direct slap to the people Railroad Park I see no reason for that or a vote on that. Ms. Mullins explained some years ago there was an accident at the Tucson Rodeo Day Parade a young girl was killed. Since

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that accident the State of Arizona has been bombarded with people who are sue-happy. the State wants protection and last year just before Rex Allen Days, so we got lucky, they now want a \$5,000,000 rider for protection to using a state highway. We actually close two Maley and Haskell, so what we decided on because we would have to ask people to come up with almost \$6.000 extra for just the parade and what we were planning to do and this is what we are up to is changing the parade route. It uses to just down Haskell from people we have spoken to. We are just putting it back to the way it was making it a straight stretch. It is safer with us not having any turns it has nothing to do with the Museum. This is not how I look at this; this is a way we can afford to have a parade to bring Rex Allen Days to Willcox. Councilman Lindsey asked what extra would this cost you? Ms. Mullins stated it would cost us about \$6,000 on top of the \$5500 we already pay. Councilman Lindsey asked in what. Ms. Mullins stated in insurance. Councilman Lindsey stated you are already closing Haskell and now Maley where will the additional cost be? Mr. Alfred Telles stated here is the difference, without the parade route having any turns they are letting us have a \$1.000, 000 rider because what was determined in the accident in Tucson was at a turn. The difference between the million dollar rider which costs about \$1,300 and a five million dollar rider at a cost of \$5500 to \$5,800 they determine because of the turns in the parade route it will be \$5,000,000 rider according to Armando from ADOT, this is what we were told. It has nothing to do with Downtown or Railroad Park because we know putting the parade with the trees is a beautiful thing. Councilman Lindsey state I just feel it is waste of space that could be utilized by more people and there is more out there than just the museum. Mr. Telles stated I agree with you and this is just what we were told by Armando form ADOT. The difference is \$5500 for a five million dollar rider verses a \$1300 million dollar rider. Councilwoman Cronberg asked are you looking lining up at Austin and Jessie. Mr. Telles stated what we talked about is moving it one street down to Jessie and go to McCourt and why we are looking at starting at Jessie is on the detour map we were going to use Railroad Avenue and come back on Soto for the traffic of the State Highways it would give us an extra block so we don't have a turn on the parade. Councilman Holloway stated Rex Allen Days seems to have a straight shot on Railroad Avenue, you still have to contend with the state Highway as you cross Maley. We have gone round and round for the last six months and we have tried to get all the input and consideration and we thought of Austin all the way down was the best route with insurance cost. Councilwoman Cronberg stated I appreciate the clarification on this as this was my big question too. That is historical area where all the performances are and what I consider Rex Allen Square. Mr. Telles stated this is where we are with ADOT we knew this was coming. Councilwoman Cronberg stated obviously you had to wrestle with it for quite a while. Mr. Telles stated our group has thrown this around for quite awhile. Councilman Lindsey stated I need to clarify maybe with council are we voting for a new parade route or the closure of the street routes. Councilwoman Cronberg stated I think by approving the closure we're approving the new route. Mr. Figueroa stated that is correct. If you make a motion you will dictate what you want done. If you make a motion then that is what the motion is going to be; you can always make one motion and then make another motion to close Haskell and make another motion for a new parade route. In essence if you agree to the closure of the street route you are agreeing to the new parade route. Mayor asked all in favor, Six Ayes'- Mayor Irvin, Vice Mayor Holloway, Councilman Johnson, Councilwoman Cronberg, Councilman Goolsby, and Councilman Nigh with one Nay- Councilman Lindsey. **CARRIED**

19. CITY MANAGER REPORTS

Consideration, discussion, and/or decision regarding the following topics by the City Manager:

- **Skate Park dedication** will be held on August 11, 2012 at 8:30 a.m. the time has changed to 3 pm and Councilman Johnson will be MC for this event.
- **Willcox Unified School District** will return to school on August 13, 2012
- **City Manager Pat McCourt** returns on August 13, 2012
- **Joint Work Session with Parks and Recreation** for Park Fees on August 27, 2012 this is their normal meeting night time the time is yet to be determined it is normally at 6:00 pm.
- **The Arizona League of Cities & Towns Annual Conference** will be held on August 28-31, 2012 at the Hyatt Regency Scottsdale at Gainey Ranch

20. COMMENTS NOT FOR DISCUSSION FROM MAYOR AND COUNCIL MEMBERS.

Mr. Figueroa stated to Mayor and City Council, I have submitted my resignation to the Mayor and City Manager. The City Manager is not here tonight but it is primarily due to health of my eye problems the doctor said it is incurable OSD, and the other one is to do with my optic nerve. In order to do my assignments and my work I need both my eyes, in order to do my work, I don't want to cheat you by the money that you pay me. My contract calls for me to be able to assign someone to fulfill my contract and I have one year left on it until June 30, 2013. I have been in contact with two attorney's

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Ms. Ann Roberts she is the County Attorney and her dad is Mark Battaglia who some of you were on the Council when I first started and he covered for me, and she is willing to take this position; and Mr. Allred who is also interested. I will at the next Council meeting, I will give my assignments to Ms. Roberts if the Council so chooses. I will be available if my consultation is needed. My junior partner Patrick would be ecstatic to do this but he just took over for South Tucson, I want to thank Mayor and Council not just you but also the ones that came before you. As you know I am homegrown I here to do my job for what you hired me to do, I have come here not to make a bunch of money but with the true intent to help the City. I think I have never been the one to say this is what I wanted to do anything to this person or that person; I hope this continues to be a long-lasting operation. I am a democrat and I was born on Ronald Reagan's Birthday I am very conservative and what I have observed is some of you are liberals and have agreed to the budget when our economy is so bad you need to look at yourself in the mirror and say to yourself, am I doing the right thing. Another thing I need to tell you is no one on the City Council sitting up here has the authority or the right to go to any of the departments and tell them how they need to run their department. If you have a problem with it, you should go to the Mayor and let him know what the problem is; one of your council members is doing it, you all better wake up and tell that council member you can't do that. I applauded the fact that when I gave you legal advice if you didn't understand it you would ask me and if I didn't know the answer I would tell you "I don't know the answer but I would get back to you with an answer," and I appreciate each and every one of you for that. I will work with the City Manager to get this on the next agenda and your options are: you don't have to accept my resignation, if you all wish you can put it out for bid, in today's economy you may get someone to do this. I did this for 40% less. I did not do this for the money. I want to thank you from the bottom of my heart. You can always come to me after this meeting; I will be there. Councilman Holloway stated I thank you for your service. Mayor Irvin stated I appreciate your comments and appreciate your service. Councilman Lindsey stated I also offer my appreciation and your goodwill and I have enjoyed working with you and I consider you my friend. Councilman Johnson stated I have worked with Hector since he has been here he has helped us and I consider him a very close friend I probably won't accept his resignation. Councilman Nigh stated him nothing to add.

~~21. DISCUSSION/DECISION ENTER INTO AN EXECUTIVE SESSION PURSUANT TO ARIZONA REVISED
STATUTES §38-431.03A(3) DISCUSSION OR CONSULTATION FOR LEGAL ADVICE WITH THE
ATTORNEY OR ATTORNEYS OF THE PUBLIC BODY~~

~~— Consideration, discussion and/or decision to enter into an Executive Session pursuant to ARS §38-431.03A (3), as stated,
— relating to consultation for legal advice with the attorney(s) of the public body.~~

~~22. RECESS TO EXECUTIVE SESSION, IF APPROVED~~

~~23. RECONVENE FROM EXECUTIVE SESSION~~

~~24. DISCUSSION/DECISION/DIRECTION TO STAFF REGARDING MATTERS DISCUSSED IN EXECUTIVE SESSION~~

~~— Consideration, discussion, decision and/or direction to staff regarding matters discussed in Executive Session and/or
consultation for legal advice from City Attorney.~~

25. ADJOURN at 8:21 pm.

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 6th day of August 2012. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 6th day of August 2012

City Clerk VIRGINIA A. MEFFORD

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 6TH DAY OF AUGUST 2012**

PASSED, APPROVED AND ADOPTED this 4th day of September 2012.

MAYOR ROBERT A. IRVIN

Signed: _____

ATTEST:

City Clerk Virginia A. Mefford

**THE REGULAR MINUTES OF THE MAYOR AND CITY COUNCIL
OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 20th DAY OF AUGUST 2012**

CALL TO ORDER-Mayor Robert "Bob" Irvin called the regular session meeting to order on Monday, August 20, 2012 at 7:00 p.m.

ROLL CALL-City Clerk Virginia A. Mefford, called the roll

PRESENT

Mayor Robert "Bob" Irvin
Vice Mayor William "Bill" Holloway
Councilman Gerald W. Lindsey
Councilman Elwood A. Johnson
Councilwoman Monika Cronberg
Councilman Earl B. Goolsby
Councilman William "Bill" Nigh

STAFF

City Manager Pat McCourt
City Clerk Virginia A. Mefford
Public Services & Works Director Dave Bonner
Library Director Tom Miner
Finance Director Ruth Graham
Development Services Jeff Stoddard
City Attorney Hector Figueroa

PLEDGE OF ALLEGIANCE TO THE FLAG led by Mayor Robert "Bob" Irvin

DECLARATION ON CONFLICT OF INTEREST

No Conflicts were declared.

CALL TO THE PUBLIC

Jim Main a representative of Safeway put together a fundraiser walk for cancer research last year, we had approximately 130 participants last year and we are asking for approval for this event and gave a T-shirt with sponsors on it to the Mayor and handout participation form to all council members. He thanked the Council for this opportunity to do a call to the public.

Sharon Nigh addressed the Mayor and Council regarding the Parade because of history and tradition asked to keep the parade route the same and asked the Council to review the ADOT report regarding this subject. It was her opinion that the vote should have been made in two separate motions.

DECLARATION ON CONFLICT OF INTEREST

None Declared

ADOPTION OF THE AGENDA

MOTION Vice Mayor Holloway moved to approve agenda as presented with removing items 18-21 executive session made
SECOND: Councilman Goolsby **CARRIED**

PUBLIC HEARINGS, PETITIONS, AND COMMUNICATIONS

The Mayor and Council will hold Public Hearing on Monday, August 20, 2012 at 7:00 p.m., City Council Chambers, 300 W. Rex Allen Drive, relating to: Public Hearing on Property Tax Levy Open at 7:08 with no comments, Closed at 7:09 pm.

Ordinance NS311 Relating To Taxation: Levying separate amounts to be raised for Primary and Secondary Property Tax Levies upon each one hundred dollars (\$100.00) of the assessed valuation of Property subject to Taxation within the City Of Willcox for the Fiscal Year ending June 30, 2013 and declaring an emergency to exist.

and

The Mayor and Council will hold a Special Meeting with Public Hearing on **Tuesday, September 4, 2012**, (due Monday is a Holiday) at 7:00 p.m., City Council Chambers, 300 W. Rex Allen Drive, Willcox, AZ regarding: Liquor Licensed Series #13 for Aridus Winery Company, LLC

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All members of the public are invited to attend such meeting. For those persons unable to attend, written comments will be accepted until 4 p.m. the day of the public hearing in the Office of the City Clerk, 101 S. Railroad Avenue, Suite B, Willcox, AZ 85643

CONSENT AGENDA

Items that are considered to be routine by the City Council will be enacted by one motion without discussion. The consent agenda is a timesaving device and Council members have received documentation on these items for their review prior to the open meeting. Any Councilmember may remove any item from the consent agenda for discussion and a separate vote as deemed necessary. The public may view the documentation relating to the consent agenda on the City's web site or 24 hours prior to the meeting at the City Clerk's Office, 101 S. Railroad Avenue, Suite B, Willcox, AZ from 8:30 a.m. to 4:30 p.m. or at the Elsie S. Hogan Library, 100 N. Curtis Avenue during normal working hours Monday-Saturday.

MINUTES OF REGULAR MEETING- July 18, 2011, July 2, 2012, July 16, 2012, August 6, 2012 and Special Meeting of September 6, 2011, April 5, 2012, and Work Session of July 9, 2012 and July 30, 2012, August 6, 2012.

MOTION: Councilwoman Cronberg motioned to move item 8A to regular agenda **SECOND:** Councilman Johnson **CARRIED**

Discussion: Councilwoman Cronberg stated several of the minutes are still problematic, we have a clerk doing her very best to transcribe verbatim minutes, it would ease some of her burden to allow her to do summary minutes as she doesn't have the proper equipment or training to transcribe verbatim. Mayor Irvin stated some of these minutes are when the outgoing clerk was still here, I think the current clerk is doing an excellent job. Councilwoman Cronberg stated I also think she is doing a great job, she has big shoes to fill; it is just very tough to keep up with all the other duties she has to perform. Vice Mayor Holloway stated I haven't seen verbatim minutes in a very long time. Councilman Johnson stated we do need to finalize minutes or they may get lost, I do think Virgie has this experience we need to have a true record to keep of actions taken. Councilman Lindsey asked for Councilwoman Cronberg to state the minor corrections on the three she would approve with correction. Councilwoman Cronberg went over the minor corrections on the ones she would approve, **MOTION:** Councilwoman Cronberg made a motion approve minutes with corrections of July 18, 2011 and September 6, 2011. **SECOND:** Councilman Lindsey **CARRIED**

MOTION: Vice Mayor Holloway made a motion to approve July 2, 2012 and July 30, 2012 **SECOND:** Councilwoman Cronberg **CARRIED**

DISCUSSION/ DECISION REGARDING ORDINANCE NO. NS-311 RELATING TO TAXATION: LEVYING SEPARATE AMOUNTS TO BE RAISED FOR PRIMARY AND SECONDARY PROPERTY TAX LEVIES UPON EACH ONE HUNDRED DOLLARS (\$100.00) OF THE ASSESSED VALUATION OF PROPERTY SUBJECT TO TAXATION WITHIN THE CITY OF WILLCOX FOR THE FISCAL YEAR ENDING JUNE 30, 2012 AND DECLARING AN EMERGENCY TO EXIST.

MOTION: Councilman Lindsey made a motion to approve Ordinance No. Ns-311 relating to taxation: Levying separate amounts to be raised for primary and secondary Property Tax Levies upon each one hundred dollars (\$100.00) of the assessed valuation of property subject to taxation within the City Of Willcox for the Fiscal Year ending June 30, 2012 **SECOND:** Vice Mayor Holloway **DISCUSSION:** Councilman Johnson asked how much will Property tax go up and what the City is doing. Ms. Graham explained the Property tax will go up on the PowerPoint presentation and explained how the property tax bill looks like for the City of Willcox. Councilman Johnson asked did you do the maximum amount. Ms. Graham stated it is using the maximum, and gave several examples of other cities around our area. Councilman Johnson asked if there was a report that shows the delinquent property taxes in Willcox. Ms. Graham stated we have not accessed that report it is available, but I will check into this and let you know. Councilwoman Cronberg asked if some tax payers pay the half/half type of scenario and others pay the whole thing at once how this does impact us. Ms. Graham stated they pay in May/November so it is in the same fiscal year so it doesn't impact us but we do have some delinquent tax payers. Councilman Johnson asked Ms. Graham if she knew how much was collected last year on property taxes. Ms. Graham pointed this out on the PowerPoint presentation. Councilman Johnson asked if we don't raise property taxes how this will affect the revenue. Ms. Graham explained this on the PowerPoint presentation. City

**THE REGULAR MINUTES OF THE MAYOR AND CITY COUNCIL
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HELD ON THIS 20th DAY OF AUGUST 2012**

Manager asked the secondary taxes is not used for operational uses right. Ms. Graham stated no, it is strictly for Bond purposes. City Manager McCourt asked this was voted by the voter right? Ms. Graham stated that was correct in the 2004 election. Councilman Goolsby asked the Council is raising taxes as the voters have requested it. Ms. Graham stated yes. **CARRIED 6- ayes:** Mayor Irvin; Vice Mayor Holloway, Councilman Lindsey; Councilwoman Cronberg; Councilman Goolsby; Councilman Nigh **1 Nay:** Councilman Johnson

DISCUSSION/DECISION REGARDING REX ALLEN DAYS REQUEST PERMISSION TO HOLD CARNIVAL AT KEILLER PARK AND WUSD PROPERTY FROM OCOBER 5, 2012 THRU OCTOBER 7, 2012

MOTION: Councilman Johnson moved to approve the Rex Allen Days request Permission to hold carnival at Keiller Park **SECOND:** Councilman Lindsey **DISCUSSION:** Councilwoman Cronberg asked if this was being approved by the WUSD. Ms. Mullins stated it was going to be presented to them at one of the school board meeting. **CARRIED**

DISCUSSION/AND/OR DISCUSSION REGARDING REX ALLEN DAYS INC. ARE REQUESTING A WAIVER OF FEES FOR QUAILPARK FOR GRAND CANYON PRO RODEO AND A PRE RODEO EVENT FOR CHILDREN.

MOTION: Councilman Johnson moved to approve the Rex Allen Days Inc. requesting a waiver of fees for Quail Park for Grand Canyon Pro Rodeo and a pre rodeo event for children **SECOND:** Councilman Cronberg **DISCUSSION:** City Manager McCourt stated I have seen this request before Councilman Johnson asked RAD how much does this bring in. Ms. Mullins stated this in the thousands but I'm not really sure. Councilwoman Cronberg stated we have waived this in the past. **CARRIED**

DISCUSSION/ DECISION REGARDING LETTER OF RESIGNATION FROM CODY BOWMAN FROM THE PARKS AND RECREATION ADVISORY COMMITTEE.

MOTION: Councilman Johnson moved to approve the letter of resignation from Cody Bowman from the Parks and Recreation Advisory Committee **SECOND:** Councilwoman Cronberg **DISCUSSION:** Mayor Irvin asked if anyone is interested there is an opening for this. **CARRIED**

DISCUSSION/ DECISION REGARDING RESOLUTION NO. 2012-74 APPROVING AND ADOPTING THE ASSIGNMENT OF THE CITY ATTORNEY LEGAL SERVICES CONTRACT TO ANN P ROBERTS, ESQ. OF THE LAW FIRM OF BATTAGLIA & ROBERTS, P.C. AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION, THE CONTRACT ASSIGNMENT AND DECLARING AN EMERGENCY TO EXIST

MOTION: Councilman Johnson moved to approve Resolution No. 2012-74 approving and adopting the assignment of the City Attorney Legal Services Contract to Ann P Roberts, Esq. of the Law Firm of Battaglia & Roberts, P.C. **Second:** Vice Mayor Holloway and Councilman Lindsey **DISCUSSION:** Cronberg asked was the other interested party also involved in the discussion about this. Mr. Figueroa stated at the last meeting I did say there was another interested party and I was asked to give my recommendation and it was my professional opinion to recommend Ms. Roberts as she more than capable do the job and I did mention to her I would provide her all my files for the past five years and computer files. Councilwoman Cronberg noted that her resume speaks well to that confidence along with the experience of the practice of Municipal law I just wanted to make sure we were clear with that. She also asked Ms. Roberts about the travel back and forth as she lives in Benson. Ms. Roberts stated she was okay with the current contract of the flat rate. Councilman Lindsey stated we are not bound by Mr. Figueroa contract to do this but it really makes sense because it gives us a chance to work with Ms. Roberts and make a better decision when we do decide to renew the contract. **CARRIED**

DISCUSSION/DECISION REGARDING ACCEPTING THE RESIGNATION OF HECTOR FIGUEROA AS CITY ATTORNEY (ENDING THE LEGAL SERVICES CONTRACT) AND ADVISING STAFF ON HOW TO PROCEED

MOTION: Councilman Johnson to approve accepting the resignation of Hector Figueroa as City Attorney (ending the Legal Services Contract) And Advising Staff On How To Proceed **Second:** Councilman Cronberg **DISCUSSION:** City Manager McCourt suggest we accept the previous request. Councilman Johnson asked what happens if we don't accept his resignation. Mr. Figueroa stated that is why I put that in my resignation you don't have to accept it. Councilman Johnson stated with that said he moved to accept Attorney Figueroa. Mr. Figueroa thanked the Mayor and Council, and stated the City Attorney doesn't work for the City Manager but for the City Council. **CARRIED**

**THE REGULAR MINUTES OF THE MAYOR AND CITY COUNCIL
OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 20th DAY OF AUGUST 2012**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-75 APPROVING AND ADOPTING AN AMENDED JOB DESCRIPTION FOR THE POSITION OF ACCOUNTING CLERK II IN THE FINANCE DEPARTMENT PURSUANT TO SECTION 208 OF THE EMPLOYEE HANDBOOK AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.

MOTION: Councilman Lindsey moved to approve Resolution No. 2012-75 approving and adopting an amended Job Description for the position of Accounting Clerk II In the Finance Department pursuant to Section 208 of The Employee Handbook **SECOND:** Councilman Cronberg **DISCUSSION:** City Manager McCourt stated anytime a job description changes it has to go to Mayor and Council, the change is due to the ADA **CARRIED**

REPORTS BY THE CITY MANAGER PAT MCCOURT

Consideration, discussion, and/or decision regarding the following topics by the City Manager:

- **Report on Arizona League of Arizona Cities & Towns Annual Conference-**will be held on August 28-31, 2012 at the Hyatt Regency Scottsdale at Gainey Ranch **We will repost for the Council agenda meeting for Friday instead of Thursday.**
- **Work Session JT with P&R Park Fees-** will be held on September 4, 2012 at 6:00 pm due to conflict of scheduling on August 27, 2012.
- **Special Council Meeting-** Will be held on Tuesday, September 4, 2012 due to Labor Day Holiday on Monday, September 3, 2012.
- **Update on old Border Patrol Building-** construction is proceeding as planned.
- **Ramada at Railroad Park-** project has been completed.
- **Appraisals** to City for Circle I Road, we did get back two quotes on this.
- **Vacancy-** (1) Parks and Recreation and (1) Planning and Zoning CM McCourt stated anyone interested please do so.

COMMENTS NOT FOR DISCUSSION FROM MAYOR AND COUNCIL MEMBERS.

Mayor Irvin no commit; Vice Mayor Holloway no commit; Councilman Lindsey Change in parade route I would still work with you an not against you and I would like to see an alternative; Councilman Johnson no commit; Councilwoman Cronberg thanked Mr. Figueroa for his service to the City and committed on the stake park dedication, there was a good showing and lots of good things were said and has been accomplished; Councilman Goolsby no commit; Councilman Nigh no commit

~~DISCUSSION/DECISION ENTER INTO AN EXECUTIVE SESSION PURSUANT TO ARIZONA REVISED STATUTES §38-431.03A(3) DISCUSSION OR CONSULTATION FOR LEGAL ADVICE WITH THE ATTORNEY OR ATTORNEYS OF THE PUBLIC BODY~~

~~Consideration, discussion and/or decision to enter into an Executive Session pursuant to ARS §38-431.03A(1) and (3), as stated, relating to consideration of employee and consultation for legal advice with the attorney(s) of the public body.~~

~~RECESS TO EXECUTIVE SESSION, IF APPROVED~~

~~RECONVENE FROM EXECUTIVE SESSION~~

~~DISCUSSION/DECISION/DIRECTION TO STAFF REGARDING MATTERS DISCUSSED IN EXECUTIVE SESSION~~

~~Consideration, discussion, decision and/or direction to staff regarding matters discussed in Executive Session and/or consultation for legal advice from City Attorney.~~

ADJOURN at 8:00 pm.

**THE REGULAR MINUTES OF THE MAYOR AND CITY COUNCIL
OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 20th DAY OF AUGUST 2012**

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 6th day of August 2012. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 20th day of August 2012


City Clerk Virginia A. Mefford

PASSED, APPROVED AND ADOPTED this 17th day of September 2012.

MAYOR ROBERT A IRVIN
Signed _____

ATTEST:

City Clerk, Virginia A. Mefford

CITY OF WILLCOX
Request for Council Action

Agenda Item: 9
Tab Number: 2
Date: 09-17-12

Date Submitted:
09/10/2012
Date Requested:
09-11-12

Action:
 Resolution
 Ordinance
 Formal
 Other

Subject:
Discussion/Decision
on street closure for
Veterans Day
Parade. Railroad Ave
from Fremont to
Maley.

To: Honorable Mayor and City Council

From: Dave Bonner, Director Public Services & Works

Discussion: Connie Dunham is requesting street closures for a Veterans Day Parade. She is requesting a closure starting at the intersection of Fremont and Railroad Ave, Railroad Ave, and ending at Railroad and Maley.

Recommendation: Staff recommends that the Mayor and Council grant permission for this event. The Community will appreciate the parade honoring the armed services and veterans.

Fiscal Impact: \$0.00

Prepared By: Kate Schwartz
Kate Schwartz, Public Services and Works

Approved By: Dave Bonner
Dave Bonner, Public Services and Works Director

Approved By: Pat McCourt
Pat McCourt, City Manager

Street Closure Request Form

Name of Applicant

Cornie Durham

Date of Request

11-12-12

Address

3156 N. McAlister Ave. Willcox AZ
85643

Phone Number

520-507-1077

Event or Event Sponsor for Street Closure

Veterans Day Parade

Date(s) Requested for Street Closure

11-12-12

Times for Street Closure

10:00 A.M

Street(s) to be closed - Beginning and ending points.

Parade will start line up on Fremont & Railroad Ave. Parade ends on Railroad Ave. + Malley.

The applicant understands that a certificate of liability insurance for \$1,000,000 naming the City of Willcox as additionally insured must be supplied with this application in order for the request to be fully executed and processed. Additionally, the City of Willcox requests that all adjacent property owners be notified of the intent to close the street and offered an opportunity to make comments to the Mayor and City Council. Comments may be submitted to the City Clerk prior to the council meeting or may be stated in the public meeting.

Cornie Durham
Applicant Signature

9/10/12
Date

[Signature]
Received By

9/10/12
Date

[Signature]
Jake Weaver Police Chief

9/11/12

Gary Adams
Gary Adams Streets Supervisor

9-11-12

PETITION TO CLOSE RAILROAD AVENUE, BETWEEN
MALEY STREET AND STEWART STREET TO VEHICULAR TRAFFIC

ON 11-12-12 DATE(S)

FROM 10:00 A.M. TO 11:00 A.M.
START TIME END TIME

FOR THE PURPOSE OF Veterans Day Parade
EVENT

Willcox Commercial, ok to close Jean Allright

Rex Allen Museum, ok to close Jerry Rowden

Rex Allen Theater, ok to close N/A

Rodney's, ok to close Rodney C Snow

Palace Saloon, ok to close N/A

Desert Moon Gifts, ok to close N/A

Old West Mercantile, ok to close Shack Dorsey

Friends of Marty Robbins, ok to close Shawn Ring

_____, ok to close _____

_____, ok to close _____

_____, ok to close _____

_____, ok to close _____

PETITION TO CLOSE RAILROAD AVENUE, BETWEEN

ON 11-12-12 DATE(S)

FROM 10:00 A.M. TO 11:00 A.M.
START TIME END TIME

FOR THE PURPOSE OF Veterans Day Parade
EVENT

Willcox Commercial, ok to close Jean Albright

Rex Allen Museum, ok to close Jerry Rowden

Rex Allen Theater, ok to close N/A

Rodney's, ok to close Rodney E Brown

Palace Saloon, ok to close N/A

Desert Moon Gifts, ok to close N/A

Old West Mercantile, ok to close Sherrill Dorengy

Friends of Marty Robbins, ok to close Shawn Ring

_____, ok to close _____

_____, ok to close _____

_____, ok to close _____

_____, ok to close _____

**CITY OF WILLCOX
Request for Council Action**

Agenda Item: 10
Tab Number: 3
Date: 09-17-12

Date Submitted:
9-12-12
Date Requested:
9-17-12

Action:
 Resolution
 Ordinance
 Formal
 Other

Subject:
Public Services &
Works

To: Honorable Mayor and City Council

From: Dave Bonner, Director Public Services & Works

Discussion: The Rex Allen Days Inc. is requesting a street closure of Haskell Ave. starting at Jesse Street and ending at McCourt with space for the safety parade from McCourt to Soto. The Rex Allen Days Inc. is also requesting closures on Jessie Street from Austin to Haskell; Austin from Maley to Jessie; Stewart from Haskell to Rail Road; Rail Road from Stewart to Maley; and Maley from Railroad Ave. to Haskell Ave. The Rex Allen Days Inc. is requesting these street closures to hold the Rex Allen Day Parade. This event is scheduled to be held on October 6, 2012 from 8:00 am until 11:30 am. RAD Inc. will obtain all the necessary barricades and signage. City crews will place and remove the barricades the morning of the event.

Recommendation: Staff recommends that the Mayor and Council consider a street closure for this event.

Fiscal Impact: None

Prepared By: Gary A. Adams
Gary Adams, Streets Supervisor

Approved By: Dave Bonner
Dave Bonner, Public Services & Works Director

Approved By: Pat McCourt
Pat McCourt, City Manager

Street Closure Request Form

Name of Applicant

Rex Allen Days Inc

Date of Request

9-12-2012

Address

P.O. Box 429

Phone Number

520 507 8330

Event or Event Sponsor for Street Closure

6th Rex Allen Days Parade

Date(s) Requested for Street Closure

Oct 6

Times for Street Closure

8:00 12:00

Street(s) to be closed – Beginning and ending points.

Jesse to Soto down Haskell

The applicant understands that a certificate of liability insurance for \$1,000,000 naming the City of Willcox as additionally insured must be supplied with this application in order for the request to be fully executed and processed. Additionally, the City of Willcox requests that all adjacent property owners be notified of the intent to close the street and offered an opportunity to make comments to the Mayor and City Council. Comments may be submitted to the City Clerk prior to the council meeting or may be stated in the public meeting.

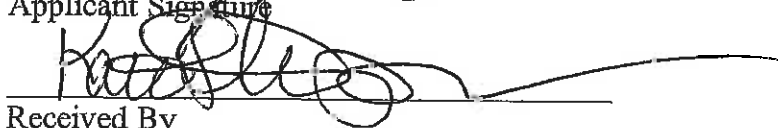
Applicant Signature



Date

9-12-2012

Received By



Date

9/12/12

**REX ALLEN DAYS INC.
P.O. BOX 429
WILLCOX AZ 85644
EMAIL: r.a.d.pres@gmail.com
520-507-8330**

August 13, 2012

Honorable Mayor Irvin and Members of the Council,

The Executive Board of Rex Allen Day's Incorporated is pleased to announce the Annual 61st Rex Allen Day's Celebration being held on October 04 through October 07, 2012. As we have in the past we are planning our feature event which is the Grand Canyon Pro Rodeo, along with the Pre Rodeo event for children. We have worked very closely with the City in the past to make this a successful event and would like to request again this year the waiver of any fees associated with the use of Quail Park. The board sincerely appreciates the effort and assistance given to use from all departments within the City of Willcox as well as the support we have received from the governing body to promote the success of the Rodeo events in the past.

As you are aware the proceeds from RAD Inc. is given to local scholarship recipients for FY11 we were able to present three scholarships to local kids pursuing their educational goals. Additional money this year was also donated to the Willcox Senior Center as well as a small donation towards the Willcox Fireworks.

We look forward to this years Rodeo being a successful and a well attended community event and thank the Mayor and Council for their consideration in this matter.

Sincerely,

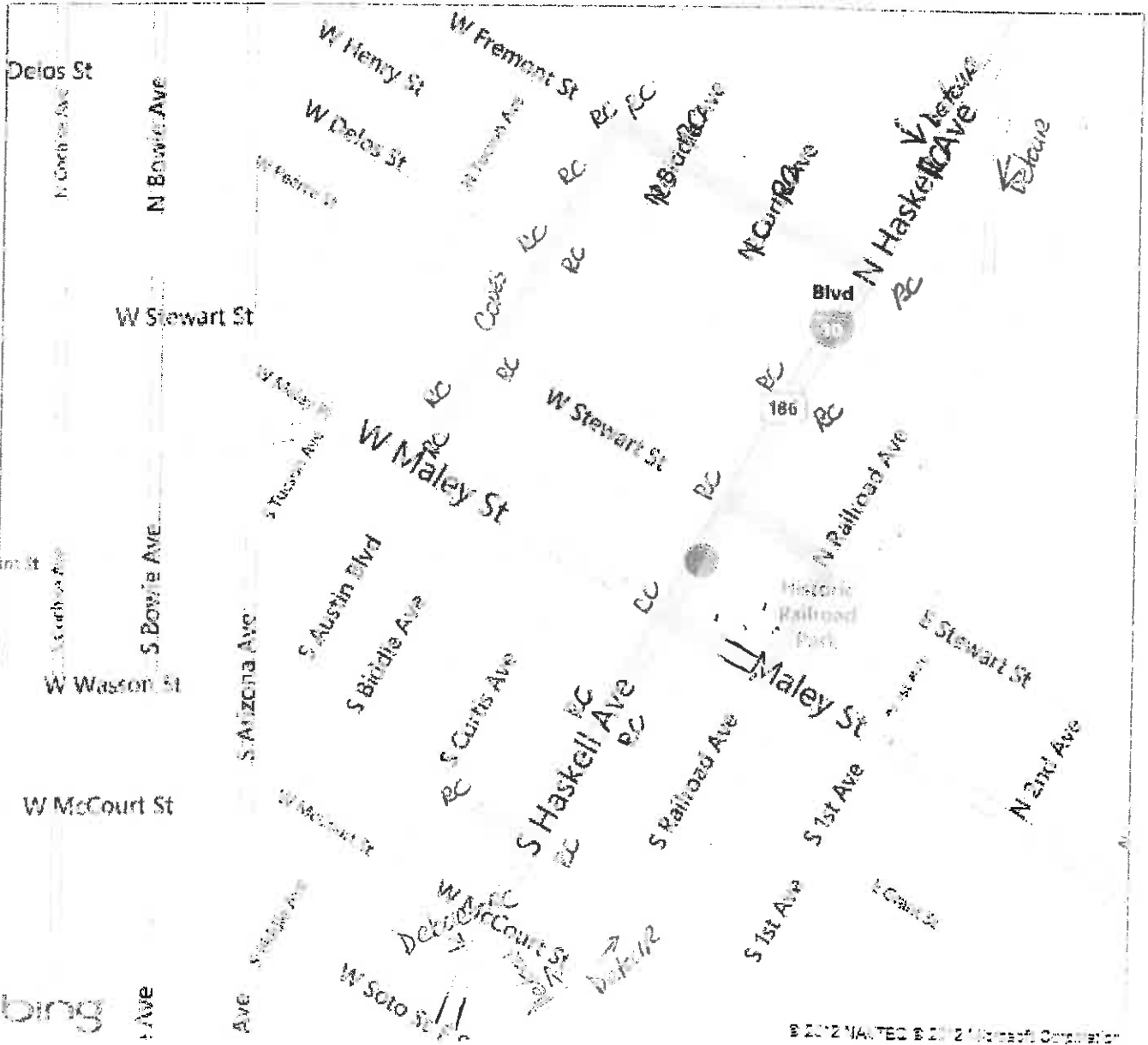
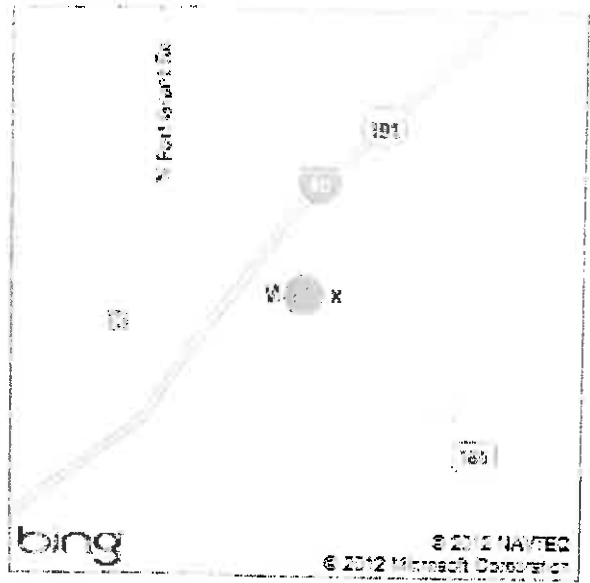

**Michelle Mullins
Rex Allen Days President**

bing Maps

Willcox, AZ

My Notes

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PETITION TO CLOSE RAILROAD AVENUE, BETWEEN

ON Oct 16th, 2012
DATE(S)

FROM 8:00 TO 12:00
START TIME END TIME

FOR THE PURPOSE OF RAD Parade
EVENT

Willcox Commercial, ok to close Knott's Service

Rex Allen Museum, ok to close Cladys Ols

Rex Allen Theater, ok to close _____

Rodney's, ok to close Robny Brown

Palace Saloon, ok to close _____

Desert Moon Gifts, ok to close _____

Old West Mercantile, ok to close Marshall Pro

Friends of Marty Robbins, ok to close Juanita Buckley

Nakai's, ok to close Marie Tejerro

Empower, ok to close Marie Tejerro

Figuer & Associates, ok to close Walter Pro

Job... RE/MAX, ok to close RE/MAX High Desert Realty

B... B... [Signature]

Haskell Ave
PETITION TO CLOSE RAILROAD AVENUE, BETWEEN
Wood Soto
MALEY STREET AND STEWART STREET TO VEHICULAR TRAFFIC

ON Oct 6th 2012
DATE(S)

FROM 8:00 am TO 11:30 am
START TIME END TIME

FOR THE PURPOSE OF 61st Rex Allen Day Parade
EVENT

Kempton Auto Sales
Willeox Commercial, ok to close Wardley P. Pison

SSVEC
Rex Allen Museum, ok to close Char Bennett

Red Nine Salon
Rex Allen Theater, ok to close [Signature]

Joe's Car Care
Rodney's, ok to close [Signature]

Exchange Credit Union
Palace Saloon, ok to close Shelley Thomas

Weso Realty
La Unica
Desert Moon Gifts, ok to close Rubia Alonzo

Kathy Mendez
Old West Mercantile, ok to close Kathy Mendez

Mick's Chevron
Friends of Marty Robbins, ok to close _____

WORLDWIDE HOBBIES, ok to close Kem Spool

AZ Range News, ok to close Carol Brader

Andrew Terry P.C. Accountant, ok to close _____

Rix's Tavern, ok to close Chap. M. Pena

Johnny Customs Detail Johnny Pison

**CITY OF WILLCOX
REQUEST FOR COUNCIL ACTION**

Agenda Item: 11
Tab Number: 4
Date: 09-17-2012

Date Submitted:
09-12-2012

Date Requested:
09-17-2012

Action:
 Resolution
 Ordinance
 Formal
 Other

Subject: Appointment to the Parks and Recreation Advisory Committee, to fill 1 vacancy, term expiring December 31, 2014.

TO: MAYOR AND COUNCIL

FROM: Sherry Lynn Van Allen, Human Resources

DISCUSSION: In accordance with the Willcox City Code Title 2-Chapter 2-2-3 Appointment; Terms; Vacancies; Removals: vacancies shall be filled by appointment by the Mayor and City Council. There is one (1) vacancy to fill which was vacated by the resignation of Cody Bowman whose term expires December 31, 2014. City staff has advertised for the vacancy. Staff received 1 letter of interest in response to the advertisement. Currently there are 2-members that live in the City and 1-member that lives in the County. The Committee must have 3-members residing in the City at all times and may have 2-members reside in the County.

A letter was received for consideration for appointment to the Parks and Recreation Advisory Committee from Tim Charley a resident of Willcox residing in the Willcox City Limits.

RECOMMENDATION: For the Mayor and Council to appoint Tim Charley, if so desired, to the Parks and Recreation Advisory Committee to fill the unexpired term.

FISCAL IMPACT: -0-

Prepared by: 
Sherry Lynn Van Allen - HR

Approved by: 
Pat McCourt, City Manager



Sulphur Springs Valley Electric Cooperative, Inc.

A Touchstone Energy[®] Cooperative 

350 N. Haskell Ave, Willcox AZ 85643

Human Resources Office
Parks & Recreation Advisory Committee
101 S. Railroad Ave.
Willcox, AZ 85643

September 12, 2012

Re: Parks & Recreation Advisory Committee Vacancy

Dear Mayor and Council,

My name is Tim Charley. Thank you for taking the time to allow me to state I am interested in volunteering to serve on the Willcox Parks and Recreation Advisory Committee.

A few years ago I moved back to Willcox. I moved from Willcox to pursue higher education and find myself back in Willcox and a bit underutilized.

I have lived within the city limits of Willcox for the past 4+ years. I am employed by Sulphur Springs Valley Electric Cooperative as the Supply and Demand Side Management Specialist. I have previously worked at Motorola, Medtronic and Advantest America in various technical/engineering capacities.

I have been a board member of the East Mesa Recreation Association (EMRA). EMRA was a summer baseball/softball league prior to Little League coming to East Mesa. Additionally, I coached youth baseball (males 10-12, and 13 age groups); my team had the first female participant in EMRA history. I coached youth softball (females age 14-19). I was also the Intermediate League President (13-year olds) for a year. I have been a certified ASA umpire, and I've done some umpiring and coaching in Willcox as a high school student.

I'd like to think I would be a valuable asset to the Parks and Recreation Advisory Committee. I can be reached at t13charley@yahoo.com or 520.507.0912.

Best Regards,

Tim Charley

**CITY OF WILLCOX
REQUEST FOR COUNCIL ACTION**

Agenda Item: 11
Tab Number: 5
Date: 9-17-12

Date Submitted:
9-11-12
Date Requested:
9-17-12

Action:
 Resolution
 Ordinance
 Formal
 Other

Subject: Waive our share of juvenile Accountability Block Grant to Cochise County

TO: MAYOR AND COUNCIL

FROM: City Manager

DISCUSSION: Under the Governor's office allocation formula, the City of Willcox is eligible for eighty one (\$81.00) dollars from the 2012 Juvenile Accountability Block grant (JABG). This means the City is NOT eligible to receive a direct grant.

Our options are:

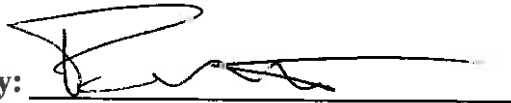
- 1) Waive our allocation to a larger or neighboring eligible unit;
- 2) Join with other ineligible units to form one eligible unit;
- 3) Waive our allocation to the State.

RECOMMENDATION: Staff recommendation is to waive our allocation to Cochise County.

FISCAL IMPACT: No direct impact, although keeping the allocation within the County might provide some additional services and income to the area.

Prepared by: Pat McCourt

Approved by:



City Manager



Janice K. Brewer
Governor

State of Arizona
Governor's Office for Children, Youth and Families

Cassandra A. Larsen
Director

August 30, 2012

City Manager Patrick McCourt
City of Willcox
101 S. Railroad Ave, Ste B
Willcox, AZ 85643

Received

SEP 10 2012

RE: 2012 Juvenile Accountability Block Grant (JABG) Allocation

Mr. McCourt:

The Governor's Office for Children, Youth and Families is pleased to notify City of Willcox of the availability of the 2012 Juvenile Accountability Block Grant (JABG). The JABG program was created by Congress in 1997 in order to provide states and local units of government with funds to encourage the development of juvenile justice policies, procedures and programs that promote juvenile accountability. 2012 will represent the fifteenth year of JABG funding for local units of government in Arizona. Local JABG awards have funded a variety of juvenile justice initiatives throughout the state including database information sharing systems, safe school curriculums, community service restitution programs, and the addition of juvenile justice positions such as probation officers, judges, public defenders and prosecutors.

Entitlement funds are made available to local units of government based upon a formula defined by Congress. This formula incorporates the crime expenditure data and violent crimes arrest data provided by local units of government to the Federal Bureau of Investigation (FBI) and the Bureau of Indian Affairs (BIA). Please review the enclosed allocation sheet for your locality's crime expenditure and arrest data (a local unit of government's total allocation is located in the far right column).

Only allocations of \$10,000 or more are available for direct award to a unit of local government. Based on the award amount, the following alternatives are available:

1. Eligible units of local government may apply for a direct award.
2. Eligible units of local government may choose to waive their allocation to a neighboring eligible unit, which will use those funds for their combined benefit.
3. Ineligible units of local governments may choose to waive their allocation to a larger or neighboring eligible unit, which will use those funds for their combined benefit.
4. A number of eligible/ineligible local governments may choose to form a regional coalition to pool their allocations by waiver and provide services over their combined service area.
5. Eligible/ineligible units of local government may choose to waive their allocation to the state.

Based upon the federal formula, City of Willcox has been allocated \$81. You are not eligible for a direct grant from the state.

August 30, 2012
Page 2

Enclosed you will find an Intent Form detailing the options available to you regarding your Juvenile Accountability Block Grant allocation. Local units of government are encouraged to consider local collaborative opportunities in an effort to more equally distribute funding across the State. Additionally, further information regarding the administrative requirements and timeline of the JABG program are included for your review.

Please review all of the enclosed materials and submit the completed JABG Intent Form to the Governor's Office for Children, Youth and Families by Monday, September 24, 2012. Local units of government that are eligible to receive a direct award from the state are required to submit a formal application. Upon receipt of the Intent Form, the JABG application will be mailed to you.

If you have any questions regarding the JABG program, please contact Sonya Pierce-Johnson at (602) 542-3496 or spjohnson@az.gov.

Sincerely,



Sonya Pierce-Johnson, JABG Program Administrator
Governor's Office for Children, Youth and Families

Enclosures:

JABG Intent Form (Due Monday, September 24, 2012)

JABG 2012 Timeline

JABG Administrative Requirements

JABG Allocations for Arizona Local Units of Government for 2012

2012 JUVENILE ACCOUNTABILITY BLOCK GRANT

ADMINISTRATIVE REQUIREMENTS

I. Eligibility for Local Awards

Only allocations of \$10,000 or more are available for direct award to a unit of local government. Based on the award amount, the following alternatives are available:

1. Eligible units of local government may apply for a direct award.
2. Eligible units of local government may choose to waive their allocation to a neighboring eligible unit, which will use those funds for their combined benefit.
3. Ineligible units of local governments may choose to waive their allocation to a larger or neighboring eligible unit, which will use those funds for their combined benefit.
4. A number of eligible/ineligible local governments may chose to form a regional coalition to pool their allocations by waiver and provide services over their combined service area.
5. Eligible/ineligible units of local government may choose to waive their allocation to the state.

II. Authorized Official for a Local Unit of Government

The authorized official for the local unit of government must submit an Intent Form to the Governor's Division for Children indicating how they plan to proceed with regard to the alternatives listed above. The following individuals are recognized as the authorized local government official:

<u>City Government:</u>	Mayor/City Manager
<u>County Government:</u>	County Manager/ County Board of Supervisors
<u>Tribal Government:</u>	Individual with legal authority to bind the tribe into contract

III. Joint Plans (Collaborations)

Those entities choosing to develop a joint plan are required to select one organization to act as the fiscal agent. This organization will become the contractual subgrantee of the Governor's Division for Children. All fiscal reporting will be submitted from this organization and full fiscal and programmatic accountability will be this agency's responsibility.

Other members of the joint plan will become subgrantees of the fiscal agent. The fiscal agent will be responsible for passing funds through to other collaborators on a cost reimbursement basis, verifying allowability of reimbursed costs and monitoring those agencies in accordance with *OMB Circular A-102, Section .37 and .40*. Fiscal agents must have written agreements in place with each collaborating agency. In addition, payments made by the fiscal agent to the collaborating subgrantees must be supported by adequate fiscal and programmatic documentation, subject to review by the Governor's Division for Children.

IV. JABG Local Advisory Boards

Local units of government receiving JABG funds must establish a JABG Local Advisory Board (LAB). The LAB must include, at a minimum, (unless impractical) individuals representing: (1) police; (2) sheriff; (3) prosecutor; (4) state or local probation services; (5) juvenile court; (6) schools; (7) business; and (8) religious affiliated, fraternal, nonprofit or social service organizations involved in

crime prevention. Existing boards or coalitions such as a Policy Prevention Board may fulfill this requirement.

The LAB is responsible for developing a plan for reducing juvenile crime that should be based upon an analysis of relevant local data and juvenile justice system needs. The Advisory Board is also charged with determining how the local unit of government should most effectively utilize JABG funds in order to address one or more of the seventeen JABG program purpose areas.

The local unit of government is responsible for submitting certification that the LAB meets the required membership categories and that the full group has met to determine how to achieve the greatest impact on reducing juvenile delinquency, improving the juvenile justice system, and increasing accountability for juvenile offenders.

V. Seventeen JABG Program Purpose Areas

All JABG funds must be used for one or more of the seventeen program purpose areas. (See list attached).

VI. Administration and Cash Match Requirements

Administration: A unit of local government may use **up to 5%** of their total JABG award for administrative costs related to the JABG program. All funds for administrative costs are subject to the match requirement.

Cash Match: Local units of government in receipt of a JABG award must contribute 10% of the total program costs (*Note:* A 50% match is required for the cost of construction of a permanent corrections facility). The total program cost is made up of the Federal award amount and the cash match.

Cash Match Computation:

$$\text{Award} + \text{Cash Match} = \text{Total Program Cost (TPC)}$$

$$1) \quad \frac{\text{Award}}{(.9)} = \text{Total Program Cost (TPC)}$$

$$2) \quad \text{TPC} - \text{Award} = \text{Cash Match}$$

For additional information about the JABG program, please contact Sonya Pierce-Johnson with the Governor's Office for Children, Youth and Families at (602) 542-3496.

**2012 Juvenile Accountability Block Grant (JABG) Intent Form
Arizona Governor's Office for Children, Youth and Families**

INELIGIBLE FOR A DIRECT AWARD

Please return this form (mail or fax) no later than Monday, September 24, 2012.

Unit of Local Government: _____

Please type or print the name of the County, City/Town, or Tribe submitting this Intent Form.

Intent for JABG Funds:

Please check the appropriate response to indicate your interest/intent to direct available JABG funds.

_____ **Interested in waiving our allocation or collaborating/combining our allocation with another unit of local government (Waive to LUG).**

Please indicate below the name of the unit of local government to whom you will be waiving your funds and note the individual/agency designated to receive future JABG correspondence. Please complete this form in its entirety.

_____ **Interested in waiving our JABG allocation to the state (Waive to State).**

Allocation will be reverted to the state and otherwise allocated. Please complete this form with the name and signature of the Authorized Official.

Official Contact Person for Future Correspondence Regarding the 2012 JABG Award:

Unit of Local Government Waived To: _____

Please indicate the individual/agency responsible for submitting the 2012 JABG Application.

Name: _____ Title: _____

Agency/Address: _____

Phone: () _____ Fax: () _____ Email: _____

Authorized Official for this Unit of Local Government:

(County Manager/County Board of Supervisors, Mayor/City Manager, Tribal Chair)

I HEREBY CERTIFY THAT THE INFORMATION PROVIDED ON THIS PAGE IS CORRECT.

Name: _____ Title: _____

Signature: _____ Date: _____

Please return this form (mail or fax) no later than Monday, September 24, 2012.

Governor's Office for Children, Youth and Families
1700 West Washington, Suite 230
Phoenix, Arizona 85007
FAX to JABG PROGRAM: (602) 542-3423

ARIZONA JABG ALLOCATIONS FOR FY2012

STATE	TOTAL ALLOCATION	PASSED THROUGH %	ALLOCATION	CRIME PROP ALLOC (1/4)	EXPEND PROP ALLOC (3/4)
ARIZONA	\$ 453,920	75	\$ 340,440	\$85,110	\$255,330

AMOUNT RETAINED BY STATE:
\$113,215

LOCALITY	CRIME PROP	CRIME ALLOC	EXPEND PROP	EXPEND ALLOC	TOTAL ALLOCATION
Ak Chin Indian Community of Papago	0.018742%	\$16	0.00000%	\$0	\$16
APACHE COUNTY	0.098396%	\$84	0.671552%	\$1,715	\$1,798
APACHE JUNCTION CITY	0.391240%	\$333	0.078517%	\$200	\$533
AVONDALE CITY	1.179578%	\$1,004	0.118815%	\$303	\$1,307
BENSON CITY	0.022842%	\$19	0.00000%	\$0	\$19
BISBEE CITY	0.244818%	\$208	0.010241%	\$26	\$235
BUCKEYE TOWN	0.190935%	\$163	0.028052%	\$72	\$234
BULLHEAD CITY	0.216705%	\$184	0.229689%	\$586	\$771
CAMP VERDE TOWN	0.086682%	\$74	0.033470%	\$85	\$159
CAREFREE TOWN	0.00000%	\$0	0.053136%	\$136	\$136
CASA GRANDE CITY	0.848078%	\$722	0.068647%	\$175	\$897
CAVE CREEK TOWN	0.00000%	\$0	0.044676%	\$114	\$114
CHANDLER CITY	2.614517%	\$2,225	0.475185%	\$1,213	\$3,439
CHINO VALLEY TOWN	0.167507%	\$143	0.049945%	\$128	\$270
CLARKDALE TOWN	0.033970%	\$29	0.005863%	\$15	\$44
CLIFTON TOWN	0.038655%	\$33	0.002375%	\$6	\$39
COCHISE COUNTY	1.548562%	\$1,318	2.238928%	\$5,717	\$7,035
COCONINO COUNTY	0.331500%	\$282	1.042023%	\$2,661	\$2,943
Cocopah Tribe of Arizona	0.062083%	\$53	0.00000%	\$0	\$53
COLORADO CITY TOWN	0.011714%	\$10	0.002078%	\$5	\$15
Colorado River Indian Tribes	0.172193%	\$147	0.00000%	\$0	\$147
COOLIDGE CITY	0.271760%	\$231	0.032431%	\$83	\$314
COTTONWOOD CITY	0.173364%	\$148	0.049871%	\$127	\$275
DEWEY-HUMBOLDT TOWN	0.00000%	\$0	0.023006%	\$59	\$59
DOUGLAS CITY	0.203820%	\$173	0.008386%	\$21	\$195
DUNCAN TOWN	0.00000%	\$0	0.001113%	\$3	\$3
EAGAR TOWN	0.029284%	\$25	0.004230%	\$11	\$36
EL MIRAGE CITY	0.283474%	\$241	0.00000%	\$0	\$241

ARIZONA JABG ALLOCATIONS FOR FY2012

LOCALITY	CRIME PROP	CRIME ALLOC	EXPEND PROP	EXPEND ALLOC	TOTAL ALLOCATION
ELOY CITY	0.333843%	\$284	0.059073%	\$151	\$435
FLAGSTAFF CITY	0.949988%	\$809	0.000000%	\$0	\$809
FLORENCE TOWN	0.138223%	\$118	0.012171%	\$31	\$149
Fort McDowell Mohave-Apache Indit	0.065597%	\$56	0.000000%	\$0	\$56
FOUNTAIN HILLS TOWN	0.000000%	\$0	0.000000%	\$0	\$0
FREDONIA TOWN	0.004686%	\$4	0.004527%	\$12	\$16
GILA BEND TOWN	0.000000%	\$0	0.000000%	\$0	\$0
GILA COUNTY	0.200306%	\$170	0.955713%	\$2,440	\$2,611
Gila River Pima-Maricopa Indian Co	0.626688%	\$533	0.000000%	\$0	\$533
GILBERT TOWN	0.753196%	\$641	0.347465%	\$887	\$1,528
GLENDALE CITY	4.029542%	\$3,430	0.573294%	\$1,464	\$4,893
GLOBE CITY	0.158136%	\$135	0.019295%	\$49	\$184
GOODYEAR CITY	0.482608%	\$411	0.117850%	\$301	\$712
GRAHAM COUNTY	0.954674%	\$813	0.675782%	\$1,725	\$2,538
GREENLEE COUNTY	0.021085%	\$18	0.113620%	\$290	\$308
GUADALUPE TOWN	0.000000%	\$0	0.000000%	\$0	\$0
Havasupai Tribe	0.000000%	\$0	0.000000%	\$0	\$0
HAYDEN TOWN	0.031627%	\$27	0.007496%	\$19	\$46
HOLBROOK CITY	0.231933%	\$197	0.002004%	\$5	\$203
Hopi Tribe	0.281131%	\$239	0.000000%	\$0	\$239
HUACHUCA CITY TOWN	0.018742%	\$16	0.000000%	\$0	\$16
Hualapai Tribe	0.551719%	\$470	0.000000%	\$0	\$470
JEROME TOWN	0.007028%	\$6	0.000000%	\$0	\$6
Kaibab Band of Palute Indians	0.005857%	\$5	0.000000%	\$0	\$5
KEARNY TOWN	0.023428%	\$20	0.004304%	\$11	\$31
KINGMAN CITY	0.313929%	\$267	0.125271%	\$320	\$587
LA PAZ COUNTY	0.202648%	\$172	0.681571%	\$1,740	\$1,913
LAKE HAVASU CITY	0.363127%	\$309	0.143899%	\$367	\$676
LITCHFIELD PARK CITY	0.000000%	\$0	0.000000%	\$0	\$0
MAMMOTH TOWN	0.014057%	\$12	0.000000%	\$0	\$12
MARANA TOWN	0.125338%	\$107	0.566986%	\$1,448	\$1,554
MARICOPA CITY	0.172193%	\$147	0.012394%	\$32	\$178
MARICOPA COUNTY	3.573876%	\$3,042	48.836008%	\$124,693	\$127,735
MESA CITY	7.120810%	\$6,061	1.006475%	\$2,570	\$8,630
MIAMI TOWN	0.094882%	\$81	0.009128%	\$23	\$104
MOHAVE COUNTY	0.606774%	\$516	2.103861%	\$5,372	\$5,888

ARIZONA JABG ALLOCATIONS FOR FY2012

LOCALITY	CRIME PROP	CRIME ALLOC	EXPEND PROP	EXPEND ALLOC	TOTAL ALLOCATION
NAVAJO COUNTY	0.196792%	\$167	2.136811%	\$5,456	\$5,623
NAVAJO NATION	2.983501%	\$2,539	0.000000%	\$0	\$2,539
NOGALES CITY	0.221391%	\$188	0.072061%	\$184	\$372
ORO VALLEY TOWN	0.090196%	\$77	0.104343%	\$266	\$343
PAGE CITY	0.316272%	\$269	0.016921%	\$43	\$312
PARADISE VALLEY TOWN	0.039827%	\$34	0.072283%	\$185	\$218
PARKER TOWN	0.060912%	\$52	0.004675%	\$12	\$64
Pascua Yaqui Tribe	0.100153%	\$85	0.000000%	\$0	\$85
PATAGONIA TOWN	0.000000%	\$0	0.002375%	\$6	\$6
PAYSON TOWN	0.415839%	\$354	0.045418%	\$116	\$470
PEORIA CITY	1.072983%	\$913	0.257444%	\$657	\$1,571
PHOENIX CITY	31.856811%	\$27,113	3.701219%	\$9,450	\$36,564
PIMA COUNTY	2.287702%	\$1,947	18.749587%	\$47,873	\$49,820
PIMA TOWN	0.035141%	\$30	0.000000%	\$0	\$30
PINAL COUNTY	0.716884%	\$610	2.597525%	\$6,632	\$7,242
PINETOP-LAKESIDE TOWN	0.132366%	\$113	0.012839%	\$33	\$145
PRESCOTT CITY	0.469723%	\$400	0.057589%	\$147	\$547
PRESCOTT VALLEY TOWN	0.469723%	\$400	0.078888%	\$201	\$601
QUARTZSITE TOWN	0.021085%	\$18	0.000000%	\$0	\$18
QUEEN CREEK TOWN	0.000000%	\$0	0.018924%	\$48	\$48
SAFFORD CITY	0.829336%	\$706	0.000000%	\$0	\$706
SAHUARITA TOWN	0.063254%	\$54	0.058331%	\$149	\$203
Salt River Pima-Maricopa Indian Co	0.274103%	\$233	0.000000%	\$0	\$233
San Carlos Apache Tribe	0.684085%	\$582	0.000000%	\$0	\$582
SAN JUAN SOUTHERN PAIUTE TR	0.000000%	\$0	0.000000%	\$0	\$0
SAN LUIS CITY	0.000000%	\$0	0.033322%	\$85	\$85
SANTA CRUZ COUNTY	0.035141%	\$30	0.811518%	\$2,072	\$2,102
SCOTTSDALE CITY	1.389255%	\$1,182	0.866435%	\$2,212	\$3,395
SEDONA CITY	0.077311%	\$66	0.048832%	\$125	\$190
SHOW LOW CITY	0.386555%	\$329	0.026865%	\$69	\$398
SIERRA VISTA CITY	0.401783%	\$342	0.000000%	\$0	\$342
SNOWFLAKE TOWN	0.167507%	\$143	0.007941%	\$20	\$163
SOMERTON CITY	0.058569%	\$50	0.011874%	\$30	\$80
SOUTH TUCSON CITY	0.630202%	\$536	0.015510%	\$40	\$576
SPRINGERVILLE TOWN	0.026942%	\$23	0.000000%	\$0	\$23
ST JOHNS CITY	0.007028%	\$6	0.007644%	\$20	\$25

ARIZONA JABG ALLOCATIONS FOR FY2012

LOCALITY	CRIME PROP	CRIME ALLOC	EXPEND PROP	EXPEND ALLOC	TOTAL ALLOCATION
STAR VALLEY TOWN	0.000000%	\$0	0.005343%	\$14	\$14
SUPERIOR TOWN	0.000000%	\$0	0.000000%	\$0	\$0
SURPRISE TOWN	0.388898%	\$331	0.241934%	\$618	\$949
TAYLOR TOWN	0.000000%	\$0	0.000000%	\$0	\$0
TEMPE CITY	2.995215%	\$2,549	0.848105%	\$2,165	\$4,715
THATCHER TOWN	0.009371%	\$8	0.008015%	\$20	\$28
TOHONO O'ODHAM NATION OF A	0.425210%	\$362	0.000000%	\$0	\$362
TOLLESON CITY	0.189763%	\$162	0.029834%	\$76	\$238
TOMBSTONE CITY	0.030456%	\$26	0.001633%	\$4	\$30
Tonto Apache Indians	0.000000%	\$0	0.000000%	\$0	\$0
TUCSON CITY	13.055014%	\$11,111	0.781313%	\$1,995	\$13,106
WELLTON TOWN	0.009371%	\$8	0.003488%	\$9	\$17
White Mountain Apache Tribe	0.873848%	\$744	0.000000%	\$0	\$744
WICKENBURG TOWN	0.044512%	\$38	0.025678%	\$66	\$103
WILCOX CITY	0.038655%	\$33	0.018998%	\$49	\$81
WILLIAMS CITY	0.078482%	\$67	0.014620%	\$37	\$104
WINKELMAN TOWN	0.000000%	\$0	0.001187%	\$3	\$3
WINSLOW CITY	0.295187%	\$251	0.012690%	\$32	\$284
Yavapai Apache Tribe	0.019328%	\$16	0.000000%	\$0	\$16
YAVAPAI COUNTY	1.019099%	\$867	2.623648%	\$6,699	\$7,566
Yavapai-Prescott Tribe	0.011714%	\$10	0.000000%	\$0	\$10
YOUNGTOWN TOWN	0.053883%	\$46	0.016253%	\$41	\$87
YUMA CITY	1.910518%	\$1,626	0.302046%	\$771	\$2,397
YUMA COUNTY	0.335014%	\$285	3.597618%	\$9,186	\$9,471

2012 JABG PASS THROUGH TIMELINE

Notice of Allocation	The Governor's Office for Children, Youth and Families will provide notification to all local units of government regarding JABG formula allocations. Intent Form process commences.	September 10, 2012
Intent Forms Due	Completed Intent Forms (signed by Authorized Official) due back to the Governor's Office for Children, Youth & Families – signifying Intent to Apply or Waive funds.	September 24, 2012
Application Released	Pending receipt of Intent Forms, the JABG Application will be distributed to eligible local units of governments.	October 1, 2012
Applications Due	Completed Applications due to the Governor's Office for Children, Youth & Families. Applications must be received by 3:00 p.m. on 11/5/12.	November 5, 2012
Review & Clarifications	A submitted application reviewed by the Governor's Office for Children, Youth & Families; requests for clarification will be forwarded to applicants (as necessary).	November 6, 2012– November 30, 2012
Subgrantee Agreements Mailed	The Governor's Office for Children, Youth & Families will make grant awards to eligible applicants and mail Subgrantee Agreements for signature.	December 3, 2012
Contract Award	The 2012 JABG Pass Through contract period begins effective 01/01/13.	January 1, 2013
Funding Cycle Ends	The 2012 JABG Pass Through contract period ends 12/31/13.	December 31, 2013

**CITY OF WILLCOX
REQUEST FOR COUNCIL ACTION**

Agenda Item: 12
Tab Number: 6
Date: 9-17-12

Date Submitted:
9/11/2012
Date Requested:
9/17/2012

Action:
 Resolution
 Ordinance
 Formal
 Other

**Subject: Discussion /
Decision on Donation of
Materials & Labor to
Construct a Wildlife
Observation Platform
located adjacent to the
Golf Course**

**TO: MAYOR AND COUNCIL
DISCUSSION:**

The Wings Over Willcox Committee (WOW) is prepared to design, procure materials and labor for a Wildlife Observation Platform to be located adjacent to the Golf Course. The platform is proposed to be constructed on a parcel of City owned property which is directly adjacent to ponds south of the Golf Course. WOW has provided a preliminary drawing of the platform as well as a preliminary cultural resources survey. In order for the committee to continue a land survey needs to be conducted to insure the platform is located on property that is owned by the City of Willcox. Once the platform is completed the platform will become City property and therefore the City would be responsible for maintenance and repair.

Surveys of this type have been running \$2,000 - \$3,000. The survey was not planned for the FY 2013 budget however it may be appropriate to fund this from the Community Development budget.

In addition to acceptance of the donation of the platform and funding of the survey, the committee is requesting city crews provide a built up area of soil to allow the main platform to be accessible to anyone wishing to use it. City crews would use existing materials and equipment to construct the pad. It would take 3 persons 2 days to prepare the pad.

RECOMMENDATION:

Approve the donation of materials and labor to construct the Wildlife Platform. Authorize City staff to initiate a survey of the proposed site. Authorize City crews to construct the pad using existing materials and equipment.

FISCAL IMPACT: Approximately \$3000 for the survey to be funded by the General Fund Community Development account. In addition approximately \$500 for additional fuel cost to construct the pad would also be funded from the Community Development account.

Prepared by:

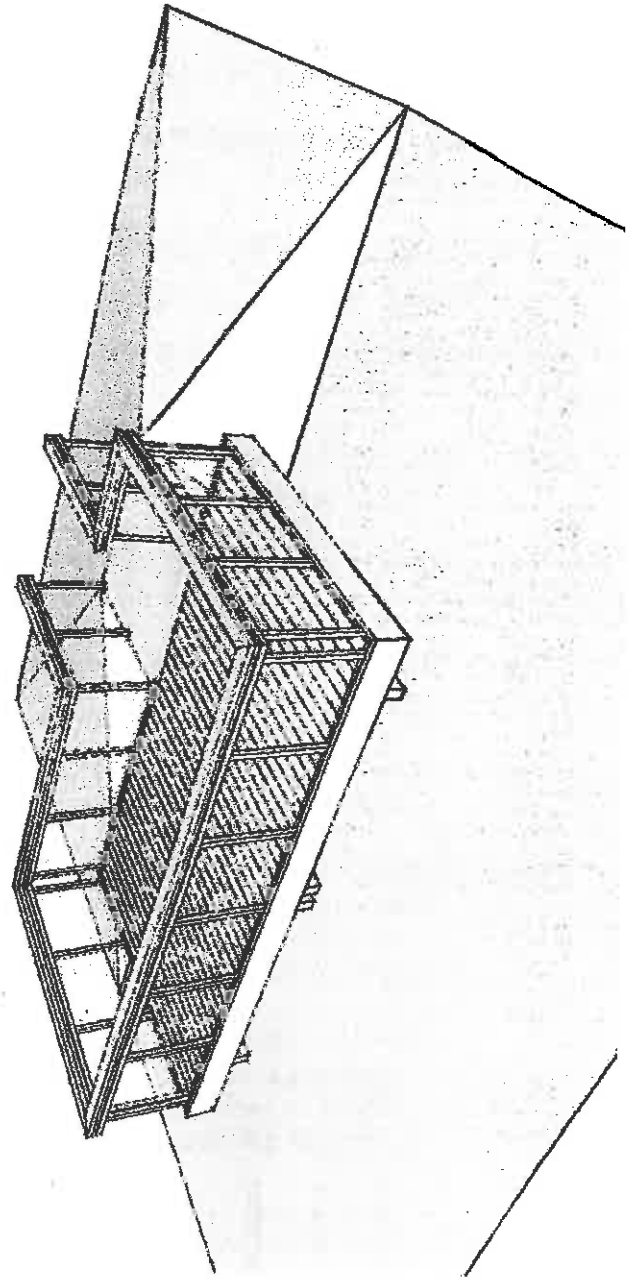
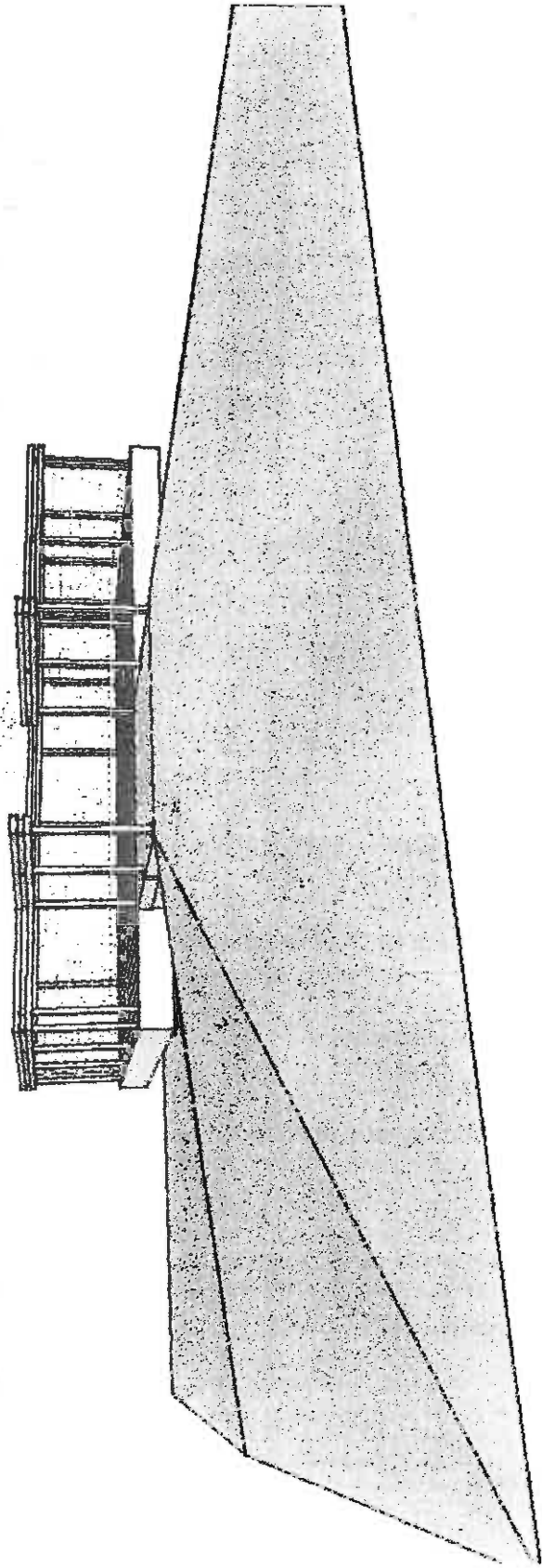


Dave Bonner, Public Services & Works Director

Approved by:



Pat McCourt, City Manager



**PRELIMINARY CULTURAL RESOURCES SURVEY
FOR PROPOSED OBSERVATION PLATFORM CONSTRUCTION
CITY OF WILLCOX, ARIZONA**

The non-profit organization, Wings Over Willcox, has proposed the construction of an approximately 16 feet by 5 feet observation platform to be located at the eastern edge of an effluent pond located in the city of Willcox, Arizona. The surveyed area includes one privately owned city lot and three parcels owned by the city of Willcox (Figure 1). The platform will be located on property owned by the city of Willcox.

On 4 April, 2012, a cursory search was conducted by Carolyn K. Dennis to locate and identify all potentially significant cultural resources which might be impacted by the construction of the observation platform. The platform will be constructed on a newly created berm covering an existing, artificially created berm along the east end of the pond. This project will result in actual disturbance of the surface and subsurface soil.

This survey was carried out in accordance with the Arizona Antiquities Act of 1960.

The environmental setting is that of semidesert grassland at an approximate altitude of 4178 feet above mean sea level. Drainage is generally toward the east from these parcels. The entire area east of the pond has been disturbed and is generally clear of all vegetation with the exception of a few plants of burro weed (*Gutierrezia* spp.) and pigweed (*Amaranthus* spp.) and several unidentified grasses.

No prehistoric artifacts were noted. There is a scant amount of recent time period cultural material scattered throughout the parcels. Several small fragments of unidentifiable metal, aluminum, and plastic were noted and a small number of clear and brown glass fragments are in evidence.

No significant prehistoric or recent time period cultural resources of archaeological interest were noted in the survey area. It is recommended that the proposed project be allowed to commence. If previously unidentified cultural resources are encountered during construction activity, work shall stop immediately and reasonable steps shall be taken to secure those resources.



Cochise Lake Nature Park Viewing Deck

The viewing deck is intended to be designed to elevate the viewers approximately 2-3' above the ground level to aid with viewing the pond to the west. In addition, the deck will hold two scopes (likely 1 upright and 1 wheelchair) that will also work for wheelchairs. The deck should have ADA compliant access.

Note: Parcels in BLUE are owned by the City of Willcox

Scale in Feet



**CITY OF WILLCOX
REQUEST FOR COUNCIL ACTION**

Agenda Item: 13
Tab Number: 7
Date: 09-17-12

Date Submitted: 7-20-12 Date Requested: 9-12-12
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Action: <input checked="" type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Formal <input type="checkbox"/> Other
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Subject: Approve Resolution and Ordinance granting Sulphur Springs Valley Electric cooperative a Franchise agreement

TO: MAYOR AND COUNCIL

FROM: City Clerk Virginia Mefford

DISCUSSION: Sulphur Springs Electric Cooperative (SSVEC) supplies Electric power to the geographical area within the City of Willcox. They have a franchise agreement with the City of Willcox (City) to use the City rights of way (ROW) for the purpose of providing this service. SSVEC pays a franchise fee for the use of the City ROW.

The existing Franchise expires December 31, 2012. An agreement has been negotiated between the City Staff and SSVEC staff to renew the agreement for an additional 25 years. The agreement must be approved by the voters, and is available for public review and comment. It will be published in the Arizona Range News for five weeks, and the full text will be available on the City website. Under separate action the proposed franchise will be sent to the November ballot, and SSVEC will pay for the costs of publication and the election.

The agreement provides for conditions under which the City and SSVEC will cooperate to make certain the people and businesses of the City will receive ongoing electric services.

RECOMMENDATION: Approve Resolution No. 2012-79, which incorporates Ordinance No. 130.

FISCAL IMPACT: Ongoing franchise revenues. FY13 revenues estimated at \$110,000.

Prepared by: Virginia Mefford

Approved by: _____



City Manager

RESOLUTION 2012-79

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA, "CITY", REAFFIRMING RESOLUTION NOS. 2012-71 AND 2012-72, REGARDING THE GRANTING AND RENEWAL OF A FRANCHISE AGREEMENT TO SULPHUR SPRINGS VALLEY ELECTRIC COOPERATIVE, INC., AN ARIZONA CORPORATION, PROVIDING FOR THE PUBLICATION OF THE PROPOSED FRANCHISE AGREEMENT AND DIRECTING AUTHORIZED CITY OFFICERS AND AGENTS TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, the City passed and adopted Resolution No. 2012-71 on the 6th day of August, 2012, approving for placement before the qualified electors of the City, a 25 year Franchise Agreement to be granted to Sulphur Springs Valley Electric Cooperative, Inc.; and,

WHEREAS, the City passed and adopted Resolution No. 2012-72 on the 6th day of August, 2012, deeming the granting of the Franchise Agreement beneficial to the municipal corporation and ordering the submittal of the question to the qualified electors of the City; and,

WHEREAS, pursuant to A.R.S. §9-502(C), the proposed Franchise Agreement as hereinafter set forth shall be published in full prior to the election.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, ARIZONA, as follows:

SECTION 1. That the granting of the following Franchise Agreement shall be submitted to a vote of the qualified electors of the City of Willcox:

ORDINANCE NO. 130 (Franchise Agreement)

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, ARIZONA, GRANTING TO SULPHUR SPRINGS VALLEY ELECTRIC COOPERATIVE, INC., AN ARIZONA CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, PRIVILEGE AND FRANCHISE TO CONSTRUCT, MAINTAIN AND OPERATE AN ELECTRIC ENERGY TRANSMISSION AND DISTRIBUTION SYSTEM WITHIN THE PUBLIC RIGHTS-OF-WAY WITHIN THE CORPORATE LIMITS OF THE CITY OF WILLCOX; PRESCRIBING CERTAIN RIGHTS, DUTIES, TERMS AND CONDITIONS; PROVIDING FOR THE SUBMISSION HEREOF TO THE ELECTORS FOR THEIR APPROVAL; AND DECLARING AN EMERGENCY.

Section 1 – Grant of Franchise: There is hereby granted to Sulphur Springs Valley Electric Cooperative, Inc., a non-profit membership corporation organized and existing under and by virtue of the laws of the State of Arizona, its successors and assigns (herein called “Grantee”), a franchise (herein called the “Franchise”) to construct, maintain, repair, replace, relocate and operate upon, over, along, across and under the present and future streets, avenues, alleys, highways, public drainage ways, bridges and other public rights-of-way or public utility easements (herein called “public rights-of-way”) in the City of Willcox, Arizona (herein called “City”). Grantee’ system includes, electric light and power lines, together with all necessary or desirable appurtenances, including substations, poles, streetlight fixtures, towers, wires, cables, transmission lines, underground conduits and structures, distribution lines, transformers, switches, and communication lines (herein called “Facilities”), for its own use, and for the purpose of supplying electric energy and communications services to said City, its successors, the inhabitants thereof and persons, entities, and corporations either within or beyond the limits thereof, for light, heat, power and other purposes.

Section 2 – Grantee’s Compliance with City Standards; Plans Submitted for Approval; City Construction near Grantee’s Facilities: All construction under Franchise shall be performed in accordance with established rules and regulations of the City with respect to the use of such public rights-of-way, as applicable at the time of any such construction, and with the laws of this state. Before Grantee constructs, relocates, or installs any facilities in the public rights-of-way, Grantee shall obtain such permits as are required by the City, to be issued for other similar construction work in the public rights-of-way, pay applicable permit fees, submit for approval a map showing the location of such proposed installations to the City Engineer, and comply with all other applicable requirements for any such work. Notwithstanding the foregoing, Grantee may make emergency repairs without first obtaining a permit. In the event of such an emergency, Grantee shall make reasonable efforts to contact appropriate Public Works personnel, prior to making the repairs, to advise them of the emergency and the work to be performed within the public rights of way.

Section 3 – Construction and Relocation of Grantee’s Facilities; Payment: All facilities installed or constructed pursuant to this Franchise shall be so located or relocated and so erected as to minimize the interference with traffic, or other authorized uses over, under or through the public rights-of-way. In that regard, the parties shall meet regularly to review their respective construction plans and coordinate construction activities to minimize the cost to the general public. Activities related to the construction of Grantee’s facilities within the rights-of-way, including but not limited to traffic control, excavation, backfilling, compaction and paving, and the location or relocation of lines and related facilities shall be subject to regulation by City. Grantee shall keep accurate records of the location of all facilities in the public rights-of-way and furnish them to City in a mutually acceptable format. Upon completion of new or relocation of existing underground facilities in the public rights-of-way, Grantee shall, upon request or direction from City, provide City’s Engineer or the Director of Public Works with

corrected drawings showing the actual location of the underground facilities in those cases where the actual location differs significantly from the proposed location.

A. If City requires Grantee to relocate Grantee's facilities that were lawfully located before the public dedication of the associated public street or right-of-way, or before the acquisition of that property by the City, the entire cost of relocating Grantee's facilities (including the cost of purchasing a new private easement if necessary) shall be borne by the City. City shall also bear the entire cost of all subsequent relocations of any relocated, pre-existing facilities required by City, until such time as City condemns or purchases rights of way. Grantee will use good faith efforts to advise City of any such situation that may require City financial responsibility during the planning and design phase of any such City project, as necessary, to allow City to mitigate any such potential expense.

B. Except as covered in paragraph A above, Grantee shall bear the entire cost of relocating its facilities located within the public rights-of-way, including the acquisition of new private easements, if necessary, provided the relocation is deemed necessary for City's carrying out of its governmental functions. Any such removal and relocation shall be completed within a reasonable time period following written notification from City. Notwithstanding the foregoing, if Grantee is requested by City to perform work of a temporary nature on a governmental project to relieve construction problems which could be relieved by other reasonably available and less costly means, the cost of said temporary work will be borne by City or City's contractor working on the governmental project. Governmental functions are those duties imposed on City, where the duties involve a general public benefit, not in the nature of a corporate or business undertaking for the corporate benefit and interest of City. Governmental functions include, but are not limited to, the following:

1. Any and all improvement to City's public rights-of-way;
2. Establishing and maintaining public streets, traffic control devices, transit bus shelters/pullouts, domestic water systems, sanitary sewers, storm drains, and related facilities;
3. Establishing and maintaining municipal parks, parking spaces, parkways, pedestrian sidewalks/malls, multi-use paths, or grass, shrubs, trees and other vegetation for the purpose of landscaping any street or public property;
4. Providing fire protection and other public safety functions; and,
5. Collection and disposal of solid waste and recyclables.

C. City will bear the entire cost of relocating any of Grantee's facilities, the relocation of which is necessitated by the construction of improvements by or on behalf of the City in furtherance of a proprietary function. All functions of the City which are not governmental are proprietary.

D. If City participates in the cost of relocating Grantee's facilities for any reason, the cost of the relocation to City shall not include and upgrade or improvement of Grantee's facilities as they existed prior to relocation.

E. City will not exercise its right to require Grantee's facilities to be relocated in an unreasonable or arbitrary manner, or to avoid its obligation under the Franchise. City agrees to notify Grantee during the planning and design of City's projects in rights-of-way that may require relocation of Grantee's facilities and to coordinate its construction plans and schedules with Grantee to determine the most cost effective design to mitigate Grantee's cost to relocate its facilities. City will consider reasonable alternative designs, as proposed by Grantee, that may require less relocation expenses for Grantee, provided that Grantee agrees to bear any incremental costs incurred by the City in connection with the alternative and the alternative will serve the public interest in substantially the same manner as the original design.

F. City agrees it will use best efforts not to require Grantee to relocate its facilities, located within the public rights of way, without providing Grantee adequate space within the existing rights-of-way, to relocate the facilities that must be moved, to the extent reasonable under the circumstances.

Section 4 – Indemnification: The Grantee shall indemnify, defend and hold harmless the City from and against any and all claims, losses, liability, costs, and expenses (including reasonable attorney's fees) arising out of this Franchise by said Grantee.

Section 5 – Restoration of Rights-of-Way: Whenever Grantee shall cause any opening or alteration whatsoever to be made for any purpose in any public right-of-way, the work shall be completed with due diligence within a reasonably prompt time. Grantee will restore the disturbed property to substantially its former condition with comparable materials, or in conformance with the applicable City construction standard, whichever is more stringent.

Section 6 – Franchise Fee: As a further consideration for the Franchise hereby granted, during the first five years of this Agreement, Grantee will pay to the Municipality a sum equal to 2.5% of the gross receipts of the Grantee from the sale of electric energy as determined by its base rates, as approved by the Arizona Corporation Commission, within the present and any further corporate limits of the Municipality, as shown by the Grantee's billing records; such payment to be due and payable monthly. During the next succeeding ten years of this Agreement, the sum shall be 3.0% of the gross receipts set forth above. In the final ten years of this Agreement, the sum shall be 3.5% of the gross receipts set forth above. Such payment shall be in lieu of all fees or charges for permits issued for the construction of the Grantee's facilities within Municipality's rights-of-way hereunder or for inspections thereof. For the purpose of verifying the amounts payable hereunder, the books and records of the Grantee shall be subject to inspection by duly authorized officers and representatives of the Municipality at reasonable times. Said inspection shall be limited to the preceding 48 calendar months from the date of

inspection. It is expressly understood that the above computation in regard to Grantee's base rates shall be defined, equal to and the same as the rate base as provided for in Arizona Revised Statutes Section 42-5063, as may be amended from time to time, for the calculation of Arizona Transaction Privilege Tax. Provided, however, if it is shown that Grantee has failed to pay the amounts due hereunder solely due to its failure to include in its calculations energy sales within an area or areas that have come within the corporate limits of Municipality subsequent to the date of this Agreement, and Municipality did not provide Grantee timely notice of such annexation, then Municipality shall have no right to collect such payments based on energy sales within the areas omitted for the first twelve months following the area's annexation.

Section 7 – Additional Fees and Taxes: Notwithstanding any provision contained herein to the contrary, Grantee shall pay, in addition to the payment provided in Section 6, the following charges, taxes, and fees as established in a code or ordinance property adopted by the City:

1. General ad valorem property tax;
2. Transaction privilege tax as authorized by law and collected by Grantee, for its retail sales to its electric energy customers, within the present and future corporate limits of City;
3. Other charges, taxes or fees generally levied upon businesses by City, provided that the annual amount of such fees does not exceed the amount of similar fees, paid by other businesses operated with City; and,
4. Applicable and customary permit and inspection fees, as established by ordinance or regulation.
- 5.

Section 8 – Use of Grantee's Poles: The City shall have the right, without cost, to make attachments to poles owned and used by the Grantee within the City, for City's wires used by it in connection with its governmental operations, such as fire alarm, police signal system, utility system controls or for seasonal decorations. Such attachments to be installed and maintained in accordance with the requirements of the National Electrical Safety Code pertaining to such construction, and only after written notice to the Grantee, in accordance with Grantee's procedures for pole placement. Grantee shall assume no liability nor be put to an additional expense, in connection therewith and, provided further, that the City's use thereof shall be in such manner as not to interfere with the Grantee's use of the same. The Grantee shall have the right to make attachments to its poles owned and used by the Grantee within the Municipality for its own use.

Section 9– Term: This Franchise shall continue and exist for a period of twenty-five (25) years from January 1, 2013, provided, however, that upon mutual written consent, both parties may meet and discuss minor revisions of the terms of this agreement after the close of the fifth (5th) year, or renegotiation if economic or other conditions warrant such consideration.

Both City and Grantee agree to meet and resolve through arbitration or mediation, any dispute associated with any material covenant or term governed by this Franchise. If conflict resolution is not forthcoming, either party may take additional legal action. Any legal dispute shall be construed and governed according to the Laws of the State of Arizona with controlling venue in Cochise County, Arizona.

Section 10 – Franchise; Non-Exclusive: This Franchise is not exclusive, and nothing contained herein shall be construed to prevent City from granting other like or similar grants or privileges to any other person, firm, or corporation as provided by law.

Section 11– Conflicting Ordinances: All ordinances and parts of ordinances in conflict with the provisions hereof, to the extent applicable to a franchised public service corporation, are hereby superseded. Nothing herein shall limit the City’s legal obligation to maintain control of and to regulate the use of the subject public streets and ways.

Section 12 – Independent Provisions: If any section, paragraph, clause, phrase, or provision of this Franchise, other than Section 6, shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Franchise as a whole or any part of the provisions hereof other than the part so adjudged to be invalid or unconstitutional. If Section 6 shall be adjudged invalid or unconstitutional in whole or in part by a final judgment, this Franchise shall immediately terminate and shall be of no further force or effect.

Section 13 – No Third Party Beneficiaries: There are no third party beneficiaries to this Franchise agreement between City and Grantee.

Section 14 – Voter Approval Required: This Franchise is subject to the approval of the electors of City. Grantee shall pay all of the costs incurred in conducting the franchise election, except that, if one or more additional propositions are presented to the electors at such election, Grantee shall pay only that portion of City’s election expense determined by dividing all of City’s expenses by the number of issues presented on the ballot. Grantee shall pay all appropriate publication costs associated with this Franchise.

Section 15 – Assignment and Transfer: The right, privilege, and franchise hereby granted may not be transferred in whole or in part by the Grantee, its successors and assigns, without the prior written consent of City and, if required, the Arizona Corporation Commission. No consent shall be required in connection with an assignment made as security pursuant to a mortgage or deed of trust or in connection with subsequent transfer made pursuant to any such instrument.

Section 16 – Stock: No stock shall be issued by said Grantee, nor by any corporation holding or doing any business under this Franchise on account of said Franchise.

Section 17 – Notices: Any notice required or permitted to be given hereunder shall be in writing, unless otherwise expressly permitted or required, and shall be

deemed effective either (i) upon hand delivery to the person then holding the office shown on the attention line of the address below, or, if such office is vacant or no longer exists, to a person holding a comparable office, or (ii) on the third business day following its deposit with the United States Postal Service, first class and certified or registered mail, return receipt requested, postage prepaid, addressed as follows:

- A. To City: City Clerk
City of Willcox
101 S. Railroad Ave., Suite B
Willcox, Arizona 85643

- B. To SSVEC: Chief Executive Officer
Sulphur Springs Valley
Electric Cooperative, Inc.
350 N. Haskell Ave.
Willcox, AZ 85643

Section 18 – Adoption: We, the undersigned, have adopted this document on the dates written below in accordance with the results of the City of Willcox Election on November 6, 2012.

City of Willcox

SSVEC

By _____
Robert A. Irvin, Mayor
On behalf of the City of Willcox

By _____
Creden Huber, CEO
On behalf of Sulphur Springs
Valley Electric Cooperative, Inc.

Date: _____

Date: _____

Section 19. To preserve the public peace, health and safety, it is necessary that this Ordinance become immediately operative. It is, therefore, declared to be an emergency measure to take effect upon its enactment by the Mayor and City Council of the City of Willcox, following its submission to the electors of the City of Willcox as required by law and its approval by said electors and upon compliance with requirements as to publication or posting.

ATTEST:

APPROVED TO FORM:

Virginia A. Mefford, City Clerk

Ann P. Roberts, City Attorney

SECTION 2: That the Mayor is authorized and empowered to execute this Resolution as presented.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLCOX, ARIZONA, this 17th day of September, 2012.

APPROVED/EXECUTED:

ROBERT A. IRVIN, MAYOR

Dated: _____

ATTEST:

VIRGINIA A. MEFFORD, City Clerk

APPROVED AS TO FORM:

ANN P. ROBERTS, City Attorney

RESOLUTION 2012-79

CITY OF WILLCOX
REQUEST FOR COUNCIL ACTION

Agenda Item 14
Tab Number 8
Date: 9/17/2012

<u>Date Submitted:</u>	<u>Action:</u>	<u>Subject:</u>
September 11, 2012	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Other <input type="checkbox"/> Formal	Agreement with Valley Telecom for Fees Due Settlement

TO: MAYOR AND COUNCIL
FROM: Finance Director Ruth Graham

DISCUSSION:

Valley Connections, L.L.C. ("Valley") contracted with the City for use of rights of way for cable TV and to provide telephone service in Willcox, this agreement expired in 2010. Fees for the telephone and cable services under the expired agreement are due to the City of Willcox at the rate of 3%. Although the agreement has expired Valley has continued to make payments under that agreement.

Valley has taken over the former Cox Cable Service in the City of Willcox, which is being addressed separately and is not the subject of this discussion.

Valley contacted the City to self-report that during a review of their accounting systems they found that a billing system error had been made in their system for the calculation of fees from January 2006 to July 2012. Valley prepared an accounting to compare the fees paid and fees due for the period. The accounting reflects that there was a Fee underpayment to the City in the amount of \$8,355.14 for the period from January 2006 to July 2012. The Fees due were not collected from the customers; Valley is paying the balance due. The billing error was corrected on July 1, 2012, and the fees going forward from that date are being calculated and paid correctly.

A settlement of \$8,355.14 has been offered to the City by Valley to bring the fee payments current. Staff recommends that the City accept such a settlement.

RECOMMENDATION:

Motion to approve Resolution No. 2012-____ accepting a payment in the amount of \$8,355.14 from Valley Connections, L.L.C. as payment in full for the balance of all past amounts due for tax fees from January 2006 to July, 2012.


FINANCIAL IMPACT: Revenue of \$8,355.14.

Submitted by:



Ruth Graham, Finance Director

Approved by:



Pat McCourt, City Manager

RESOLUTION NO. 2012-80

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF WILLCOX, ARIZONA, FOR THE PURPOSE OF APPROVING AND ACCEPTING PAYMENT IN THE AMOUNT OF \$8,355.14 FROM VALLEY CONNECTIONS, L.L.C., AS PAYMENT IN FULL FOR ALL TAX FEES DUE FOR THE TIME PERIOD FROM JANUARY 1, 2006 THROUGH JUNE 30, 2012 AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION.

WHEREAS, Valley Connections, L.L.C., contracted with the City of Willcox for the use of rights of way for cable television and to provide telephone services in Willcox at the rate of three percent (3%); and,

WHEREAS, Valley Connections, L.L.C., self-reported an accounting systems billing error effecting the calculation of fees due to the City of Willcox for the time period of January 1, 2006 through June 30, 2012, which resulted in an underpayment of fees to the City of Willcox; said error being corrected as of July 1, 2012; and,

WHEREAS, the underpayment of fees to the City of Willcox, as prepared by Valley Connections, L.L.C., reflects an underpayment in the amount of \$8,355.14; and,

WHEREAS, a settlement of \$8,355.14 has been offered by Valley Connections, L.L.C., to the City of Willcox to bring the fee payments current for January 1, 2006 through June 30, 2012.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Willcox, Cochise County, Arizona, that the City of Willcox hereby accepts and approves payment in the amount of \$8,355.14 from Valley Connections, L.L.C., as and for fees due to the City of Willcox for the time period of January 1, 2006 through June 30, 2012, which represents the three percent (3%) fee due for the use of rights of way for cable television and telephone services provided in Willcox.

PASSED AND ADOPTED by the Mayor and City Council of the City of Willcox, Cochise County, Arizona, this 17th day of September, 2012.

APPROVED/EXECUTED

ROBERT A. IRVIN, MAYOR

Dated: _____

ATTEST:

APPROVED AS TO FORM:

VIRGINIA A. MEFFORD, City Clerk

ANN P. ROBERTS, City Attorney

RESOLUTION 2012-80

Willcox City Franchise

	2006	2007	2008	2009	2010	2011	Jan - Jul 2012
Cable							
STB Rev	2,823.78	8,481.98	9,868.29	9,914.56	9,571.32	10,580.47	8,606.01
DVR				987.64		1,521.25	1,453.15
Other Local Rev							
Basic Cable	7,154.89	14,353.98	11,876.58	12,773.98	15,443.49	14,332.99	36,640.31
Expanded Cable		45,976.71	65,647.92	69,934.77	65,785.99	70,320.07	51,436.36
Premium Cable	16,229.51	11,932.26	9,762.06	11,159.96	11,655.32	10,587.63	8,150.18
HD				226.76	1,868.97	2,297.64	1,994.12
PPV / VOD							
Other Incidental							
Bundle Credit	(20.00)	(2,978.67)	(2,484.57)	(1,773.99)	(1,041.15)	(718.59)	(540.64)
Total Cable Revenues	26,188.18	77,766.26	94,670.28	102,236.04	104,271.58	108,921.46	107,739.49
							621,793.29

Tax Due	785.65	2,332.99	2,840.11	3,067.08	3,128.15	3,267.64	3,232.18
Tax Collected	(1.29)	128.11	117.46	9.44	3.82	1.65	11.04
Difference	(786.94)	(2,204.88)	(2,722.65)	(3,057.64)	(3,124.33)	(3,265.99)	(3,221.14)

	2006	2007	2008	2009	2010	2011	Jan - Jul 2012
Telephone							
Local Service	8,661.67	70,027.16	92,116.01	101,568.86	109,068.46	111,299.14	67,085.62
Local Private Line	988.10	8,666.63	24,780.00	24,780.00	58,710.00	32,580.00	19,005.00
Other Local Rev	8,646.34			32.50	78.00	78.00	45.50
Other Local Non-Rec							
Calling Features		2,157.45	3,758.77	4,664.16	5,825.37	6,478.96	3,922.68
Voicemail	1,265.10	372.06	439.51	541.29	657.68	575.57	413.12
Intrastate PIC Change Fee							
Intrastate Long Distance							
Directory							
Other Incidental							
Bundle Credit		(3,131.77)	(2,941.41)	(2,836.44)	(2,265.90)	(1,790.94)	(1,058.47)
Total Telephone Revenue	19,561.21	78,091.53	118,152.88	128,750.37	172,073.61	149,220.73	89,413.45
							755,263.78

Tax Due	586.84	2,342.75	3,544.59	3,862.51	5,162.21	4,476.62	2,682.40
Tax Collected	655.52	3,558.00	5,124.96	5,384.62	6,601.91	5,717.55	3,501.36
Difference	68.68	1,215.25	1,580.37	1,522.11	1,439.70	1,240.93	818.96
Tax Collected on IN & SC	8.33	155.17	742.93	455.7	294.41	304.53	181.35
							2,142.42
							(8,355.14)

59,846.41
3,962.04
112,576.22
369,101.82
79,476.92
6,387.49
(9,557.61)
621,793.29
18,653.80
270.23
(18,383.57)
559,826.92
169,509.73
8,880.34
26,807.39
4,264.33
(14,024.93)
755,263.78
22,657.91
30,543.92
7,886.01
2,142.42
(8,355.14)

**CITY OF WILLCOX
REQUEST FOR COUNCIL ACTION**

Agenda Item: 15
Tab Number: 9
Date: 09-17-12

Date Submitted: 9-11-12 Date Requested: 9-17-12
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Action: <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Formal <input type="checkbox"/> Other

Subject: A Resolution amending the Employee handbook by adding a section pertaining to ARS 38-961
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TO: MAYOR AND COUNCIL

FROM: City Manager

DISCUSSION: As per Resolution No 2007-10 the Employee Handbook was adopted by the City Council. Any changes to the Employee handbook require a Resolution from the City Council.

The Arizona Legislature in the last session passed a new section to the Arizona Revised Statutes (ARS), specifically ARS 38-961. This section places an unfunded mandate on all political subdivisions (the City of Willcox) and the State to provide specified benefits to fulltime Police and Firefighters.

The essence of the requirement is that if fulltime Police or Fire Fighters are injured on the job and are receiving disability pay under workers' compensation, the City will pay keep them whole by making up the difference between their normal salary and what they receive under disability. Additionally the City is required to pay both the City and employee portions of the Public Safety Retirement contributions.

The ARS 38-961 has a "sunset clause" built into it.

The proposed addition to the Employee Handbook has a "sunset clause" built into it. The proposed addition has a lot of additional information to comply with the State mandate; the additional information is from the Arizona Risk Retention Pool (AMRRP).

The effective date of the ARS 38-961 was August 2, 2012.

RECOMMENDATION: Approve the Resolution

FISCAL IMPACT: Variable, depending on injuries. It is not anticipated that this will have a significant impact on the City's finances.

Prepared by: Pat McCourt

Approved by: 
City Manager

RESOLUTION NO. 2012-81

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF WILLCOX, ARIZONA, FOR THE PURPOSE OF APPROVING AND ADOPTING SECTION 317, ENTITLED "SUPPLEMENTAL BENEFITS FOR INJURED PUBLIC SAFETY EMPLOYEES", AS AN ADDITION TO THE "CITY OF WILLCOX EMPLOYEE HANDBOOK"; ESTABLISHING THE EFFECTIVE DATE; AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY.

WHEREAS, the City of Willcox, is authorized and empowered pursuant to Title 9, A.R.S. §§ 9-101 and 9-499.01 et seq., with all the powers of an incorporated city and all other provisions of law relating to cities and towns, which includes the regulation of City employees; and,

WHEREAS, the current "City of Willcox Employee Handbook" was officially approved and adopted pursuant to Resolution 2007-10 on May 23, 2007, incorporating personnel policies setting forth the principles and procedures which will be followed by the City of Willcox in the administration of its personnel system; and,

WHEREAS, the Mayor and City Council approve and adopt revisions to the Employee Handbook pursuant to Resolutions and have done so since its adoption through Resolution; and,

WHEREAS, the Mayor and City Council have determined that approving and adopting Section 317, entitled "Supplemental Benefits for Injured Public Safety Employees" to conform with A.R.S. §38-961, requiring all political subdivisions that employ public safety employees on a full-time basis to establish a supplemental benefits plan for those public safety employees with an effective date of August 2, 2012; and,

WHEREAS, the intent of A.R.S. §38-961 is to make sure injured public safety employees are "made whole" with regard to salary during a period of time they are off work due to an on the job injury, as workers' compensation benefits provide limited wage replacement benefits, with the primary beneficiaries under A.R.S. §38-961 being injured employees making more than the maximum average monthly wage upon which benefits are calculated under workers' compensation laws; and,

WHEREAS, the Mayor and City Council have determined this adoption is in the best interest of the City, its employees and the citizens of this City, and they desire to have this Resolution presented at its September 17, 2012 Council Meeting; and,

WHEREAS, it is necessary for the preservation of the peace, health and safety of the City of Willcox, Arizona, that an emergency be declared to exist, and this Resolution be effective immediately upon its passage and adoption.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Willcox, Cochise County, Arizona, as follows:

1. Section 317, entitled "Supplimental Benefits for Injured Public Safety Employees", as attached hereto and presented to the Mayor and City Council, as Exhibit "A", is hereby approved and adopted shall be the official statement of policies and procedures concerning employment with the City of Willcox, retroactive to August 2, 2012; and,
2. That if any provision, section, subsection, sentence, clause, phrase or portion of this Resolution adopted herein or the application thereof to any person or circumstance is found to be invalid, the invalidity shall not affect other provisions or applications of this Resolution which can be given effect without the invalid provision or circumstance and to this end, the provisions of this Resolution are severable; and,
3. That nothing in this Resolution shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of actions acquired or existing, under any act or Resolution(s) hereby repealed as cited in this Resolution; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Resolution.

BE IT FURTHER RESOLVED by the Mayor and Council of the City of Willcox, Cochise County, Arizona, that, due to an existing emergency declared herein, the effective date of implementation of this adoption shall be August 2, 2012 to preserve the peace, health, and safety of the City of Willcox, Cochise County, Arizona and, the Mayor is authorized and empowered to execute this Resolution as presented.

PASSED AND ADOPTED by the Mayor and City Council of the City of Willcox, Cochise County, Arizona, this 17th day of September, 2012.

APPROVED/EXECUTED

ROBERT A. IRVIN, MAYOR

Dated: _____

ATTEST:

VIRGINIA A. MEFFORD, City Clerk

APPROVED AS TO FORM:

ANN P. ROBERTS, City Attorney

RESOLUTION 2012-81

EXHIBIT “A”

317 Supplemental Benefits for injured Public Safety Employees

317.1 Effective Date

317.1.1 This section of the Employee Handbook is adopted as per the Arizona Revised Statutes (ARS) 38-961. The section is effective as of August 2, 2012, retroactively, and is only in effect as long as ARS 38-961 remains in effect.

317.2 Eligibility

317.2.1 Employee must be a police or fire officer, employed full-time by the City of Willcox at the time of injury.

317.2.2 Employee must be injured and eligible for worker’s compensation benefits pursuant to ARS 23-1021.

317.2.3 Employee must be receiving workers’ compensation lost-time wage replacement benefits pursuant to ARS 23-1041 and related statutes.

317.2.3 Employee must request the benefits under this section of the Employee Handbook, in writing addressed to the City Manager’s office, within thirty (30) days of receiving the first payment of workers’ compensation lost-time wage replacement benefits pursuant to ARS 23-1041.

317.2.4 Employee must participate in all risk management activities related to his or her workers’ compensation injury.

317.2.5 Employee must be physically unable to return to work for the City of Willcox in any capacity, including alternate work assignments of light duty, as determined by the City of Willcox and as supported by the employee’s physician of an independent medical exam (IME) ordered by the City of Willcox directly or through the City’s workers compensation insurance provider. The employee’s inability to work in a capacity assigned by the City of Willcox, including inability to work light duty assignments, must be supported by appropriate medical documentation in order for the employee to remain eligible under this section of the Employee Handbook.

317.2.6 Employee must remain a City of Willcox full time employee during the time period the employee is receiving the benefits under this section of the Employee handbook.

317.3 Benefits provided under this section of the Employee handbook will be provided for up to a maximum of six (6) months from the date the employee receives the first payment of workers’

compensation for lost-time wage replacement benefits pursuant to ARS 23-1041 and while the employee meets all eligibility criteria as stated in section 317.2.

317.3.1 The City of Willcox will make a payment of the difference between the employee's base pre-injury salary, less taxes and the workers' compensation benefit paid to the employee under ARS 23-1041, and any other voluntary deductions on the part of the employee.

317.3.2 The City of Willcox will continue to provide payment for the employer portion of premium for health care benefits as was paid pre-injury and/or is paid for other similarly enrolled employees (if the employee was signed up for health care benefits). The employee remains responsible for paying the same portion of his/her health care benefits as was paid pre-injury and/or as is paid by similarly enrolled employees, (i.e. if the City changes the % paid by the City either up or down the employee is effected the same as all other employees of the City).

317.3.3 The City will make a payment equal to BOTH the City and the employee contribution to the Public Safety Personnel Retirement System as based on the employee's pre-injury salary.

317.3.4 The employee's credit for service in the Public Safety Personnel Retirement System will continue at the same accrual rate as pre-injury.

317.3.5 During the time the employee is covered under this section of the Employee Handbook the accrued leave balances at the pre-injury level, including sick and vacation leave, and/or PTO shall be maintained at those same amounts, (i.e. no addition or deletions).

317.3.5 If the City grants an "across the board increase" (or Cost of Living, etc.) to all other employees in the group covered by this section of the Employee Handbook, then the employee receiving benefits under this section of the Employee Handbook shall receive the same "across the board increase".

317.4 Procedure

317.4.1 The Employee must submit a written request for benefits under this section of the Employee Handbook to the City Manager's office within thirty (30) days of receiving first payment of workers' compensation lost-time wage replacement benefits pursuant to ARS 23-1041. Failure to submit within the specified time frame will be construed as a waiver of any rights under ARS 38-961 and this section of the Employee Handbook and Employee shall be denied any benefits under Section 317.

317.4.2 The written request for benefits under this section of the Employee Handbook must be in writing from the employee (or representative if the employee is not capable of filing the request), must outline the request and provide sufficient information needed by the City to review the request for compliance with this section of the Employee Handbook.

317.4.3 The City Manager's office shall immediately convey the request to the City Personnel Office and to the City Clerk's office (this is to provide backup to assure timely processing of the request in case of vacancies in the City Manager's Office and/or the Personnel Office). The personnel Office shall immediately review the request and make a determination or request additional information as may be necessary to make a determination. The Personnel Office shall provide written determination to the employee (or representative) within thirty (30) days of having received the necessary information to make a determination of benefit eligibility under this section of the Employee Handbook.

317.4.4 Employee must respond to requests for information from the City concerning benefits under this section of the Employee Handbook within ten (10) days of receipt of requests for additional information: failure to respond to any request for information will be construed as a waiver of any rights under this section of the Employee Handbook.

317.4.5 Employees granted benefits under ARS 38-961 and this section of the Employee Handbook will cooperate fully with the City and others working to coordinate benefits.

317.4.6 The employee's leave accounts will be maintained from the date of entry into the benefits under this section of the Employee Handbook, as per section 317.3.5 above.

317.5 Appeal rights

317.5.1 The appeal rights for this Section 317 of the Employee Handbook shall be exclusively covered under this section. This section applies only to Section 317 of the Employee Handbook.

317.5.2 If an employee is denied the benefits under this section of the Employee handbook they may fill an appeal of the denial. The Appeal must be filed within ten (10) working days of the receipt of the denial of benefit eligibility under this section of the Employee Handbook; stating the reason for the appeal and facts that the employee wishes to have considered. The Appeal must be filed with the City Manager's Office.

317.5.3 The City Manager's office shall, within five (5) working days, render a written opinion affirming or denying eligibility based upon the information provided and the information in the file.

**CITY OF WILLCOX
EXECUTIVE SESSION**

AGENDA

MONDAY, September 17, 2012

7:00 p.m.

300 W. REX ALLEN DRIVE

Willcox, Arizona

1. CALL TO ORDER

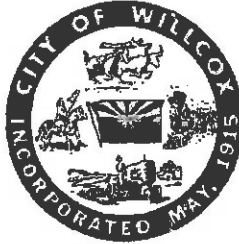
2. ROLL CALL

3. CONSIDERATION PURSUANT TO ARIZONA REVISED STATUTES §38-431.03A(3) DISCUSSION OR CONSULTATION FOR LEGAL ADVICE WITH THE ATTORNEY OR ATTORNEYS OF THE PUBLIC BODY REGARDING THE PURCHASE, SALE, OR LEASE OF REAL PROPERTY

Consideration and/or discussion pursuant to Arizona Revised Statutes §38-431.03(A)(3), as stated relating to consultation for legal advice with the attorney(s) of the public body regarding the purchase, sale, or lease of real property.

4. ADJOURN

"Mine, Yours, Ours"



NOTICE OF EXECUTIVE SESSION

CITY COUNCIL

In accordance with Resolution No. 370 of the City of Willcox, and Section 38-431.01 of the Arizona Revised Statutes **NOTICE IS HEREBY GIVEN** that the **MAYOR AND COUNCIL** of the City of Willcox, County of Cochise, Arizona, will hold an **EXECUTIVE SESSION**, if approved, during the **REGULAR** meeting on **MONDAY**, the **17th** day of **September 2012** at **7:00 p.m.**, in the **CITY COUNCIL CHAMBERS, 300 W. REX ALLEN DRIVE, Willcox, AZ**

Item for Consideration and Discussion are:

THE PURCHASE, SALE, OR LEASE OF REAL PROPERTY

A.R.S. §38.431.03A(3) DISCUSSION OR CONSULTATION FOR LEGAL ADVICE WITH THE ATTORNEY OR ATTORNEYS OF THE PUBLIC BODY,

Consideration and/or discussion regarding consultation for legal advice with the Attorney or Attorney's of the public body.

DATED AND POSTED this 13th day of September 2012, at 4:00 P.M.

CITY OF WILLCOX, ARIZONA

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

"Mine, Yours, Ours"