

THE MINUTES OF THE REGULAR SESSION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ HELD ON THIS 6th DAY OF MAY, 2013

CALL TO ORDER- Mayor Bob Irvin called the regular session meeting to order on Monday, May 6, 2013 at 7:00 p.m. and welcomed everyone in attendance

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

PRESENT

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

STAFF

City Manager Pat McCourt
City Clerk Virginia A. Mefford
City Attorney Ann P. Roberts
Finance Director Ruth Graham
Public Services & Works Director John Bowen
Development Services Jeff Stoddard
Library Director Tom Miner
Police Chief interim Glenn Childers

ABSENT

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

PLEDGE OF ALLEGIANCE TO THE FLAG led by Mayor Irvin

PROCLAMATIONS

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

CALL TO THE PUBLIC- Ms. Kathy Klump thanked the Council for proclamation of the Historical Preservation Month. We have picked one form each decade till we reach 100 people. 90 of the people have been chosen and we will have their biography's and we have been putting up all the people photographs in the Depot and when we reach all 100 we would like to ask the Council to set aside \$5000 in FY 14 and \$5000 in FY 2015 so we could have a celebration. Please consider this so we could have a great celebration in May of 2015. Anyone who would like to attend this year, it will be at the Elks lodge on Saturday May 18th.

DECLARATION ON CONFLICT OF INTEREST

None Declared

ADOPTION OF THE AGENDA

MOTION: Councilmember Johnson to adopt the agenda as presented.

SECONDED: Councilmember Lindsey **CARRIED**

CONSENT AGENDA

MOTION: Vice Mayor Holloway to adopt the agenda as presented.

SECONDED: Councilmember Cronberg **CARRIED**

The following minutes:

- 8a. Approval of Regular Meeting Minutes of April 15
- 8b. Approval of Work Session Minutes of April 15, 2013
- 8c. Approval of Work Session Minutes April 22, 2013
- 8d. Approval of Work Session Minutes April 29, 2013
- 8e. Approval of Special Meeting Minutes April 29, 2013

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Tab 3

9. PUBLIC HEARINGS

The Mayor and Council will receive comments from the public on those items scheduled for public hearing. For those persons unable to attend, written comments will be accepted until 4 p.m. on the day of the hearing in the Office of the City Clerk, 101 S. Railroad Avenue, Suite B, Willcox, Az. and will be duplicated and distributed to the Mayor and Council members prior to said hearing.

- a. Notice of Intent to Amend Title 13 "Public Services", Chapter 14 "Sewer Pretreatments". **OPEN: 7:10 PM**
DISCUSSION: City Manager McCourt stated this is part of our Consent Order for the Chapter and Title.
CLOSED: 7:11 PM

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

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

PROPOSAL BY DONNIS BLACK TO PLACE MEMORIAL BOARD AT TWIN LAKES GOLF COURSE

MOTION: Councilmember Lindsey moved to approve the proposal by Donnis Black to Place Memorial Board at Twin Lakes Golf Course **SECONDED:** Councilmember Cronberg **CARRIED**

REGARDING RESIGNATION FROM TIM CHARLEY FROM PARKS AND RECREATION ADVISORY

COMMITTEE MOTION: Vice Mayor Holloway moved to accept the resignation from Tim Charley from Parks and Recreation Advisory Committee

SECONDED: Councilmember Cronberg **CARRIED**

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

MOTION: Vice Mayor Holloway moved to approve Resolution No. 2013-28 approving a donation of used fire equipment from the City to the Chiricahua trails nonprofit fire department

SECONDED: Councilmember Lindsey **CARRIED**

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

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

SECONDED: Councilmember Cronberg **CARRIED**

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REPORT FROM SUB-COMMITTEE REGARDING CITY ATTORNEY POSITION

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

CITY MANAGER REPORTS

Council Work Session Meetings- in the Month of May

Work Session Monday, May 13, 2013 at 6:30 pm Admin PW including admin, Swimming Pool, Cemetery, Vehicle Maintenance., Buildings & Grounds, and Parks

- Work Session Monday, May 20, 2013 6:00 pm Patrol, Investigations, K-9 & Fire Department, Library
- **General-** City Manager to take vacation from June 3-5, 2013. Ruth Graham will step in while away.
- **June 3, 2013** will be the preliminary Budget adoption.
- **Update:** Chip sealing project pictures on the Dias for Council to see what has been done. Also we have been circulating raffle tickets for the fireworks. I am proud to announce that we have appointed John Bowen as the new Public Works Director.

COMMENTS NOT FOR DISCUSSION FROM MAYOR AND COUNCILMEMBERS

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

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

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

**EXECUTIVE SESSION FOR DISCUSSION/CONSIDERATION REGARDING THE HIRING OF THE CITY
MANAGER AND CONSULTATION FOR LEGAL ADVICE WITH THE ATTORNEY 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
ON CITY MANAGER HIRING PROCESS**

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

ADJOURN- with no further discussion at 8:00 PM

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CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 6th DAY OF MAY, 2013**

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the special meeting of the City Council of the City of Willcox held on the 6th day of May 2013. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 6th day of May 2013


City Clerk Virginia A. Mefford

PASSED, APPROVED AND ADOPTED this 20th day of May 2013.

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 MAY 2013**

CALL TO ORDER-Mayor Irvin called the work session meeting to order on Monday, May 6, 2013 at 6:00 p.m. and

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

PRESENT

Mayor Robert A. Irvin
Vice Mayor Bill Holloway
Councilman Gerald W. Lindsey
Councilman Elwood A. Johnson arrived at 6:15 pm
Councilwoman Monika Cronberg
~~Councilman Earl Goolsby~~
~~Councilman William "Bill" Nigh~~

STAFF

City Manager Pat McCourt
City Clerk Virginia A. Mefford
Public Services & Works Director John Bowen
Finance Director Ruth Graham
Development Services Jeff Stoddard

ABSENT

~~Councilman Earl Goolsby~~
~~Councilman William "Bill" Nigh~~

PLEDGE OF ALLEGIANCE TO THE FLAG led by Mayor Irvin

DECLARATION ON CONFLICT OF INTEREST

No Conflicts were declared.

ADOPTION OF THE AGENDA

MOTION: Councilmember Cronberg moved to adopt the agenda as presented

SECONDED: Councilmember Lindsey **CARRIED.**

DISCUSSION REGARDING COUNCIL

City Manager McCourt discussed the chart on the City Council fund on the General Fund Expenses; it shows the FY 2014 budget they are the same as the FY 13. He broke down the different line items and indicated the fees have gone up in the RC&D and has increased the miscellaneous fund to accommodate for the purchase of City pins. If this is okay with the Council I will implement this into the budget.

DISCUSSION REGARDING ADMINISTRATION

City Manager McCourt discussed the fund and explained what each department role is. The City Manager is under the City Council. The City Clerk is a role I would like to explain more in depth, the Clerk does all the public notice, responsible for all public records, all proposed ordinance and resolutions, all the elections are properly administered, she is also serves as the City Treasurer, and as administrative assistant to the City Manager. Human Resources is responsible for the opportunity of any open employment, takes care of ongoing disputes, acts as a check and balance in the finance department, all the posting of the agendas, ordinance, resolutions, minutes and posting of property for sale.

DISCUSSION REGARDING DEVELOPMENT SERVICES

DISCUSSION: City Manager McCourt introduced Jeff Stoddard to present on the Development Services budget. Mr. Stoddard explained all the projects this department has done. The new High School building, in the department we have Sandi Thomas and me. The Romney house permit has been issued as has permits for New Custom House. We have issued 560 business permits in 2012/2013. We have issued a new permit to Nakai's B&B and Isabel's South of the Boarder restaurant. We have done 132 FEMA Elevation Certificates. We maintain a WREDA Facebook page. We developed a Safety Committee and we have completed training on different areas. City Manager McCourt stated our building codes were too old to be in compliance with the ISO standards. Mr. Stoddard stated we have completed training and tested the city employees to ensure they drive city vehicles responsibly. We also received a call for the engineers and they will be building soon at the AZ Grains property that was sold lately. Mr. McCourt stated we did receive a call from Farmers Home

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and we will receive more than we thought about \$30,000. Complete remodel are MacDonaldds, Family dollar just to name a few. On the budget worksheet is staying the same and the only thing I am going to purchase is a new computer. Mayor Irvin asked about the old KFC building what is happening with that. Mr. Stoddard stated that will be a Carl's Jr. we are the last on the list but they are coming. Councilmember Johnson asked if all the permits included special events. Mr. Stoddard stated yes it include everything.

DISCUSSION REGARDING FINANCE

Ms. Ruth Graham gave a presentation on the finance department. To keep the cost down we put the part-time employee to full time and opened up a 20 hr a week job. We have accounts payable; Connie Bonner will be leaving us September 15th so we moved up the audit to September 9th so she could help us with this. The Legislature has put mandates in the finance department we have to post every expense and revenue on the Openbooks website and you can see all information we do in our finances, and this is an unfunded mandate. She explained the expense in the Gas. Telecom-is not what we need but they do as a curtsy to the city we did speak with Sierra Vista to see if they could support us in this, but they decided they didn't have enough support to take us on. Ms. Graham stated what has been budget is the same amount for the Valley Telecom, 10% allowances for contract services. Salary and employee cost is \$293,992. Employee event has been allotted for \$3000 this is for employee bonuses or employee appreciation. Bank charges are about \$600 for fees and other bank charges.

ADJOURN

Being no further business before the Mayor and Council, Mayor Irvin adjourned the Work Session at 6:46 p.m.

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 6th day of May 2013. I further certify that the work session was duly called and held, and that a quorum was present.

Dated this 6th day of May 2013


City Clerk Virginia A. Mefford

PASSED, APPROVED AND ADOPTED this 20th day of May 2013

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 13th DAY OF MAY 2013**

1. **CALL TO ORDER**-Mayor Irvin called the work session meeting to order on Monday, May 13, 2013 at 6:30 p.m. and
2. **ROLL CALL**-City Clerk, Virginia A. Mefford, called the roll:

PRESENT

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

STAFF

City Manager Pat McCourt
City Clerk Virginia A. Mefford
Public Services & Works Director John Bowen
Finance Director Ruth Graham
Development Services Jeff Stoddard

3. **PLEDGE OF ALLEGIANCE TO THE FLAG** led by Mayor Irvin
4. **DECLARATION ON CONFLICT OF INTEREST**
No Conflicts were declared.

5. **ADOPTION OF THE AGENDA**

MOTION: Councilmember Cronberg moved to adopt the agenda as presented

SECONDED: Councilmember Johnson **CARRIED.**

6. **DISCUSSION REGARDING PUBLIC WORKS, INCLUDING ADMINISTRATION**

DISCUSSION: City Manager McCourt stated Mr. Bowen will be giving a presentation on his department's budget and what projects are in the works and have been completed. Mr. Bowen stated we distribute water through the AZ Department of Water Quality. The streets department maintains all of the streets signs, and streets maintenance. Chip Seal projects that have been completed are about 13 blocks include Patti Road and Curtis road. The Public Works department has built an ADA ramp at the Bird Viewing area, at the library we just installed a new video camera system, and the exterior has been painted. The Police Department and Development Services improvements include the landscaping with red rock. Food pantry improvements, A/C, extra electrical upgrades, new carpet, and painted the interior. Capital projects Public Works has completed are in the alleyways of between N. Haskell and Railroad the Gas main replacement project, we are installing a valve at sections so we do not have to shut of blocks of areas when we shut off the gas, rebuild our lift station and new pumps, and the well back-up with natural gas power is in the process, it is working, and we will build a sound wall around this well to help with the sound. Water fill station will be a terrific system once it is fully installed. It will be like pumping gas it will take a credit card or debt card. Capital purchases, we have brought two dump trucks from Arizona Surplus that were well maintained, a new GPS for line location and V-Loc is a locating tool. We have been using the recycling, the E-waste and cardboard. Councilman Goolsby asked about the security at City Hall like security system, bars on windows or anything like that. Mr. Bowen stated not at this time.

7. **DISCUSSION REGARDING SWIMMING POOL**

DISCUSSION: Mr. Bowen gave a brief presentation on the improvements at the pool and indicated an ADA lift has been installed.

8. **DISCUSSION REGARDING CEMETERY**

DISCUSSION: Mr. Bowen gave a brief presentation on the cemetery and indicated Mr. Hudson is in charge of this area.

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9. DISCUSSION REGARDING VEHICLE MAINTENANCE

DISCUSSION: Mr. Bowen gave a brief presentation on vehicle maintenance repair. We do repairs on antiquated equipment and vehicles. Indicated we do have some fire trucks that need updating, we also work on response vehicles and service trucks and they do have priority. In the Warehouse area we will be replacing the gas water heaters.

10. DISCUSSION REGARDING BUILDINGS AND GROUNDS

DISCUSSION: Mr. Bowen gave a brief presentation on the Community Center Improvements the next phase will be restrooms and new windows. At City Hall Repair and Maintenance to the doors and the interior doors, and we will be painting Virgie's office and other areas of City Hall. At the Twin Lakes Course the restrooms were renovated and we repaired the potholes in the parking area.

11. DISCUSSION REGARDING PARKS

DISCUSSION: Mr. Bowen stated we maintain the park areas. We have placed Safety Barrier installation at Keiller Park, High Visibility Signs (Grant purchased). Park Improvements painted the dugout area and replaced the trees, painted the buildings and the Ramada at Railroad Park has been raised higher and re-stucco and painted. At the Arena Master we have done welding repairs on the structures to make it sturdier. Donations for Railroad Park were an old railroad phone booth, and railcar "Wheels" and we do have a grant to put shading area here also.

12. ADJOURN

Being no further business before the Mayor and Council, Mayor Irvin adjourned the Work Session at 7:11 p.m.

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 13th day of May 2013. I further certify that the work session was duly called and held, and that a quorum was present.

Dated this 13th day of May 2013

City Clerk Virginia A. Mefford

PASSED, APPROVED AND ADOPTED this 3rd day of June 2013

MAYOR ROBERT A IRVIN

Signed _____

ATTEST:

City Clerk Virginia A. Mefford

**CITY OF WILLCOX
REQUEST FOR COUNCIL ACTION**

Agenda Item: 3
Tab Number: 2
Date: 06-03-2013

Date Submitted:
05-21-2013

Date Requested:
06-03-2013

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

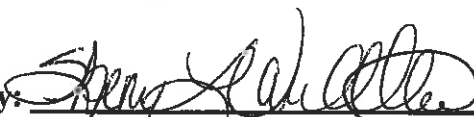
FROM: Sherry Lynn Van Allen, Human Resources

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 are three (3) vacancies to fill which one was vacated by the resignation of Tim Charley whose term expires December 31, 2014. City staff has advertised for the vacancies. Staff received 1 letter of interest in response to the advertisement. Currently there are only 2-members that live in the City and no members that live in the County. The Committee must have 3-members residing in the City at all times.

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

RECOMMENDATION: For the Mayor and Council to appoint Jana Iannini, 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

5/20/13 B2013 (EW)

To Parks & Rec. Committee:

I, Jana Dammiri, am interested in volunteering for an open position on the Board of Parks + Rec. Committee. I have lived in Wilcox for 9 mos. and have full intentions of making this my home. I served in the US Navy for 3 years and I was a CTT until honorably discharged under medical reasons, I also was a State Certified foster parent to 18 children + eventually adopted 4 boys who were all involved in Parks + Rec. activities, I feel that I am qualified to serve the city of Wilcox in this position, as my youngest son is just finishing his freshmen year at Wilcox High School this year. I have several local references if needed please contact me at 520-507-1961 (c)

Thank you for your consideration,

Jana Dammiri
804 W. Hoch Ln #111
Wilcox, AZ 85643
(520) 766-1961 (H)

**CITY OF WILLCOX
Request for Council Action**

Agenda Item: 9
Tab Number: 3
Date: 10-3-2013

Date Submitted:
May 14, 2013
Date Requested:
June 3, 2013

Action:
 Resolution
 Ordinance
 Formal
 Other

Subject: Rex Allen Days would like a street closure from Railroad Ave from Stewart to Maley.

To: Honorable Mayor and City Council

From: Public Services and Works, Streets Section

Discussion: The Rex Allen Day Committee is requesting a street closure on Railroad Ave from Stewart St to Maley St. for Rex Allen Days. The dates for the closure are October 5th and 6th, 2013 from 8:00 am until 12:00 am.

Recommendation: Staff recommends that the Mayor and Council grant permission for the closure of Stewart and Maley Streets for Rex Allen Days

Fiscal Impact: 0.00

Prepared By:


Kate Schwartz, Public Works

Approved By:


John Bowen, Director Public Works

Approved By:


Pat McCourt, City Manager

Street Closure Request Form

Name of Applicant

Ray Allen Days

Date of Request

5/13/13

Address

P.O. Box 429 Willcox

Phone Number

Event or Event Sponsor for Street Closure

RAD.

Date(s) Requested for Street Closure

10/5/13 & 10/6/13.


Times for Street Closure

8:00AM - midnight.


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

Railroad Ave
Stewart to Maley

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

Received By



5/13/13
Date

5/13/13
Date

PETITION TO CLOSE RAILROAD AVENUE, BETWEEN

ON 10/5/13 & 10/6/13
DATE(S)

FROM 8:00 Am TO midnight
START TIME END TIME

FOR THE PURPOSE OF RAD
EVENT

Wilcox Commercial, ok to close _____

Rex Allen Museum, ok to close Glady's Olsen

Rex Allen Theater, ok to close Gary Christ

Rodney's, ok to close Robyn E. Brown

~~Palace Saloon, ok to close~~ _____

~~Desert Moon Gifts, ok to close~~ _____

Old West Mercantile, ok to close Marshall

Friends of Marty Robbins, ok to close Martha Bunkley

_____, ok to close _____

_____, ok to close _____

_____, ok to close _____

_____, ok to close _____

CITY OF WILLCOX
REQUEST FOR COUNCIL ACTION

Agenda Item 10
Tab Number 4
Date: 6/3/13

| | | |
|------------------------|---|---|
| <u>Date Submitted:</u> | <u>Action:</u> | <u>Subject:</u> |
| May 29, 2013 | <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Formal <input checked="" type="checkbox"/> Other | Presentation of Tentative City Budget for Fiscal Year 2013-2014 |

TO: MAYOR AND COUNCIL
FROM: Finance Director Ruth Graham

DISCUSSION:

The Mayor and Council of the City of Willcox have held a number of work sessions with regard to the City's 2013-2014 fiscal year budget. The Council has reviewed the services provided by the City, as well as the estimated revenues and expenses for the Fiscal Year 2013-2014 operation of the City's General Fund, Streets Fund, Streets Capital Fund, Grant Funds, Debt Service Fund, General Fund Capital Improvements Fund, Repair and Demolition Fund, Gas Utility Fund, Gas Utility Capital Fund, Water Utility Fund, Water Utility Capital Fund, Sewer (Wastewater) Utility Fund, Sewer Capital Fund, Refuse (Solid Waste) Fund, Magistrate Court Fund and Firefighter's Pension Fund.

The tentative budget has been published, and Council and public discussion about the proposed Tentative Budget can be had at the regular Council meetings on June 3, 2013 and June 17, 2013.

Staff will recommend adoption by the Mayor and Council on June 17, 2013 of the **tentative budget for the 2013-2014 fiscal year totaling \$20,111,684, net of Interfund transfers totaling \$1,406,838**. The tentative budget covers all of the operations of the funds managed by the City. In addition to the operating needs of the City, this budget includes capital expenses for a wastewater treatment plant at an estimated cost of \$10 million dollars. The budget also includes anticipated grant revenues and expenses. The FY12-13 budget totaled \$22,286,659, net of interfund transfers of \$849,409. Copies of the FY13 and FY14 Budget Summaries are attached for your reference.


By State law, the total amount of the budget that is tentatively approved in June cannot be increased before final adoption in August. If changes are made after the tentative budget is approved, the overall amount can be reduced or maintained at the current level, but it cannot be increased.

RECOMMENDATION:

Mayor and Council review and discussion of the Tentative Budget for the Fiscal Year 2013-2014 in the amount of \$20,111,684 net of Interfund transfers of \$1,406,838.

FISCAL IMPACT: Budgeted FY 2013-2014 revenues and expenditures of \$20,111,684.

Submitted by:


Ruth Graham


Pat McCourt, City Manager

City of Willcox
Budget for Fiscal Year 2012-2013

| Fund Number | Fund Name | 7/1/12 Projected Opening Balance | FY13 Budgeted Revenues | Inter-fund Transfers | | | FY13 Budgeted Expenses | 6/30/13 Projected Ending Balance | FY 12-13 Projected Change in Ending Balance |
|-------------|-----------------------------------|----------------------------------|------------------------|----------------------|------------|------------|------------------------|----------------------------------|---|
| | | | | In | Out | Out | | | |
| 10 | General Fund | \$ 1,753,527 | 3,080,701 | \$ 604,988 | \$ 6,500 | \$ 100,000 | \$ 4,394,809 | \$ 816,007 | \$ (937,520) |
| 15 | HURF | \$ 327,256 | \$ 985,350 | | | \$ 121,900 | \$ 1,038,357 | \$ 263,928 | \$ (63,328) |
| 16 | Grants | \$ - | \$ 1,162,023 | \$ 10,321 | | | \$ 1,172,344 | \$ - | \$ - |
| 17 | Special Rev Grants | \$ 70,422 | \$ 59,570 | \$ 6,500 | | | \$ 170,730 | \$ (34,238) | \$ (104,660) |
| 20 | Debt Service | \$ 160,320 | \$ 157,300 | \$ 5,700 | | | \$ 163,000 | \$ 160,320 | \$ - |
| 21 | Capital Improv | \$ 42,450 | | \$ 121,900 | | | \$ 164,900 | \$ (550) | \$ (43,000) |
| 22 | Repair & Demolition | \$ - | \$ - | \$ 100,000 | | | \$ 100,000 | \$ - | \$ - |
| 50 | Gas - Operating Regulator Station | \$ 1,018,190 | \$ 1,294,173 | | | | \$ 1,193,953 | \$ 927,679 | \$ (90,511) |
| 51 | Water | \$ 1,533,528 | \$ 778,089 | | | | \$ 660,210 | \$ 1,517,443 | \$ (16,085) |
| 52 | Sewer Plant Construction | \$ 962,624 | \$ 755,491 | | | | \$ 705,737 | \$ 885,017 | \$ (77,607) |
| 53 | Refuse Due to GF \$59,280 | \$ 10,855 | \$ 669,481 | | | | \$ 510,849 | \$ (24,944) | \$ - |
| 61 | Magistrate Court Trust Fund | \$ 1,407 | \$ 9,370 | | | | \$ 9,370 | \$ 1,407 | \$ - |
| 72 | Firemen's Pension Trust Fund | \$ 224,009 | \$ 7,050 | | | | \$ 2,400 | \$ 228,659 | \$ 4,650 |
| | | \$ 6,104,589 | \$ 20,958,598 | \$ 849,409 | \$ 849,409 | \$ 849,409 | \$ 22,286,659 | \$ 4,776,527 | \$ (1,328,061) |

Fiscal Year 12-13 Tentative Operating Budget Total (net of transfers) \$ 22,286,659

PRINTED @ 7/16/12

Legend:

- A Utilities transfers to General Fund
- B Budgeted Refuse loan repayment to General Fund
- C Ft. Grant Beautification Project
- D General Obligation Bond for Water paid by Water Utility
- E Skatepark/Fireworks Transfers from General Fund
- F Repair & Demolition Fund - loan from General Fund
- G General Fund Capital Improvement Projects

Prior Year - for Comparison Purposes

**City of Willcox Fiscal Year 2013-2014
Revenues, Expenses and Fund Balances -- Preliminary Budget 5/22/2013**

| Fund Number | Fund Name | 7/1/13 Estimated Bal | FY14 Budgeted Revenues | Inter-fund Transfers | | FY14 Budgeted Expenses | 6/30/14 Ending Balance | FY14 YTD Fund Bal. Change |
|-------------|---|----------------------|------------------------|-----------------------------|---|------------------------|------------------------|---------------------------|
| | | | | In | Out | | | |
| 10 | General Fund | \$ 1,798,718 | 3,231,292 | A \$ 557,900 H \$ 35,799 | D \$ 3,500 F \$ 300,000 I \$ 80,900 | \$ 4,369,437 | \$ 869,872 | \$ (928,846) |
| 15 | Streets/Hwy User Rev. Fund (HURF) | \$ 418,636 | \$ 1,028,087 | | G \$ 65,836 | \$ 978,781 | \$ 402,106 | \$ (16,530) |
| 85 | Streets/Hwy User Capital Fund | \$ - | \$ - | G \$ 65,836 | | \$ 65,836 | \$ - | \$ - |
| 16 | Grants | \$ 22,946 | \$ 1,009,942 | E | | \$ 1,009,942 | \$ 22,946 | \$ - |
| 17 | Special Rev Grants | \$ 84,321 | \$ 55,970 | D \$ 3,500 | | \$ 143,791 | \$ - | \$ (84,321) |
| 20 | Debt Service | \$ 156,335 | \$ 166,513 | | | \$ 166,513 | \$ 156,335 | \$ - |
| 21 | General Fund Capital Improvements | \$ 42,482 | \$ - | I \$ 80,900 | | \$ 123,382 | \$ - | \$ (42,482) |
| 22 | Repair & Demolition | \$ - | \$ - | F \$ 300,000 | | \$ 300,000 | \$ - | \$ - |
| A | Utilities transfers to General Fund | | | | | | | |
| B | Enterprise Capital Funds funded through use of fund balance, revenues. | | | | | | | |
| C | Sewer plant \$10M revenue estimated @ \$5M loan/\$5M grant funds. | | | | | | | |
| D | Fireworks transfer from General Fund to Fund 17 | | | | | | | |
| E | Grant revenues includes allowance for grant funds that may be applied for in FY14 | | | | | | | |
| F | Demolition expense (estimated) for burned property on South Haskell Avenue | | | | | | | |
| G | Streets Capital Purchases (Leases) and Street Construction/Improvement Costs | | | | | | | |
| H | Solid Waste transfer to repay General Fund Operating Advances | | | | | | | |
| I | General Fund transfers to General Fund Capital Improvements Fund | | | | | | | |

**City of Willcox Fiscal Year 2013-2014
Revenues, Expenses and Fund Balances -- Preliminary Budget 5/22/2013**

| Fund Number | Fund Name | 7/1/13 Estimated Bal | FY14 Budgeted Revenues | Inter-fund Transfers | | FY14 Budgeted Expenses | 6/30/14 Ending Balance | FY14 YTD Fund Bal. Change |
|-------------|--|----------------------|------------------------|----------------------|------------------------------|----------------------------|------------------------|---------------------------|
| | | | | In | Out | | | |
| 50 | Gas - Operating | \$ 954,319 | \$ 1,307,948 | | A \$ 215,995 B \$ 130,089 | \$ 1,050,989 | \$ 865,194 | \$ (89,125) |
| 80 | Gas - Capital | \$ 29,402 | | B \$ 130,089 | | \$ 130,089 | \$ 29,402 | \$ - |
| 51 | Water | \$ 1,374,193 | \$ 672,294 | | A \$ 116,053 B \$ 165,447 | \$ 474,997 | \$ 1,289,990 | \$ (84,203) |
| 81 | Water - Capital | \$ 80,219 | | B \$ 165,447 | | \$ 165,447 | \$ 80,219 | \$ - |
| 52 | Sewer | \$ 1,053,887 | \$ 753,861 | | A \$ 121,485 B \$ 67,367 | \$ 538,957 | \$ 1,079,939 | \$ 26,052 |
| 82 | Sewer - Capital Sewer Plant Replacement | \$ - | \$ 10,000,000 | B \$ 67,367 C | | \$ 67,367 \$ 10,000,000 | \$ - | \$ - |
| 53 | Refuse | \$ 52,005 | \$ 663,922 | | A \$ 104,367 H \$ 35,799 | \$ 523,756 | \$ 52,005 | \$ - |
| | Total Oper/Capital | \$ 6,067,463 | \$ 18,889,829 | | \$ 1,406,838 | \$ 20,109,284 | \$ 4,848,008 | \$ (1,219,455) |
| 61-72 | Fiduciary Funds: | | | | | | | |
| 61 | Magistrate Court Trust Fund | \$ 4,735 | \$ - | | | \$ - | 4,735 | \$ - |
| 72 | Firemen's Pension Trust Fund | \$ 225,087 | \$ 7,050 | | | \$ 2,400 | \$ 229,737 | \$ 4,650 |
| | Total All Funds | \$ 6,297,285 | \$ 18,896,879 | | \$ 1,406,838 | \$ 20,111,684 | \$ 5,082,480 | \$ (1,214,805) |

Fiscal Year 2013-2014 Tentative Operating Budget Total (net of transfers) \$ 20,111,684

PRINTED @ 5/29/2013

**CITY OF WILLCOX
REQUEST FOR COUNCIL ACTION**

Agenda Item: 11
Tab Number: 5
Date: 6-03-2013

Date Submitted:
05-21-13
Date Requested:
06-03-13

Action:
 Resolution
 Ordinance
 Formal
 Other

**Subject: Appointment
to the Arizona League of
Cities Resolution
Committee**

TO: MAYOR AND COUNCIL

FROM: City Manager


DISCUSSION: The City of Willcox belongs to the Arizona League of Cities & Towns (League). This is an organization which provides educational, coordination, and lobbying services at the State level for cities and towns within Arizona.

The Mayor of each city is automatically appointed to serve on the Resolution Committee. If the Mayor does not wish to serve or is unable to serve, then the City may appoint one (1) of its elected officials to serve on the Resolution Committee. Councilman Lindsey has served as the representative from the City of Willcox for the last few years. Resolutions are adopted at the annual meeting, which is held at the end of August each year. The resolutions are used to provide direction to the League staff on areas of priority for the League to pursue. There is no designated time frame for appointment as the representative on the League Resolution Committee, as long as the appointed individual remains an elected official of the Member Entity.

RECOMMENDATION: No action is necessary until either the currently appointed representative no longer wishes to serve or no longer holds elective office from the City of Willcox.

FISCAL IMPACT: There is no direct cost to serving as a member of the League Resolutions Committee.

Prepared by: Pat McCourt

Approved by: 

City Manager

**CITY OF WILLCOX
REQUEST FOR COUNCIL ACTION**

Agenda Item 12
Tab Number 6
Date: 06/03/2013

Date Submitted:

June-03-2013

Action:

Resolution
 Ordinance
 Formal

Subject:

BLUE CROSS
/BLUE SHIELD
INSURANCE PROPOSAL
FOR THE PERIOD FROM
7/01/13 THROUGH 6/30/14

TO: MAYOR AND COUNCIL
FROM: Human Resources – Sherry Lynn Van Allen

DISCUSSION:

Staff recommends entering into agreement with Blue Cross/Blue Shield to secure medical insurance benefits for its employees for the year beginning July 1, 2013 and ending on June 30, 2014. Health Net has been the City's insurance carrier since July 1, 2007. The initial FY14 renewal rate quoted by Health Net reflected a 58% increase in premium costs over the FY13 rates. Our benefit brokers (ESG) has researched alternatives and is currently negotiating an affordable rate with Blue Cross/Blue Shield (BCBS). BCBS has given us an initial rate increase of 15.13%. ESG is currently in negotiations with BCBS to lower that percentage.

The proposed Blue Cross/Blue Shield PPO policy and Health Reimbursement Arrangement that staff is recommending will allow the City employees to have continued coverage without additional out of pocket expense. The deductible will remain at 5,000 per person, for up to two members per family. The plan will continue to provide a good range of benefits as well as an enhanced wellness program available online. The Blue Cross/Blue Shield coverage is comparable to our current Health Net plans.

Staff anticipates bringing a final rate contract to Council for approval on June 17, 2013

RECOMMENDATION:

Direct staff to work with Employee Solutions Group (ESG) to continue to negotiate rates for employee Medical coverage for FY14 with Blue Cross/Blue Shield.

FISCAL IMPACT: Will be determined once final rates have been established.

Submitted by:


Sherry Lynn Van Allen, Human Resources


Pat McCourt, City Manager

Tentative Benefit Plans for renewal

Current Health Insurance Plan

| Health Net | EE | ES | EC | Family |
|---------------------------|----------|----------|----------|----------|
| HMO \$5000 100% \$15/\$30 | \$305.54 | \$672.19 | \$580.53 | \$977.74 |
| PPO \$5000 100% \$15/\$30 | \$308.29 | \$678.23 | \$585.75 | \$986.53 |

Renewal Options Health Insurance Plan

| Health Net | EE | ES | EC | Family |
|----------------------------|----------|------------|----------|------------|
| HMO \$5,000 100% \$15/\$30 | \$428.86 | \$1,062.29 | \$917.43 | \$1,545.16 |
| PPO \$5,000 100% \$15/\$30 | \$487.21 | \$1,071.86 | \$925.70 | \$1,559.09 |

This is the only option offered by Health Net, no other plans made available.

Aetna Declined to quote

| BC/BS | EE | ES | EC | Family |
|---------------------------|----------|----------|----------|------------|
| PPO \$5000 100% \$25/\$40 | \$853.36 | \$777.39 | \$671.38 | \$1,130.75 |
| Cigna | 15.13% | 15.13% | 15.13% | 15.13% |

Cigna Declined to quote

Humana Declined to quote

| UHC | EE | ES | EC | Family |
|-----|----------|----------|----------|------------|
| | \$436.27 | \$959.78 | \$828.91 | \$1,396.07 |

**CITY OF WILLCOX
Request for Council Action**

Agenda Item: 13.

Tab Number: 7

Date: 6-3-2013.

Date Submitted:

May 29, 2013

Date Requested:

May 29, 2013, 2013

Action:

Resolution

Ordinance

Formal

Other

**Request to donate old
firefighting equipment
from the WFD to the
Chiricahua Trails FD.**

To: Honorable Mayor and City Council
From: Sgt. Glenn Childers, Interim Chief

Discussion: The Willcox Department of Public Safety is requesting approval to donate WFD Brush 5, used/out of service equipment to the Chiricahua Trails Fire Dept. in accordance to City policy 3-1-3, Section V, disposal of surplus; this equipment has been out of service and has been prepared for auction. It is also compatible with the Skid unit previously donated to the CTFD.

Recommendation: Approval to donate the Brush 5 apparatus to the Chiricahua Trails Fire Department.

Motion:

Fiscal Impact: None

Prepared By: Penney L. Bell, Administrative Assistant



Glenn Childers, Sgt. / Interim Chief

/s/ Pat McCourt

Pat McCourt, City Manager

CITY OF WILLCOX, COCHISE COUNTY, ARIZONA

RESOLUTION 2013-36

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF WILLCOX, ARIZONA, FOR THE PURPOSE OF APPROVING A DONATION OF USED FIRE EQUIPMENT FROM THE CITY TO THE CHIRICAHUA TRAILS NONPROFIT FIRE DEPARTMENT; AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DIRECTING AUTHORIZED CITY OFFICERS AND AGENTS TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, the Mayor and City Council are authorized and empowered pursuant to Title 9, A.R.S. §9-240(A), to have control over the property of the corporation; and,

WHEREAS, the CITY is authorized and empowered pursuant to the CITY Procurement Ordinance, Section 3-1-3.V, entitled "Disposal of Surplus" to dispose of surplus property of the corporation; and,

WHEREAS, The City of Willcox Fire Department wishes to donate to the Chiricahua Trails Trials Fire Department, an Arizona Non-Profit Corporation, used fire equipment, which has no monetary value to the City and can be used for the public purpose of wildland fire fighting in the greater Willcox Community which provides a substantial benefit to the Citizens of Willcox; and,

WHEREAS, the Mayor and City Council have determined that the donation of the used fire equipment 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 June 3, 2013, Council Meeting.

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

SECTION 1: The Mayor and City Council of the City of Willcox, hereby approve the donation to the Chiricahua Trails Trials Fire Department, an Arizona Non-Profit Corporation, a 1975 Chevrolet ¾ Ton 4x4 Truck Vehicle Identification Number CKY245S161518, which is used fire equipment, which has no monetary value to the City and can be used for the public purpose of wildland fire fighting in the greater Willcox Community which provides a substantial benefit to the Citizens of Willcox; and,

SECTION 2: The appropriate officers and officials of the City are hereby authorized and directed to take all actions necessary or reasonably required to carry out the intent of this Resolution; and,

SECTION 3: 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, COCHISE COUNTY, ARIZONA, this 3rd day of June, 2013.

APPROVED/EXECUTED

ROBERT A. IRVIN, MAYOR

Dated: _____

ATTEST:

VIRGINIA A. MEFFORD, City Clerk

APPROVED AS TO FORM:

ANN P. ROBERTS, City Attorney

RESOLUTION 2013-28

CITY OF WILLCOX
Request for Council Action

Agenda Item: 14
Tab Number: 8
Date: 6-3-2013


| | | |
|--|---|---|
| Date Submitted: May 16, 2013 Date Requested: June 3, 2013 | Action: <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Formal <input type="checkbox"/> Other | Request to submit proposal to the Tohono O'odham Nation for Gaming Distribution Funds for \$500,000.00 for a Class A Pumper for WFD. |
| <hr/> | | |
| To: | Honorable Mayor and City Council | |
| From: | Sgt. Glenn Childers, Interim Chief | |

Discussion: The Willcox Department of Public Safety has received a notice of "Request for Proposals" for the Arizona Revised Statute 5-601-02 12% Gaming Distribution through the Tohono O'odham Nation. The Willcox Fire Department would like Council approval to submit a proposal for the 2013 revenue sharing to purchase a new pumper truck for the fire department. The proposed estimated budget for this emergency response vehicle is \$500,000.00. The Class A Pumper would allow our department to arrive on scene and reliably provide us with the capability to effectively attack the fire without fear of the numerous problems we have been encountering with our current units. In addition, this unit will increase the ability to save lives and property for citizens we serve as well as our surrounding mutual aid departments.

Recommendation: Approval to submit the attached proposal to the Tohono O'odham Nation for 2013 Gaming Distribution Funds to purchase a Class A Pumper for the Willcox Fire Department.

Motion:

Fiscal Impact: \$500,000.00 Potential Revenue
Prepared By: Penney L. Bell, Administrative Assistant


Glenn Childers, Sgt. / Interim Chief


Pat McCourt, City Manager



CITY OF WILLCOX

Virginia A. Mefford

City Clerk

101 S. Railroad Avenue Suite B

Willcox, AZ 85643

M

TO: Mayor and Council

E

DATE: May 29, 2013

M

SUBJECT: Item 14 Tab 8

O

Mayor and Council,

R

Resolution #2013-37 will be delivered on night of City Council meeting on June 3, 2013.

A

Thank you,

Virginia Mefford
City Clerk

N

D

U

M



Tohono O'odham Nation Office of the Chairman & Vice Chairwoman

COMPASSION FAITH TRADITION RESPECT
T-I:BDAG 'AMJED S-WOHOCUDA HIMDAG PI:K 'ELID

Ned Norris, Jr.
Chairman

Wavalene M. Romero
Vice Chairwoman



REQUEST FOR PROPOSALS for the Arizona Revised Statute 5-601-02 12% Gaming Distribution Tohono O'odham Nation

Background

In 2002 Arizona eligible voters approved Proposition 202, which implemented a new requirement that Tribal/State Gaming Compacts must include a provision that the compacting tribe would contribute a portion of its annual net gaming revenues (the "Annual Contribution") for the benefit of the general public. Pursuant to Proposition 202, each tribe may determine the recipients of 12% of its total Annual Contribution (the "12% Payments"). The tribe has two options for directing the 12% Payments: 1) direct distribution from the tribe to cities, towns, and counties, or 2) deposits to the Arizona Commerce and Economic Development Commission, which are then given to the recipients of the tribe's choice. The Tohono O'odham Nation will be making selections and finalizing agreements with recipients of the 12% payments no later than November 15, 2013.

Distribution Priority Areas for Fiscal Year 2013

Proposals must address one or more of the following priority areas:

- a) Education
- b) Health Care
- c) Public Safety
- d) Child Advocacy
- e) Economic Development
- f) Cultural & Environmental Development and Protection

Proposal

Proposals shall be limited to 4 pages in length, typewritten in 12 point font. If the proposal is more than 4 pages, only the first 4 pages will be considered. Budgets are required and therefore will be counted as part of the 4 pages. Attachments, such as photos, are not considered as one of the 4 pages. All proposals must be sent via certified mail and **must be postmarked no later than June 14, 2013**. Only one copy per proposal is needed. It is recommended that a copy of the proposal is sent via e-mail to matts@simginc.com. However, providing a copy of the proposal via e-mail alone will not be deemed to have applied properly and only proposals received via certified mail will be considered. Proposals must:

- a) Explain the perceived need and explain how the proposal will address that need.
- b) Describe the population who will benefit from the proposal if approved.
- c) Include a budget of the requested funds, with the total amount requested clearly notated.

- d) List any other funding requests that have been made for this or substantially related proposals and provide the status of those requests.
- e) Indicate whether the entity has already received a 12% distribution from the Tohono O'odham Nation or other Arizona tribes, along with the amount and date awarded.
- f) Identify a designated contact person and alternate contact person for follow-up, including e-mail address, phone number, mailing address, and fax number for these persons.
- g) Indicate which priority area (from the above list) the proposal falls under.
- h) If the proposal is from a non-profit organization, include the name of the city, town, or county an agreement will be made with if funds are granted. A letter from the governmental entity acknowledging its agreement to work with the non-profit is not necessary for the initial proposal. However, it is necessary for those non-profits selected to receive grant funding.

Requirements

If you, the applicant, are a city, town or county located within the State of Arizona:

- 1) You will need to provide proof or cite some authority that you are authorized to seek and enter into a grant of this nature.
- 2) If selected, you will need to ensure that the government you represent is willing to negotiate and execute the Intergovernmental Agreement (IGA) with the Nation no later than September 30, 2013.

If you, the applicant, are any other non-governmental entity (not-for-profits, etc):

- 1) You will need to enter into an agreement with a city, town or county located within Arizona whereby that city, town, or county will agree to accept the grant funding from the Nation on your behalf. As a non-governmental entity, you bear the responsibility to find a municipality to flow the funding through and the Nation is not responsible for matching you with a government capable of receiving the funding.
- 2) The city, town, or county that has agreed to assist you to receive the grant will be required to enter into a Grant-in-Aid, Fiscal Agent agreement with the Nation in which the city, town, or county agrees to accept the funding on your behalf.

Timeline

- a) All proposals to be considered must be postmarked no later than June 14, 2013.
- b) Notification of decision will be mailed by August 30, 2013.
- c) Negotiation of Grant-in-Aid Agreements will commence immediately after notification.
- d) Negotiations of the Grant-in-Aid Agreements must be concluded no later than September 30, 2013.
- e) Approval of all Grant-in-Aid Agreements by the Nation and distribution of monies will occur on or about November 15, 2013.

Submitting Your Proposal / Contact Information

Address and mail all proposals via certified mail to:

Chairman Ned Norris Jr.
Tohono O'odham Nation
P.O. Box 837
Sells, Arizona 85634
ATTN: Lanez Valisto
(520) 383-2028 telephone
(520) 383-3379 fax

***Must be postmarked no later than June 14, 2013
Proposals not in compliance with the above procedures will not be
considered.***

CITY OF WILLCOX
 WILLCOX DEPARTMENT OF PUBLIC SAFETY
 WILLCOX VOLUNTEER FIRE DEPARTMENT
 320 W. REX ALLEN DR.
 WILLCOX AZ 85643-1118
 (520) 384-4673, FAX: (520) 384-2587

29 May 2013

Chairman Ned Norris Jr.
 Tohono O'odham Nation
 PO Box 837
 Sells, AZ 85634

Attention: Lanez Valisto

Proposal for Arizona Revised Statute 5-601-02. 12% Gaming Distribution, Tohono O'odham Nation.

PERCEIVED NEED:

Fires devastate communities. Reliable, state of the art fire suppression apparatus is critical for the safety of communities.

The Willcox Volunteer Fire Department currently has two (2) 29+ year old pumpers.

| | | | | |
|-------------|-----------|--------------------|--------------------|----------------|
| Engine 331 | 1983 FMC | Structure + tender | 1,000 gallon water | 1,000 gpm pump |
| Engine 3311 | 1984 HAHN | Structure + tender | 1,000 gallon water | 1,000 gpm pump |

These units are increasingly difficult to maintain and keep in a ready condition to serve our population base with fire suppression services and are plagued with frequent breakdowns. Recently both units have suffered several failures, two during actual structure fires which had the potential to endanger volunteer firefighters involved in fire suppression activities. Additionally, replacement repair parts are becoming extremely hard to obtain in order to make necessary repairs. With our response area growing to cover the area surrounding the corporate city limits, it is vital that we obtain adequate, dependable, apparatus to effectively protect life and property.

Willcox Volunteer Fire Department Call volume:

| Year | Structure | Grass/Wildland | Other |
|------|-----------|----------------|-------|
| 2006 | 9 | 19 | 58 |
| 2007 | 23 | 15 | 38 |
| 2008 | 23 | 16 | 57 |
| 2009 | 23 | 21 | 41 |

| | | | |
|-----------------|----|----|----|
| 2010 | 9 | 24 | 30 |
| 2011 | 21 | 27 | 62 |
| 2012 | 36 | 19 | 19 |
| 2013 (5-months) | ?? | ?? | ?? |

Our call load for pumpers has been steadily rising over the past 5 years. With the risk for continued equipment failures becoming more commonplace, the possibility of a pumper failure during a fire attack not only endangers the property owner and residents, but our volunteer firefighters as well, and can allow the fire to continue to destroy the property with the risk of the fire extending to adjacent properties if the fire cannot be brought under control with existing assets.

The Willcox Volunteer Fire Department proposes to use the grant funds, if awarded, to purchase a new NFPA compliant Class A Pumper capable of safely delivering manpower, equipment and fire suppression capabilities to our fire service area of responsibility.

The Class A Pumper we propose to purchase with this grant will be able to arrive on scene, and reliably provide us with the capability to effectively attack the fire without fear of the numerous problems we have been encountering with our current units. This will immensely improve our ability to save lives and property in the area in and around Willcox and greatly increase the confidence level of the volunteer firefighters charged with protecting life and property.

The pumper we propose to purchase will benefit all of our surrounding mutual aid departments, as well as most of the residents and departments in northern Cochise County with a state-of-the-art, dependable, sustainable, attack capability with a delivery rate of at least 1,000 GPM. Such a pumper would greatly increase the effectiveness of our collective mutual aid fire suppression capabilities as well as increasing the safety factor when fighting structural fires, and lastly, enabling us to be more effective in conserving life and property.

POPULATION SERVED:

The City of Willcox Municipality is centrally located in the northern half of Cochise County on Interstate 10. The population served by the Willcox Volunteer Fire Department within the corporate city limits is 3,885 (2005 DES Census Population Estimates), with surges in population during the tourist seasons to over 10,000. In addition, the Willcox Volunteer Fire Department provides both structural and Wildland to include Urban Interface fire prevention and suppression services to the unincorporated areas surrounding the City with an estimated population served of over 15,000. The Union Pacific Railroad also has 2 main lines that come through the city. Average speeds of the trains which carry everything from passengers to hazardous materials are 55 MPH, with a top speed of 70 MPH. We also have two fertilizer companies within the city limits one a storage/distribution warehouse and one that actually processes fertilizer

products on site. With the recent tragedy in West, Texas, this is a major concern. Also a transcontinental natural gas pipeline runs along the east side of the city. In addition, a 30 mile stretch of the I-10 corridor is also served by the Willcox Volunteer Fire Department for Rescue, Vehicle Fires, and Wildland fire suppression. Additionally, the Willcox Volunteer Fire Department is called upon by the State of Arizona to respond as much as 40 miles beyond our primary area of responsibility ranging from the City of Benson, to the New Mexico State Line, in accordance with our Mutual Aid Agreements which include both a county-wide as well as a state-wide Mutual Aid Agreement. As you can see, the city fire department has its share of potential hazardous situations that it may be called upon to mitigate throughout the county as well as the state.

BUDGET INFORMATION:

The Willcox Volunteer Fire Department is funded from the General Fund of the City. The current budget (FY12) has a **deficit** of \$137,000 which is an improvement over the previous three years when the City was pulling from its meager reserve fund to the tune of over \$200,000 per year on a General Fund budget of \$3.5M. The long term projections for the City general fund shows deficit conditions for at least the next 10 years (2024).

The annual budget for the Fire Department, both past and future, is approximately \$75,000. Of this amount over 50% (\$38,000) is designated for insurance, FICA and salary for part-time employee.

We have no current budget funding available to provide for the purchase of this pumper unit. Our FY 2013-2014 budget is currently \$5,000 for vehicle repair and maintenance, which rarely provides the minimum amount necessary to keep our aging vehicles in a ready condition.

The pumper will have a 1000 Gallon water tank, minimum 1000 GPM pump (1500 GPM preferred), full complement of ground ladders, hose, tools and appliances per NFPA guidelines. Enclosed seating for the fire crew (our current pumper has exposed "canopy cab" exposed jump seat seating, which is no longer allowed per NFPA guidelines for safety reasons), foam capability to more effectively extinguish the fire, and a full NFPA 1901 compliant lighting package. Additional space and funds permitting we plan on including our vehicle rescue equipment on board as well as EMS first responder equipment for vehicle extrication and patient care when needed.

The estimated cost for the proposed pumper is \$500,000.00.

The total monetary amount of this proposal is \$500,000.00.

ADDITIONAL FUNDING REQUESTS:

The Willcox Volunteer Fire Department has previously requested funding for this unit through the City of Willcox General Fund and has been consistently denied due to budgetary constraints.

PRIOR AWARDS:

The Willcox Volunteer Fire Department received a 12% distribution from the Tohono O'odham Nation for the purchase of a Type 6 Brush Engine in 2008 in the amount of \$125,000.00, and has not received a 12% distribution from any other Arizona Tribes prior to this proposal.

DESIGNATED CONTACTS:

Interim Chief Glenn Childers
gchilders@willcoxcity.org
520-384-4673, FAX: 520-384-2587
Mailing Address:
320 W. Rex Allen Dr.
Willcox, AZ. 85643-1118

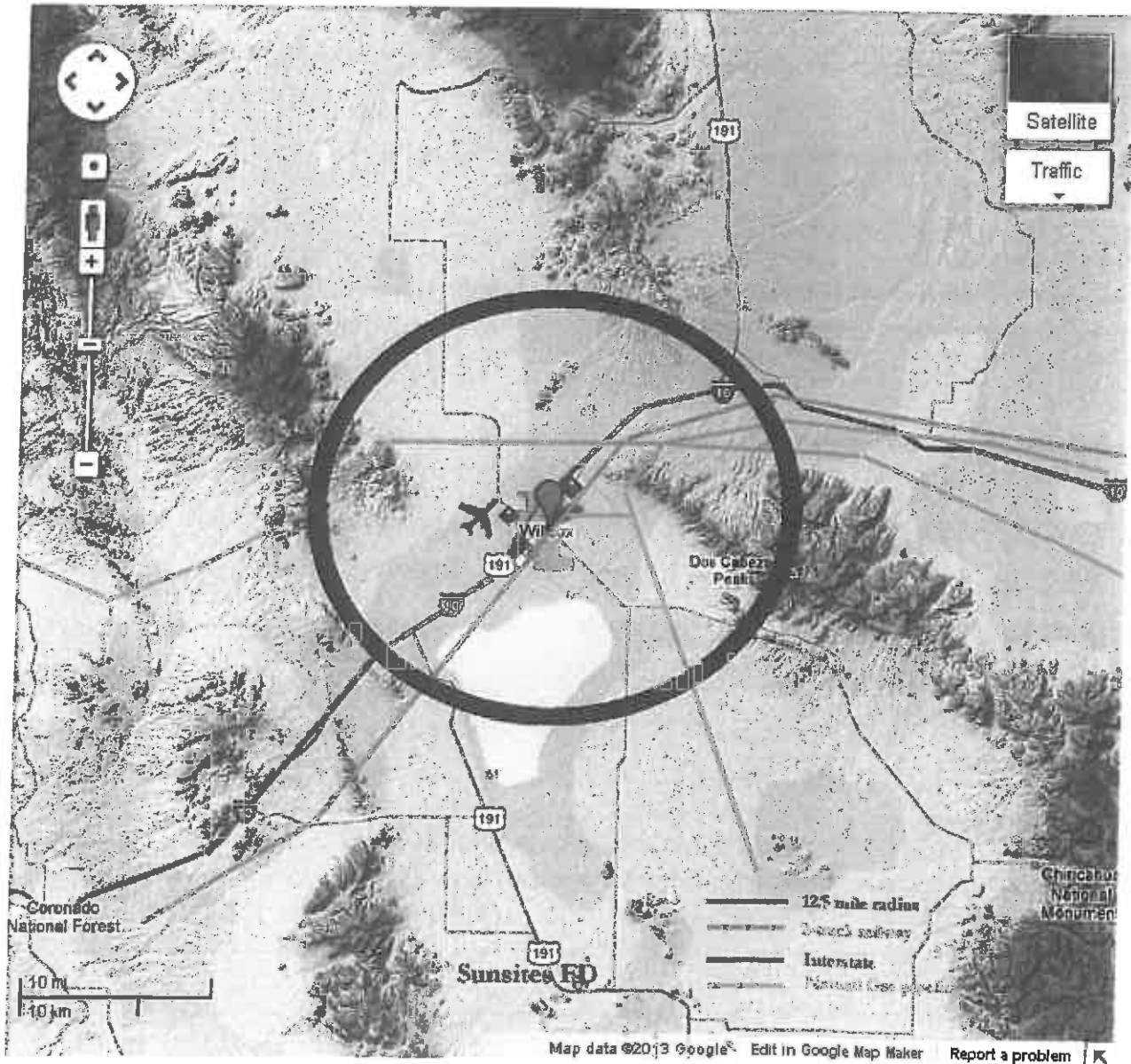
or: Capt. Jerry Giudice
firemanjerry@yahoo.com
520-384-4673, FAX: 520-384-2587
Mailing Address:
320 W. Rex Allen Dr.
Willcox, AZ. 85643-1118

THE PRIORITY AREAS ADDRESSED BY THIS PROPOSAL ARE:

1. **Public Safety:** Providing enhanced fire prevention, suppression, and mitigation capabilities to the City of Willcox and surrounding communities. This grant will enable the Willcox Volunteer Fire Department to more than double our capabilities for effectively fighting fires in the rural areas of our community and in the urban interface, while allowing us to sustain fire suppression operations due to the dramatic increase in water that will be available on scene.
2. **Cultural and Environmental Development and Protection:** Reducing the risk of major losses and fire potential in the City of Willcox and surrounding communities. Increasing our fire protection and prevention capabilities which will protect our natural desert environment to include the habitat of migratory and native wildlife from being ravaged by the devastating effects of major wildfires. Protecting our city water treatment facilities and natural gas distribution stations from damage from fires.
3. **Economic Development:** Increased fire suppression capabilities will have a direct impact on the Willcox Volunteer Fire Department's ISO rating, resulting in lower insurance costs. This will stimulate increased interest and controlled growth in our community by Industry and Commerce which will result in an increase in available employment opportunities, better housing, health care, and education, as well as growth of the City of Willcox itself.

If approved, the Willcox Volunteer Fire Department will conduct a media outreach program to publicize the Tohono O'odham Nation's benevolent contribution to the City of Willcox and the Willcox Volunteer Fire Department. Additionally, lettering on the purchased unit will read: "*Provided by a grant from the Tohono O'odham Nation.*"

Some Major Hazards in the Willcox response area:



**CITY OF WILLCOX
REQUEST FOR COUNCIL ACTION**

Agenda Item: 15
Tab Number: 9
Date: 06-3-13

Date Submitted:
05-23-13
Meeting Date:
06-3-13

Action:
 Resolution
 Ordinance
 Formal
 Other

Subject:
Proposed City Code Text
Amendment Regarding
the Employment of the
City Attorney

TO: MAYOR AND COUNCIL

FROM: City Attorney

DISCUSSION:

Presented herewith is Ordinance NS 314 for the Mayor and City Councils consideration. The Willcox City Code text amendment, if approved, will allow the Mayor and City Council to appoint any City Attorney or Prosecutor, if necessary, as either a City employee or an independent contractor.

The new Code language in the Ordinance is accentuated by capital letters and the old language which is being removed is designated with strike through.

FISCAL IMPACT:

None.

RECOMMENDATION:

Mayor and Council's approval.

Prepared and Approved by: Ann P. Roberts, City Attorney

CITY OF WILLCOX, COCHISE COUNTY, ARIZONA
ORDINANCE NS314

(City Code Amendment – Title 1, Chapter 7C, City Attorney)

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF WILLCOX, ARIZONA, AMENDING THE CITY CODE, TITLE 1, CHAPTER 7C, ARTICLE C, ENTITLED "CITY OFFICERS AND PERSONNEL", SECTION 1-7C-1, REGARDING THE APPOINTMENT OF THE "CITY ATTORNEY"; PROVIDING FOR APPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA AS FOLLOWS:

SECTION 1: The Willcox City Code, Title 1, Chapter 7C, Article C, "City Officers and Personnel", Section 1-7C-1, "City Attorney: Appointment: Duties", shall hereby be amended to read as follows:

1-7C-1: CITY ATTORNEY: APPOINTMENT: DUTIES:

There shall be appointed by Mayor and Council an attorney for the City, whose duty shall be to attend to all civil legal business of the City, under the direction of Mayor and Council to provide legal ~~advise~~ ADVICE to the governing body, the City Manager and City officials OFFICERS; to draft, review and approve all resolutions, ordinances, contracts, intergovernmental agreements [IGA], Memorandum of Understandings [MOU] and any other documents to be presented to Mayor and Council. ~~and who shall serve as an independent contractor.~~

There shall be appointed by Mayor and Council an attorney for the Municipal Court, whose duty shall be to attend to all legal matters related to civil, criminal and code violations within the City Municipal Court. ~~and who shall serve as an independent contractor.~~

Mayor and Council may vest all duties with a single appointed attorney to attend to all legal matters enumerated in the paragraphs above.

(1982 Code; prior code §2.08.020)(2008 Code, Ord. NS283: 02/18/2008)

SECTION 2: All ordinances or parts of ordinances in conflict with the provisions of this ordinance or any part of the City Code adopted herein by reference are hereby repealed effective as of the 3rd day of June, 2013.

SECTION 3: If any section, subsection, sentence, clause, phrase or portion of the ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 4: Whereas it is necessary for the preservation of the peace, health and safety of the City, an emergency is declared to exist, and the ordinance shall become effective immediately operative and in force from and after the date of posting hereof.

SECTION 5: The City Clerk is directed to publish the text of this Ordinance in the Range News for two (2) consecutive weeks, and further, to post a copy of this Ordinance in three (3) or more public places within the City.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLCOX, ARIZONA, this 3rd day of June, 2013.

APPROVED/EXECUTED:

ROBERT A. IRVIN, MAYOR

ATTEST:

VIRGINIA A. MEFFORD, City Clerk

APPROVED AS TO FORM:

ANN P. ROBERTS, City Attorney

ORDINANCE NS314
Published in the Range News on the ____ and ____ of June, 2013.
Passed and Adopted by ____ of 7 Council Votes.
Posted on June _____, 2013.
Clerk's Initials _____

**CITY OF WILLCOX
REQUEST FOR COUNCIL ACTION**

Agenda Item: 16
Tab Number: 10
Date: 06-3-13

Date Submitted:
05-23-13
Meeting Date:
06-3-13

Action:
 Resolution
 Ordinance
 Formal
 Other

Subject:
**Proposed City Attorney
Employment Contract**

TO: MAYOR AND COUNCIL

FROM: City Attorney

DISCUSSION:

Presented herewith is the City Attorney Employment Agreement for the Mayor and City Council should you wish to proceed with formal consideration of the employment of the City Attorney as an employee.

FISCAL IMPACT:

The fiscal impact for this position will be the same as presently with a gross salary for the City Attorney of \$60,000.00, which with Taxes and State Retirement Benefits will cost the City no more than the present salary of \$72,000.00.

RECOMMENDATION:

Mayor and Council's pleasure.

Prepared and Approved by: Ann P. Roberts, City Attorney

CITY OF WILLCOX, COCHISE COUNTY, ARIZONA

RESOLUTION 2013-38

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA, "CITY", FOR THE PURPOSE OF APPROVING THE EMPLOYMENT AGREEMENT WITH ANN P. ROBERTS; APPOINTING ANN P. ROBERTS TO THE POSITION OF CITY ATTORNEY AND, AUTHORIZING THE MAYOR TO EXECUTE THE EMPLOYMENT AGREEMENT AS PRESENTED AND THIS RESOLUTION.

WHEREAS, CITY is empowered pursuant to Title 9, A.R.S. §9-271(3) and §9-499.01, et seq. and the Willcox City Code, Title 1, Chapter 7, Article C, Section 1-7C-1, to appoint a City Attorney; and,

WHEREAS, CITY and Ann P. Roberts have negotiated the terms and conditions of her employment as City Attorney and said terms and conditions of such employment are set forth in the Employment Agreement, attached hereto and by reference incorporated herein as Exhibit "A"; and,

WHEREAS, CITY desires to appoint Ann P. Roberts as City Attorney and as such her gross annual salary shall be set at \$60,000.00 per year; and,

WHEREAS, the Mayor and City Council of the City of Willcox desire to have this Resolution presented at its June 3, 2013 Council Meeting for the purpose of approving the appointment; and,

WHEREAS, the Mayor and Council have determined that formal action on this Resolution is in the best interest of the CITY, its citizens and its municipal system.

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

SECTION 1: The Mayor and City Council hereby approve the terms and conditions set forth in Roberts' Employment Agreement, attached hereto and by reference incorporated herein as Exhibit "A";

SECTION 2: The Mayor and City Council hereby appoint Ann P. Roberts as City Attorney;

SECTION 3: The Mayor is authorized and empowered to execute Roberts' Employment Agreement, attached hereto and by reference incorporated herein as Exhibit "A", as presented; and,

SECTION 4: The Mayor is authorized and empowered to execute the Resolution as presented.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLCOX, ARIZONA, this 3rd day of June, 2013.

APPROVED/EXECUTED

ROBERT A. IRVIN, MAYOR

Dated: _____

ATTEST:

VIRGINIA A. MEFFORD, City Clerk

APPROVED AS TO FORM:

ANN P. ROBERTS, City Attorney

RESOLUTION 2013-38

| | |
|---|---------------------|
| <p>CITY OF WILLCOX</p> <p>CONTRACT: CITY ATTORNEY</p> <p>APPOINTEE: ANN P. ROBERTS</p> <p>AMOUNT: \$60,000.00 per year</p> <p>CONTRACT PERIOD: 7/01/13 – 6/30/14</p> | <p>(STAMP HERE)</p> |
|---|---------------------|

EMPLOYMENT AGREEMENT

This Agreement is entered into this 3rd day of June, 2013, by and between the **CITY OF WILLCOX**, an Arizona body politic, hereinafter referred to as “**CITY**,” and **ANN P. ROBERTS**, hereinafter referred to as “**ROBERTS**”.

RECITALS:

WHEREAS, **CITY** is empowered pursuant to the Willcox City Code, Title 1, Chapter 7, Article C, Section 1-7C-1 and Title 9, A.R.S. §9-271(B)(3), to appoint a person, for a definite term, to serve as City Attorney and to compensate such appointee for the services provided by the **ROBERTS**.

WHEREAS, **CITY** requires certain legal services on a continuing basis and **ROBERTS** is willing and licensed by the State of Arizona to provide legal services to **CITY** in the position of City Attorney and **ROBERTS** accepts employment to serve as City Attorney.

WHEREAS, **CITY** and **ROBERTS** desire to set forth the conditions of employment, compensation, and benefits in this Agreement.

NOW, THEREFORE, the parties hereto agree as follows:

ARTICLE I — TERM AND EXTENSION/RENEWAL/CHANGES

This Contract, as approved by the Mayor and City Council of the City of Willcox, shall commence on July 1, 2013 and shall terminate on June 30, 2014 in accordance with the appointment of **ROBERTS** to serve as City Attorney or unless sooner terminated or further extended pursuant to the provisions of this Agreement. The parties may renew this Agreement upon mutual consent or may terminate the Agreement without any expectation of required renewal.

ROBERTS understands that she is an employee at will and nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the **CITY** to terminate the services of the **ROBERTS**, subject to the provisions set forth in this Agreement.

In the event the **ROBERTS** voluntarily resigns her position with the **CITY** at any time during the term of this Agreement, then **ROBERTS** shall provide the **CITY** with sixty (60) days written notice in advance, unless the parties otherwise agree.

Any modification, or extension of the Agreement and/or renewal, shall be with formal approval of Mayor and City Council and upon written amendment executed by the parties hereto.

ARTICLE II — SCOPE OF WORK

ROBERTS shall serve as City Attorney as provided by Title 1, Chapter 7, Article C, Section 1-7C-1 wherein, under the terms of this Agreement, the City Attorney will provide **CITY** with Municipal Legal Services to include, but not be limited to:

- Drafting all ordinances, resolutions and legal documents required;
- Reviewing, revising and approving as to form all contracts, memorandums of understandings, intergovernmental agreements, resolutions and ordinances as required by law and city policies;
- Drafting reviewing and approving as to form all revisions to the City Code and Personnel Policies;
- Prosecutorial responsibilities for all City Code Notice of Violations and citations issued by the Building Official/Code Enforcement Officer;
- Litigation support to assigned Arizona Municipal Risk Retention Pool (AMRRP) legal counsel retained to represent the City in litigation covered by Arizona Municipal Risk Retention Pool (AMRRP) policy;
- In-service training for city staff/elected officials/appointed officials and advisory committees on open meeting laws and other legal matters;
- Attendance and advise to Mayor and Council at council meetings and executive sessions;
- Preparation of agenda items as authorized by the City Code and state statutes;
- Preparation of legal opinions and auditor opinions;
- Any other regular legal assignments or required legal work that arises while acting in the official capacity as City Attorney.

ROBERTS shall be responsible for the designation of another attorney to cover her scope of work duties in her absence as City Attorney.

ROBERTS shall render services as the City Attorney in a professional manner and shall perform the functions and duties as directed by Mayor and Council and existing City Code and Ordinances or as they may be amended from time to time.

ROBERTS will serve the CITY diligently and faithfully according to her best ability in all respects and will use her utmost endeavors to promote the best interests of the CITY.

The annual salary rate as set forth hereinabove for **ROBERTS** shall not apply to any matter requiring a trial or appeal in the Superior Court of the State of Arizona or an appeal to a higher court and the hourly rate for all such matters shall be undertaken at an hourly rate of not less than FIFTY PERCENT (50%) of the then current hourly rate charged non-municipal clients of **ROBERTS**, presently Two Hundred Fifty Dollars (\$250.00) per hour. Any matters to be billed in accordance with this paragraph shall be preapproved by the Mayor and City Council prior to **ROBERTS** beginning any work on such matter and **ROBERTS** shall provide detailed documentation in support of the requested payment such documentation shall be submitted monthly to the Mayor and City Manager by the fifth (5th) day of each month.

ARTICLE III — COMPENSATION/PAYMENT/OTHER BENEFITS

In consideration for the City Attorney Services specified in this Agreement, the CITY agrees to pay **ROBERTS**, as an employee of the CITY, at an annual rate of \$60,000.00 payable in installments pursuant to regular payroll schedules used by the CITY.

The annual salary set forth hereinabove for **ROBERTS** shall automatically be amended to reflect any cost of living salary adjustments granted annually to other employees.

ROBERTS' employment classification as an employee of CITY shall commence July 1, 2013, and **ROBERTS** will be available to perform legal work on behalf of CITY for twenty (20) hours per week and as such, **ROBERTS** will be entitled to participate in the Arizona State Retirement System in the same manner as any other employee of the CITY.

Although **ROBERTS** will be entitled to participate in the Arizona State Retirement System in the same manner as any other employee of the CITY, **ROBERTS'** employment classification as an employee shall not entitle her to receive holiday pay, vacation and sick leave, and health insurance benefits.

ARTICLE IV — PERFORMANCE EVALUATION

ROBERTS' performance shall be evaluated during the month of May of each year unless the parties mutually agree to some other time frame. After each evaluation, the parties shall schedule a meeting to review the evaluation and determine, if necessary, any adjustments in compensation, benefits, terms and/or conditions of the continued employment of **ROBERTS**.

ARTICLE V — INSURANCE AND INDEMNIFICATION

CITY shall provide liability insurance coverage through the Arizona Municipal Risk Retention Pool (AMRRP) or another carrier to cover City Attorney in litigation arising out of carrying out the contracted scope of work that is related to the performance of the services provided by **ROBERTS**.

The **CITY** shall defend, save harmless and indemnify **ROBERTS** against any tort, professional liability claim or other legal action, arising out of an alleged act or omission occurring in the course and scope of the performance of her duties as City Attorney on the same basis as other employees of the **CITY** and to the extent permitted by law and the City's insurance carrier coverage.

ROBERTS shall indemnify, defend, and hold harmless **CITY**, its officers, employees and agents from and against any and all malpractice suits, actions, legal administrative proceedings, claims and costs attended thereto, arising out of any willful act, omission, fault or gross negligence by **ROBERTS** in connection with performance of this Agreement.

ARTICLE VI — "AT WILL" STATUS

The status of **ROBERTS** shall be that of an "at will employee" pursuant to the terms and conditions enumerated in this Agreement.

ARTICLE VII — ASSIGNMENT

ROBERTS shall not assign her rights to this Agreement, in whole or in part.

ARTICLE VIII — AUTHORITY TO CONTRACT

ROBERTS warrants her right and power to enter into this Agreement. If any Court or Administrative Agency determines that **CITY** does not have authority to enter into this Agreement, **CITY** shall not be liable to **ROBERTS** or any third party by reason of such determination or by reason of Contract.

ARTICLE IX — TERMINATION AND SEVERANCE PAY

ROBERTS reserves the right to voluntarily terminate her employment in compliance with the notice requirement enumerated in Article I above. In the event of such action, **ROBERTS** shall not be entitled to severance payment.

In the event that **ROBERTS** is terminated by a majority of votes of the governing body at a duly authorized public meeting, **CITY** shall provide a severance payment equal to three (3) months' salary at the current rate of pay.

ARTICLE X — NOTICE

Any Notice required or permitted to be given under this Agreement shall be in writing and shall be served by personal delivery or by certified mail upon the other party as follows:

CITY:
Willcox City Clerk
101 S. Railroad Ave., Suite B
Willcox, Arizona 85643

ROBERTS:
Ann P. Roberts
P.O. Box 2315
Benson, Arizona 85602

ARTICLE XI — REMEDIES

Either party may pursue any remedies provided by law for breach of this Agreement. No right or remedy is intended to be exclusive of any other right or remedy and each shall be cumulative and in addition to any other right or remedy existing at law or at equity or by virtue of this Contract. This Agreement will be governed by the laws of the State of Arizona.

ARTICLE XII — SEVERABILITY

Each provision of this Agreement stands alone, and if any provision of this Agreement is held, in whole or in part, to be unenforceable for any reason, the remainder of the provision and of the entire Agreement will be severable and remain in effect.

ARTICLE XIII — ENTIRE AGREEMENT

This document constitutes the entire Agreement between the parties pertaining to the subject matter hereof, and all prior or contemporaneous agreements and understandings, oral or written, are hereby superseded and merged herein. This Agreement may be modified, amended or extended only by a written amendment approved by Mayor and Council and executed thereby.

IN WITNESS THEREOF, the parties have affixed their signatures to this Contract on this 3rd day of June, 2013.

CITY OF WILLCOX:

ROBERTS:

ROBERT A. IRVIN, MAYOR
Authorized City Official

ANN P. ROBERTS

ATTESTED:

VIRGINIA A. MEFFORD, City Clerk

7-11

**CITY OF WILLCOX
EXECUTIVE SESSION**

AGENDA

MONDAY, JUNE 3, 2013

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 §38-431.03(A) (1) AND (A)(3) DISCUSSION OR CONSULTATION FOR LEGAL ADVICE WITH THE ATTORNEY OR ATTORNEYS OF THE PUBLIC FOR THE PURPOSE OF DISCUSSION OR CONSIDERATION OF EMPLOYMENT.**
Consideration and/or discussion pursuant to Arizona Revised Statutes §38-431.03(A) (1) and (A)(3), as stated relating to consultation for legal advice with the attorney(s) of the public for the purpose of discussion or consideration of employment.
- 4. ADJOURN**



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 **3RD** day of **JUNE 2013** at **7:00 p.m.**, in the **CITY COUNCIL CHAMBERS, 300 W. REX ALLEN DRIVE, WILLCOX, AZ**

Item for Consideration and Discussion are:

A.R.S §38-431.03(A) (1) AND (A)(3) DISCUSSION OR CONSULTATION FOR LEGAL ADVICE WITH THE ATTORNEY OR ATTORNEYS OF THE PUBLIC BODY FOR THE PURPOSE OF DISCUSSION OR CONSIDERATION OF EMPLOYMENT
Consideration and/or discussion regarding consultation for legal advice with the Attorney or Attorney's of the public body, for the purpose of discussion or consideration of employment.

DATED AND POSTED this 30TH day of May 2013, at 3:00 P.M.

CITY OF WILLCOX, ARIZONA


Virginia A. Mefford
City Clerk Virginia A. Mefford

"Mine, Yours, Ours"

REVISED**City Manager Selection Process:**

- ~~Applications Close – April 19, 2013~~
- ~~Applications to Council – Monday April 22, 2013~~
- ~~Application Review – Monday April 29th~~
- ~~Supplemental Questions Requested – Tuesday, May 7th~~
- ~~Supplemental Questions Due back to HR – Friday, May 17th~~
- ~~Council Review Supplemental Questions – Monday, May 20th~~
- ~~Scheduling Phone Interviews begins Tuesday May 21st~~
- ~~Council Conduct Phone Interviews – Wednesday, May 29th – 5:30-10:00pm~~
- ~~In Person Candidates Selected by Wednesday May 29th~~
- Scheduling In person interviews begins May 30th
- Interview Final Candidates – Thursday, June 06th
- Decide and negotiate contract by Monday, June 10th (Special Meeting) ???
- Start Date – July -15th to Aug 01, 2013

In Person Interview Schedule:

- Candidates arrive – Wednesday, June 5th
- Interview Day – Thursday, June 06th
 - Candidates arrive at City Hall 8:30 a.m.
 - Tour of Community 9:00 – 11:00 am
 - Lunch with Council – Noon -1:30 pm
 - Community and staff meet and greet 3:30 – 5:30 pm
 - Council Interviews 6:00 – 9:00 pm

All times are tentative depending on Council direction.

**CITY OF WILLCOX
REQUEST FOR COUNCIL ACTION**

Agenda Item: 22
Tab Number: 13
Date: 06-3-13

Date Submitted:
05-23-13
Meeting Date:
06-03-13

Action:
 Resolution
 Ordinance
 Formal
 Other

Subject:
City Code Codification

TO: MAYOR AND COUNCIL

FROM: City Attorney

DISCUSSION:

This item is being presented to the Mayor and City Council for discussion and direction to the City Attorney and City Clerk on proceeding with the formal recodification of the Willcox City Code.

At the meeting, I plan to discuss the present status of the Code and present my plan for moving forward with the process. Further, I will review the present proposals we have received for services from Municode and American Legal Publishing.

FISCAL IMPACT:

None at this point. However, future recodification could cost the City an approximate base cost of \$10,000.00.

RECOMMENDATION:

Mayor and Council's direction.

Prepared and Approved by: Ann P. Roberts, City Attorney

