

**CITY OF WILLCOX
MAYOR AND CITY COUNCIL
AGENDA**

Monday, April 2, 2012

7:00 p.m.

City Council Chambers

300 W. Rex Allen Drive

Willcox, AZ 85643

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

**Resolution No. 2012- 30
Ordinance NS311**

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)**

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. CALL TO THE PUBLIC

Mayor and Council consider comments or complaints from the public. Those wishing to address the Council are required to register by completing an individual speaker's form and filing it with the Clerk before the meeting. The speaker must be recognized by the Mayor before speaking. Time permitting each presentation will be given approximately three (3) minutes. It is probable that each organization will be limited to one speaker. Action taken as a result of public comment will be limited to directing staff to study or reschedule the matter for further consideration at a later date.

5. DECLARATION ON CONFLICT OF INTEREST

Council members and staff have a right to declare a conflict of interest. The declaration of a conflict of interest must be made prior to discussion of any agenda item in which Council members or staff member determine they have a conflict of interest.

6. ADOPTION OF THE AGENDA

The Council will at this time either adopt the agenda as presented or may remove or table any of the listed agenda items. Tabled items, unless otherwise directed, will appear on the next regular agenda. Council may not add any items to the agenda at this time. Should staff have any recommendations concerning the exclusion or tabling of agenda items they will voice these recommendations at this time.

7. PUBLIC HEARINGS, PETITIONS AND COMMUNICATIONS

Tab 1

Public Hearing: 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 and Monday, May 21, 2011 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 proclaims (1) April is **Fair housing Month**; and (2) **National Library Week** April 8-14, 2012. **Tab 2**

8. 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.

- 8A. ACCEPT A \$50.00 DONATION TO THE WILLCOX DEPARTMENT OF PUBLIC SAFETY FROM PRIVATE DONOR** **Tab 3**
- 9. DISCUSSION/DECISION REGARDING APPOINTMENT TO THE PARKS & RECREATION ADVISORY COMMITTEE TO FILL UNEXPIRED TERM VACATED BY TIMOTHY ATWELL, TERM TO EXPIRE 12-31-2014** **Tab 4**
Consideration, discussion and/or decision regarding appointment to the P&R Advisory Committee to fill the unexpired term vacated by Timothy Atwell, term to expire 12-31-2014.
- 10. DISCUSSION/DECISION REGARDING ACCEPTING THE LETTER OF RESIGNATION FROM SHARON RAE NIGH FROM THE PARKS & RECREATION ADVISORY COMMITTEE** **Tab 5**
Consideration, discussion and/or decision regarding the acceptance of the letter of resignation from Sharon Rae Nigh from the P&R Advisory Committee.
- 11. DISCUSSION/DECISION REGARDING ACCEPTING THE LETTER OF RESIGNATION FROM WILLIAM M. NIGH FROM THE PARKS & RECREATION ADVISORY COMMITTEE** **Tab 6**
Consideration, discussion and/or decision regarding the acceptance of the letter of resignation from William M. Nigh from the P&R Advisory Committee.
- 12. 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** **Tab 7**
Consideration, discussion and/or decision regarding Resolution No. 2012-18, as stated, relating to the IGA for the Operation of the Animal Shelter between the City and County for FY2013 through FY2014.
- 13. 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.** **Tab 8**
Consideration, discussion and/or decision regarding Resolution NO. 2012-19, as stated, 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.
- 14. 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.** **Tab 9**
Consideration, discussion and/or decision regarding Resolution No. 2012-20, as stated, relating to approving the appointment of Trevor J. Ward to the Judicial Position of City Magistrate and Juvenile hearing Officer for FY2013-FY2014.
- 15. 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** **Tab 10**

EXECUTE THIS RESOLUTION AND THE JUDICIAL SERVICES AGREEMENT AND DECLARING AN EMERGENCY TO EXIST.

Consideration, discussion and/or decision regarding Resolution NO. 2012-21, as stated, relating to the Judicial Services Agreement with Judge Trevor J. Ward for contract period beginning July 1, 2012 and terminating December 31, 2014.

16. **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** Tab 11

Consideration, discussion and/or decision regarding Resolution No. 2012-22, as stated, relating to the IGA between the City and School for continuing a School Safety Program.

17. **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.** Tab 12

Consideration, discussion and/or decision regarding Resolution NO. 2012-23, 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.

18. **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.** Tab 13

Consideration, discussion and/or decision regarding Resolution NO. 2012-24, as stated, awarding bid purchase to ARC under the NJPA Cooperative Purchasing Agreement for the Skate Park Project.

19. **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.** Tab 14

Consideration, discussion and/or decision regarding Resolution NO. 2012-25, as stated, authorizing the submission of applications for FY2012 SSP and FY2012 Regional Account CDBG Funds.

20. **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.** Tab 15

Consideration, discussion and/or decision regarding Resolution NO. 2012-26, as stated, 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.

21. **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.** Tab 16

Consideration, discussion and/or decision regarding Resolution NO. 2012-27, as stated, ratifying, approving and authorizing the submittal of a Grant Application to GOHS for the 2013 Grant Funding Cycle.

22. **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.** Tab 17

Consideration, discussion and/or decision regarding 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.

23. 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. Tab 18

Consideration, discussion and/or decision regarding Resolution No. 2012-29, as stated, 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.

24. REPORTS BY THE CITY MANAGER PAT MCCOURT Tab 19

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 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**
- **Report City Clean Up April 28 2012**
- **Report on fire**
- **Budget Revised Schedule and Work Session Monday, April 16, 2012-at 6:00 p.m.** has been changed from Budget to Presentation by Severn Trent regarding Private Operations of Wastewater Treatment Plant

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

26. 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 Tab 20

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.

27. RECESS TO EXECUTIVE SESSION, IF APPROVED

28. RECONVENE FROM EXECUTIVE SESSION

29. 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.

30. ADJOURN

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

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