

**CITY OF WILLCOX
REQUEST FOR COUNCIL ACTION**

Agenda Item 7
Tab Number 1
Date: 08/06/12

Date Submitted: <p style="text-align: center;">August 2, 2012</p>	Action: <p style="text-align: center;"><input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Formal <input type="checkbox"/> Other</p>	Subject: <p style="text-align: center;">Primary and Secondary Property Tax Levies for Fiscal Year 2012-2013</p>
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TO: MAYOR AND COUNCIL
FROM: Finance Director Ruth Graham

DISCUSSION:

As a part of the budget process each year, the Mayor and Council of the City of Willcox determine the City's Primary and Secondary property tax levies for the upcoming year. A Public Hearing on the tax levies was held of July 16, 2012, and a second Public Hearing will be held on August 6, 2012. A third public hearing will be held August 20, 2012.

As presented in the tentative budget for Fiscal Year 2012-2013, the Primary property tax levy is \$0.3196 for total revenues of \$72,443, the maximum allowable primary tax levy established by the State of Arizona Property Tax Oversight Commission. Per A.R.S. §42-17107(A), if the proposed tax levy, excluding amounts that are attributable to new construction, is greater than the amount levied in the preceding tax year, a truth in taxation hearing must be held. The City Council has determined that the maximum allowable primary tax levy without a truth in taxation hearing is sufficient to meet the needs of the City. Each year the City is allowed an increase of 2% over the preceding year's maximum allowable rate, as determined on current values, without requiring Truth in Taxation hearings. The levy rate as established by the Council becomes the "allowable amount" in the following year so the effect is cumulative. Each year the lower amount is assessed, the next year's allowable levies are reduced as well. The Willcox primary property tax levies for FY12, the last year for which information is available, were the second lowest in the County. Sierra Vista had a lower rate.

A Secondary property tax may be levied to pay the principal and interest charges on General Obligation Bonds. The Fiscal Year 2012-2013 Secondary property tax levy of \$0.6867 will generate revenues of \$157,300, an amount sufficient to pay the City's principal and interest charges on bonds in the upcoming year. The payments are due on bonds issued for municipal improvements. On March 9, 2004, the citizens of Willcox voted to secure funds totaling \$1,515,000 to secure funding to provide municipal service facilities including a police facility, administrative facilities for the city, library improvements and a community meeting room. The proceeds were borrowed in two installments from the Greater Arizona Development Authority (GADA). In 2004, \$1,200,000 was borrowed and in 2007 the balance of \$315,000 was borrowed to complete the projects. In Cochise County, two communities levy secondary property taxes, Willcox and Tombstone.

The combined Primary and Secondary property tax levy total 1.0063, and will generate tax revenues of \$229,743. The combined tax on a home valued at \$100,000 will total \$100.63, an increase of \$1.04 from the prior year. We anticipate that the taxes assessed by the City of Willcox will be approximately 10% of a resident's total property tax bill from the County.

A residential and a commercial 2011 property tax bill are attached as reference. 2011 is the latest tax year available. For a residential property owner, in 2010 the City portion of their property tax bill totaled 10.1% of the total bill; in 2011 the City's portion totaled 9.1% of the total bill. For a commercial property owner, in 2010 the City portion of their property tax bill totaled 8.9% of the total bill; in 2011 the City's portion totaled 8.0% of the total bill.

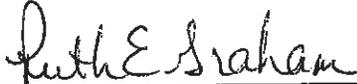
As a comparison, we looked at the Willcox tax levy rates from the past. The City's tax levy rate in FY87-88 was 1.33; and in FY97-98 it was 2.0062. The Council reduced the primary property tax levy in FY04-05 and the combined rate was 1.0076 (.3010 and .7066). Since that time, the combined rate has been consistent. In FY11-12 it was .9959 (.3209 and .6750); and for FY12-13 it is proposed at 1.0063 (.3196 and .6867).

RECOMMENDATION:

Motion to approve Ordinance No. NS ____ Adopting the Primary and Secondary Property Tax Levies Upon Each One Hundred Dollars (\$100.00) of the Assessed Valuation of Property Subject to Taxation Within the City of Willcox for the Fiscal Year Ending June 30, 2013.

FISCAL IMPACT: Primary Property Tax levy of \$72,443 at the rate of 0.3196, and Secondary Property Tax levy of \$157,300, at the rate of 0.6867, for total primary and secondary property tax revenues of \$229,743 at the combined rate of \$1.0063.

Submitted by:



Ruth Graham



Pat McCourt, City Manager

CITY OF WILLCOX
Summary of Tax Levy and Tax Rate Information
Fiscal Year 2013

	2012	2013
1. Maximum allowable primary property tax levy. A.R.S. §42-17051(A)	\$ 70,786	\$ 72,443
2. Amount received from primary property taxation in the current year in excess of the sum of that year's maximum allowable primary property tax levy. A.R.S. §42-17102(A)(18)	\$	
3. Property tax levy amounts		
A. Primary property taxes	\$ 70,786	\$ 72,443
B. Secondary property taxes	151,094	157,300
C. Total property tax levy amounts	\$ 221,880	\$ 229,743
4. Property taxes collected*		
A. Primary property taxes		
(1) Current year's levy	\$ 66,378	
(2) Prior years' levies	3,411	
(3) Total primary property taxes	\$ 69,789	
B. Secondary property taxes		
(1) Current year's levy	\$ 144,420	
(2) Prior years' levies	7,808	
(3) Total secondary property taxes	\$ 152,228	
C. Total property taxes collected	\$ 222,017	
5. Property tax rates		
A. City/Town tax rate		
(1) Primary property tax rate	0.3209	0.3196
(2) Secondary property tax rate	0.6750	0.6867
(3) Total city/town tax rate	0.9959	1.0063

B. Special assessment district tax rates

Secondary property tax rates - As of the date the proposed budget was prepared, the city/town was operating no special assessment districts for which secondary property taxes are levied. For information pertaining to these special assessment districts and their tax rates, please contact the city/town.

* Includes actual property taxes collected as of the date the proposed budget was prepared, plus estimated property tax collections for the remainder of the fiscal year.

CURRENT YEAR
FY 13 BUDGET

CITY OF WILLCOX
Summary of Tax Levy and Tax Rate Information
Fiscal Year 2012

	2011	2012
1. Maximum allowable primary property tax levy. A.R.S. §42-17051(A)	\$ <u>68,917</u>	\$ <u>74,454</u>
2. Amount received from primary property taxation in the current year in excess of the sum of that year's maximum allowable primary property tax levv. A.R.S. §42-17102(A)(18)	\$ <u> </u>	
3. Property tax levy amounts		
A. Primary property taxes	\$ <u>68,917</u>	\$ <u>74,454</u>
B. Secondary property taxes	<u>156,639</u>	<u>151,094</u>
C. Total property tax levy amounts	\$ <u>225,556</u>	\$ <u>225,548</u>
4. Property taxes collected*		
A. Primary property taxes		
(1) Current year's levy	\$ <u>65,743</u>	
(2) Prior years' levies	<u>4,347</u>	
(3) Total primary property taxes	\$ <u>70,090</u>	
B. Secondary property taxes		
(1) Current year's levy	\$ <u>149,740</u>	
(2) Prior years' levies	<u>10,236</u>	
(3) Total secondary property taxes	\$ <u>159,976</u>	
C. Total property taxes collected	\$ <u>230,066</u>	
5. Property tax rates		
A. City/Town tax rate		
(1) Primary property tax rate	<u>0.3020</u>	<u>0.3209</u>
(2) Secondary property tax rate	<u>0.6700</u>	<u>0.6750</u>
(3) Total city/town tax rate	<u>0.9720</u>	<u>0.9959</u>

B. Special assessment district tax rates

Secondary property tax rates - As of the date the proposed budget was prepared, the city/town was operating no special assessment districts for which secondary property taxes are levied. For information pertaining to these special assessment districts and their tax rates, please contact the city/town.

* Includes actual property taxes collected as of the date the proposed budget was prepared, plus estimated property tax collections for the remainder of the fiscal year.

PRIOR YEAR
FY 12 BUDGET

Tax bill from County-residential
Cochise County

2011 Tax Summary

PARCEL #	Value	Assessed Value	9.2454	3.1495	Tax Rate	Tax
	190,813	19,081	10.0	0	9.2454	1,764.11
	0	0	0.0	0	0.0000	269.92
	190,813	19,081	10.0	0	3.1495	1,494.19
	24,240	2,424	10.0	0	3.1495	600.95
	166,573	16,657	10.0	0	0.0000	0.00
	0	0	0.0	0	0.0000	0.00
	190,813	19,081				2,095.14

ACREAGE: 4.06

0068014
SITUS ADDRESS:

2010 Taxes	2011 Taxes
508.98	501.38
69.03	81.26
191.43	190.02
506.38	697.44
309.61	317.83
195.19	205.23
15.69	15.18
28.79	27.71
51.52	49.55
9.92	9.54
of total	of total
10.1%	9.1%
City	City

2011 Tax Bill - Residential

1,886.54 2,095.14

This is the only notice you will receive

Marsha Bonham
Cochise County Treasurer
PO Box 1778
Bisbee AZ 85603-2778

Tax bill from County-commercial

Cochise County

PARCEL #

9.2454

3.1495

1,316.46

0.00

1,316.46

448.44

0.00

1,764.90

ACREAGE: .00

072685
 SITUS ADDRESS:

EQUAL DESCRIPTION:

WILLCOX LOTS

02000	COCHISE COUNTY	392.85							
02001	STATE SCHOOL TAX EQU	53.29							
04157	CITY OF WILLCOX	145.33							
07013	WILLCOX SD #13	565.10							
08150	COCHISE COUNTY JUNIO	238.98							
10251	NO COCHISE CNTY HOSP	147.10							
11900	FIRE DISTRICT ASSIST	11.83							
14900	COCHISE COUNTY LIBRA	21.70							
15000	COCHISE COUNTY FCD #	38.83							
30000	COCHISE CNTY JOINT T	7.47							
		374.17							
		60.64							
		141.80							
		721.88							
		237.17							
		153.15							
		11.33							
		20.68							
		36.97							
		7.11							
		1,622.48							
		1,764.90							

City

8.9% of total

City

8.03%

2011 Tax Bill - Commercial

This is the only notice you will receive

Marsha Bonham
 Cochise County Treasurer
 PO Box 1778
 Bisbee AZ 85603-2778

CITY OF WILLCOX, COCHISE COUNTY, ARIZONA

ORDINANCE NS 311

RELATING TO TAXATION: LEVYING SEPARATE AMOUNTS TO BE RAISED FOR PRIMARY AND SECONDARY PROPERTY TAX LEVIES UPON EACH ONE HUNDRED DOLLARS (\$100.00) OF THE ASSESSED VALUATION OF PROPERTY SUBJECT TO TAXATION WITHIN THE CITY OF WILLCOX FOR THE FISCAL YEAR ENDING JUNE 30, 2013 AND DECLARING AN EMERGENCY TO EXIST.

WHEREAS, pursuant to A.R.S. § 42-17151, the Ordinance levying taxes for Fiscal Year 2012-2013 is required to be adopted on or before the third Monday in August; and

WHEREAS, the County of Cochise is the assessing and collecting authority for the City of Willcox, Arizona; and

WHEREAS, it is necessary for the preservation of the peace, health, and safety of the City of Willcox, Cochise County, Arizona, that an emergency be declared to exist to assure timely implementation of the FY 2012-2013 budget, and that this Ordinance shall be effective immediately upon conducting three readings, its passage and adoption

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

Section 1: There is hereby levied **\$0.3196** on each One Hundred Dollars (\$100.00) of the limited assessed valuation of all property, both real and personal, within the corporate limits of the City of Willcox, except such property as may be exempt by law from taxation, a primary tax rate sufficient to raise the amount of **\$72,443.00** required in the annual budget for the Fiscal Year 2012-2013.

Section 2: There is hereby levied **\$0.6867** on each One Hundred Dollars (\$100.00) of the unlimited assessed valuation of all property, both real and personal, within the corporate limits of the City of Willcox, except such property as may be exempt by law from taxation, a secondary tax rate sufficient to raise the amount of **\$157,300.00** required in the annual budget for the Fiscal Year 2012-2013.

Section 3: The combined tax rate as set forth in Sections 1 and 2 shall equal **\$1.0063** per One Hundred Dollars (\$100.00) of assessed valuation of all property, real and personal, within the corporate limits of the City of Willcox, except such property exempt by law from taxation, a combined tax rate sufficient to raise the amount of **\$229,743.00** required in the annual budget for the Fiscal Year 2012-2013.

Section 4: The estimates of revenues and expenditures shown on Schedules A-E, as now increased, reduced or changed by and the same are hereby adopted as the Budget of the City of Willcox, Cochise County, Arizona for the FY2012-2013.

Section 5: Failure by the county officials of Cochise County, Arizona, to properly return the delinquent list, any irregularity in assessments or omissions in the same, or any irregularity in any proceedings shall not invalidate such proceedings or invalidate any title conveyed by any tax deed; failure or neglect of any officer or officers to timely perform any of the duties assigned to him/her/them shall not invalidate any proceedings or any deed or sale pursuant thereto, the validity of the assessments or levy of taxes or of the judgment of sale by which the collection of the same may be enforced shall not affect the lien of the City of Willcox upon such property for the delinquent taxes unpaid thereon; overcharge as to part of the taxes or of the costs shall not invalidate any proceedings for the collection of taxes or the foreclosure of the lien therefore or a sale of the property under such foreclosure; and all acts of officers de facto shall be valid as if performed by officers de jure.

Section 6: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 7: This Ordinance shall become effective upon adoption.

Section 8: The Clerk of the City is directed to transmit a certified copy of this Ordinance to the County Assessor and the Board of Supervisors of Cochise County.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA this _____ day of August, 2012.

APPROVED/EXECUTED:

MAYOR, ROBERT A. IRVIN

APPROVED AS TO FORM:

ATTEST:

City Clerk, Virginia A. Mefford

City Attorney, Hector M. Figueroa

Publish: Arizona Range News Aug. 8th & 15th, 2012
Public Hearing: August 20, 2012

ORDINANCE NS 311

PUBLIC HEARING NOTICE IS HEREBY GIVEN that the Mayor and Council of Willcox will hold a Public Hearing on Monday, August 20, 2012 at 7:00 p.m., City Council Chambers, 300 W Rex Allen Dr, Willcox, AZ 85643 for the purposes of hearing public comment and/or views regarding **ORDINANCE NS311**

RELATING TO TAXATION: LEVYING SEPARATE AMOUNTS TO BE RAISED FOR PRIMARY AND SECONDARY PROPERTY TAX LEVIES UPON EACH ONE HUNDRED DOLLARS (\$100.00) OF THE ASSESSED VALUATION OF PROPERTY SUBJECT TO TAXATION WITHIN THE CITY OF WILLCOX FOR THE FISCAL YEAR ENDING JUNE 30, 2013 AND DECLARING AN EMERGENCY TO EXIST.

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Section 4: The estimates of revenues and expenditures shown on Schedules A-E, as now increased, reduced or changed by and the same are hereby adopted as the Budget of the City of Willcox, Cochise County, Arizona for the FY2012-2013.

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any tax deed; failure or neglect of any officer or officers to timely perform any of the duties assigned to him/her/them shall not invalidate any proceedings or any deed or sale pursuant thereto, the validity of the assessments or levy of taxes or of the judgment of sale by which the collection of the same may be enforced shall not affect the lien of the City of Willcox upon such property for the delinquent taxes unpaid thereon; overcharge as to part of the taxes or of the costs shall not invalidate any proceedings for the collection of taxes or the foreclosure of the lien therefore or a sale of the property under such foreclosure; and all acts of officers de facto shall be valid as if performed by officers de jure.

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Section 7: This Ordinance shall become effective upon adoption.

Section 8: The Clerk of the City is directed to transmit a certified copy of this Ordinance to the County Assessor and the Board of Supervisors of Cochise County.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA this ____ day of August, 2012.

APPROVED/EXECUTED:
MAYOR ROBERT A. IRVIN

ATTEST: City Clerk,
Virginia A. Mefford
APPROVED AS TO
FORM: City Attorney,
Hector M. Figueroa
Public Hearing
August 20, 2012.

ORDINANCE NS311

Publish: Arizona Range
News August 8 & 15, 2012



**NOTICE OF PUBLIC HEARING
MAYOR AND 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 a **PUBLIC HEARINGS**, during the **REGULAR** meeting, on **MONDAY** the **16th** day of **July**, 2012 and **Monday, August 6th** at **7:00 p.m.**, in the **CITY COUNCIL CHAMBERS, 300 W. REX ALLEN DRIVE, WILLCOX, AZ.**

Public Hearing on:

PROPERTY TAX LEVY

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

DATED AND POSTED this 22nd day of June 2012 AT 2:00 P.M.

CITY OF WILLCOX, ARIZONA

Is/Virginia A. Mefford

CITY CLERK

Publichearing/fy2012-1-2013 Tax Levy

PROCLAMATION

WHEREAS, the City of Willcox is very proud of our Western Heritage, which has been kept alive by the annual Rex Allen Days Weekend, with all the many events; and

WHEREAS, the Rex Allen Days theme for 2012 is "*61 Years from Horses to Horsepower*;" and

WHEREAS, the Rex Allen Days, Inc., are proudly sponsoring their 61st Annual Rex Allen Days Festival with the Cowboy Hall of Fame Recognition and Dinner, Parade, Rodeo, Concerts, Country Fair, Rex Allen Arizona Cowboy Museum events, and the 32nd Annual Turtle Race at Keiller Park starting October 4th through October 7th 2012; and

WHEREAS, with support to charity, Rex Allen Days, Inc. maintains their goal of service to the community by providing college scholarships to graduating high school students, financial support to the Northern Cochise Community Hospital and other worthwhile community causes.

NOW, THEREFORE, BE IT RESOLVED THAT I, Robert A. Irvin, Mayor of the City of Willcox, Cochise, County, Arizona, do hereby proclaim October 4th through October 7th, 2012 as

*** * REX ALLEN DAYS * ***

And I encourage all citizens to recognize and support the Rex Allen Day's festivities and to dress in Western attire to proudly promote our western heritage.

In witness whereof I have hereunto set my hand and caused this seal to be affixed.

Robert A. Irvin

Mayor Robert A. Irvin

Attest:

Virginia A. Mefford
City Clerk Virginia A. Mefford

Dated: August 6, 2012



**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 18TH DAY OF JULY 2011**

CALL TO ORDER- Mayor Gerald W. Lindsey called the regular meeting to order at 7:00 p.m. on Monday, July 18, 2011 and welcomed all to the meeting this evening. There is a fairly long agenda and will try to move along and welcomed all here.

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

PRESENT

- Mayor Gerald W. Lindsey
- Vice Mayor Monika Cronberg
- Councilman Elwood A. Johnson
- Councilman Stephen Klump
- Councilman Christopher Donahue
- Councilman William "Bill" Holloway
- Councilman Robert "Bob" Irvin

STAFF

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

PLEDGE OF ALLEGIANCE TO THE FLAG-Mayor Lindsey.

CALL TO THE PUBLIC- Ms. Penney Bell addressed the Mayor and Council and commends Mr. Dave Bonner and Public Works Department for their incredible job they are doing at Quail Park Arena. It is beautiful it's always clean and the grounds are awesome. Ms. Bell stated she puts on Barrel Races and other events over there and the girls that are coming from Tucson, Safford, Sierra Vista, and all over the State they have nothing but great things to say about the grounds. It has been really good and appreciates that. Concern is that the City is now locking the arena and locking people out of the arena for those that want to use it on a leisurely basis. Her feelings are that her tax dollars pay for that just like other peoples tax dollars pay for the ball fields. You want to take your family over to the ball fields on a Saturday afternoon and have a little scrimmage game or play catch with your kids they are not being locked out. Ms. Bell is being locked out of the arena because wants to take her horse over there and work her horse in the arena and do something different and now not allowed to. She has an issue with that. She understands there is a maintenance issue with the arena. Now sprinklers are going off during the night and the girls when they run barrels pretty soon you will get a rut around the barrel that's what happens. Ms. Bell asked what the difference is if go over and throw 100 pitches from the pitchers mound and will have a hole and will have to maintain it and fix it. That is why we have a Public Works Department. There is an ARS Statutes and has seen it at every arena in the State she has gone to that states "you enter this premises at your own risk." Suggested City staff look up that ARS Statute and get that and post it and allow that facility to be usable for anybody that wants to go there and use it on a leisurely basis. Very grateful for the arena thinks it is an incredible facility and Ms. Bell has been to places all over the State and all over the Country and we have one of the finest. She wants to keep it usable and friendly for everybody. Mayor Lindsey appreciates her thoughts and they can not respond to Call to the Public and will take note of it. Ms. Bell thanked the Mayor and Council. Mayor Lindsey asked if anyone else wanted to address the Council.

DECLARATION ON CONFLICT OF INTEREST- Councilman Donahue declared a Conflict of Interest on agenda #12 relating to the Senior Meals and Vice Mayor Cronberg as Chairman of that Committee declared conflict and did Mayor Lindsey. The Mayor asked Councilman Johnson to take over on that item.

ADOPTION OF THE AGENDA

MOTION: Councilman Klump moved to adopt the agenda as presented and moving agenda items #7-10 relating to Executive Session to after agenda item #22 relating to Comments not for discussion by the Mayor and Council.

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

PRESENTATION BY ZOE G. RICHMOND, UNION PACIFIC (UP)

Ms. Richmond thanked the Mayor and Council for opportunity to be here tonight. Stated it was an honor to work with City Manager Pat McCourt for several months in order to have UP Foundation and presenting this evening a Commemorative Check to the City in the amount of \$5,000 for the Restoration of the Train Car. The real check was sent to the City previously. The Foundation works with non-profit organizations through the community and thinks it is important that the City of Willcox recognizes that this was and is a railroad town and UP is very proud to share in that history as well. Also Ms. Richmond is

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 18TH DAY OF JULY 2011**

happy to announce as Part of AZ Centennial UP is bringing Steam Engine #844 through the state. What they are doing is bringing the Steam Locomotive to be an Ambassador for the State to remind people of 100 years the State is celebrating and the role that the Railroad played in creating the State of Arizona. Ms. Richmond is happy to announce that Willcox will be the first stop on its tour and traveling East to West. What they will be doing in the following months is getting specific information, working with the City, and this stop is a way to celebrate mutual history of the area. Looking at first couple weeks in November and as more details come out will share that information and plan on working with city leadership and Mayor and Council to make sure it is a very memorable event for the community.

Councilman Irvin brought a Train Magazine and Ms. Richmond said Steam Locomotive is a pretty impressive piece of equipment and UP has not had steam locomotive in the State of Arizona since the 1970's. Mayor Lindsey stated Councilman Irvin wants to purchase a ticket. Ms. Richmond stated it will stop in Willcox and this will be the first stop in Arizona. She will keep Mayor and Council involved as well as the City and the community. Thinks they are planning on doing is maybe selling couple of tickets in more urban areas in order to help the Centennial Foundation Fundraise and thinks that in some of the smaller communities they will work with City leadership to figure out who might be interested on maybe taking some ride. It may be limited on space and somewhat exclusive. They will work with the Council and City to figure out where that desire might be.

Vice Mayor Cronberg asked what might be the length of the Whistle Stop here and what sort of activity might be part of it. Ms. Richmond explained a Whistle Stop can be usually 15 minutes to an hour depending on the location. An old Steam Locomotive needs to stop every 50-30 miles to get tinkered with. That's way we have towns spaced out they way that they do so that they might need to get more water. Depending on the maintenance that it will need to happen will depend on length of the stop. Usually they coordinate with community and invite City Council to be a part of the official celebration and because this is the first stop they will try to get more elected officials from the area to be a part of that to kick off the event. Also this train has a business car on the back where people might be able to get up and pose for photos like politicians did in the olden days when they were doing their own political stops. Partnering with the community and seeing what other event they can have around that and if there is a Historical Society that would like to participate by educating folks while they are waiting for the train and enjoying that experience and maybe reliving some of that historical past in the area. That is what they sometimes do and hope to use that template as they move from town-to-town.

Mayor Lindsey stated we appreciate her being here and appreciate cooperation that we have with Union Pacific and wish they would participate with us in the reconstruction of Stewart Street so that we can have Willcox as "no blow City." Ms. Richmond said they are happy to continue to work with City Manager on this and other issues. She thanked the Mayor and Council.

DISCUSSION/DECISION REGARDING THE CITY SPONSORING THE SENIOR MEALS EVENT TO BE HELD AT THE COMMUNITY CENTER.

City Manager McCourt stated since most Council members have conflict to discuss this item what the City and Hospital decided to work jointly to help get Senior Center established and support organization to run the Senior Program. The Hospital is lead agent in our Memorandum of Understanding and the Hospital has through a grant through SEAGO to operate meals for the seniors last year. The grant money ran out early May and Hospital kept running the program. They do not feel they can financially continue that program even with additional grant do not have sufficient funds through fiscal year. There is an official organization that was set up made up with representatives from Council, City employee and community. In this particular group there are two (2) of our Council members and a City employee seat as members. There is another group established by Senior's themselves working towards the 501-C process and that group have asked Advisory Council to approach the City to see about potentially using the Community Center to start up a Volunteer Meals Program with donations from community Monday through Thursday. They are asking the City to do this because the City has a Commercial kitchen which is part of the requirements for operation of a meals program. The Senior Center can serve meals but they do not have place to prepare and store the food in that particular building. Mr. McCourt has had some discussions and included in packet that there maybe there reservations for use of that building that could be conflict with reservation during the week with others wanting to use it during lunch hour although usually not busy. Additionally the Community Center had renovations delayed and will be back on line in the Spring which will not allow use of the Community Center for any purpose. There is utility type costs mentioned during work session that would be increase with use and there are with fixed and variable costs. We would

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have increase, i.e. water, sewer and maybe on the trash depending on the container size. The program would be staffed by volunteers the food collected by contributions and City would not provide money, volunteers or staff. The City would arrange for person to get keys they would use tables and chairs, oven, refrigerators, and the cooler. This would be a City sponsor in support of Senior Center as Hospital is supporting the seniors through Meals Program.

Councilman Klump asked if we do decide to do thinks should have time period i.e. 3 months; and if there is a big rise in utility costs should look at that or if it becomes a big hassle and need City staff to control it. Councilman Johnson asked how many lunches and who prepares the lunches? City Manager McCourt replied when the Hospital was preparing it was 25 lunches per day. He wanted to clarify that this is just one of the programs the Seniors' are running. Vice Mayor Cronberg asked if it is permissible to remove herself from dais and Council to be able to answer questions. Staff nodded negatively. She said her request is because she is very frustrated. The City Manager explained it will be staffed by volunteers, paid by donations or funds that were collected within that group or purchased. Councilman Johnson said the facility there now for the Senior's because of health regulations they can not prepare food there and so idea came up to prepare them at the Community Center. The Seniors' would have to take break from the Center and driven or drive to Community Center for lunch and then driven back to the Center for the rest of the day's activities. He asked if Community Center is used daily for any other purposes and Mr. McCourt said typically it is not. There is occasion use on Friday when setup for events to be held on the weekend. Councilman Johnson stated if a Senior was to slip and falls is City held liable and Mr. McCourt said if City was negligent. Councilman Klump stated that doesn't make sense to cook it there and take it back and serve it. City Manager McCourt stated that could be conceivably done and have to have special handling and equipment to accomplish that goal. He expects that would be difficulty and more like Meals on Wheels and we do not have any of that handling type of equipment. There are certain temperatures that have to be maintained and it does become difficult to do. Councilman Johnson thinks biggest part of Senior Center is lunch they get and for some seniors' that is the only hot meal they get sometimes for the whole day. Mr. McCourt agrees and as he understands it, it is not the biggest part and the Range News had a nice article in last week's paper about the types of activities at the Senior Center. It is in part for some of the seniors that this is their main socialization and perhaps the only time they do get a hot meal.

MOTION: Councilman Klump moved to approve the City Sponsoring the Senior Meals Event to be held at the Community Center for a 3-month and re-visit to be sure we are working for the same goals as they are.

SECONDED: Councilman Holloway seconded the motion. **VOTE:** Ayes-Councilmen Johnson, Klump, and Holloway. Nays-Councilman Irvin. **CARRIED: 3-1-3-Abstained** Declared Conflict of Interest: Mayor Lindsey, Vice Mayor Cronberg and Councilman Donahue.

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2011-52 APPROVING AND ADOPTING THE MEMORANDUM OF UNDERSTANDING ["MOU"] BETWEEN THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS ("STATE LIBRARY") AND THE ELSIE S. HOGAN COMMUNITY LIBRARY ["PARTICIPATING LIBRARY"] AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.

MOTION: Councilman Donahue moved to approve Resolution No. 2011-52 as stated above regarding the MOU between the State Library and the Elsie S. Hogan Community Library.

SECONDED: Vice Mayor Cronberg seconded the motion. **CARRIED.**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2011-53 APPROVING AND ADOPTING THE ARIZONA STATE PURCHASING COOPERATIVE AGREEMENT WITH THE STATE PROCUREMENT OFFICE ["SPO"] FOR THE PURPOSE OF PARTICIPATING IN COOPERATIVE PROCUREMENT OPPORTUNITIES TO MAKE PURCHASES FOR THE CITY AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.

MOTION: Councilman Holloway moved to approve Resolution No. 2011- 53 as stated, relating to the Arizona State Purchasing Cooperative Agreement.

SECONDED: Councilman Donahue seconded the motion. **DISCUSSION:** Councilman Johnson asked if we have always been part of it and general housekeeping. City Manager McCourt replied just renewing our agreement. City Attorney Hector Figueroa explained the reason we have it it came up as renewal and he requested where the Resolution is to get into this to begin with. Otherwise it would be a renewal and wouldn't have to go through a lot of discussion. Since we didn't have Resolution wanted to make sure we have it for next year when it comes up. Mayor Lindsey referred to paragraph 7 which

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states that 'State cooperative members shall endeavor to utilize State Contracts to the fullest extent possible that is to purchase all items covered under exclusive contracts and to not fracture purchases by means of utilizing line items from alternate contracts.' He asked are we bound by that. Mr. Figueroa explained that refers to in part to other provisions. What this document does is i.e. State goes out to bid for computer monitor and tower and the bid could be really good because a company could provide all three segments. This if only if we wanted to get new monitor from that company we can not fragment and say we'll buy it from this company we can't do that. We do not have to use them and if it is convenient for us or saves us money we can use it. Mayor Lindsey stated we don't have to purchase through this to begin with and was his concern that this would somehow bind us to it. **CARRIED.**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2011-54 TO FORMALLY APPROVE AND AUTHORIZE THE WRITE-OFF OF CERTAIN TERMINATED UTILITY ACCOUNTS THAT HAVE BECOME NON-COLLECTIBLE AND THE UNPAID BALANCES ASSOCIATED THEREWITH AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST

MOTION: Councilman Klump moved to approve regarding Resolution No. 2011-54, as stated related to Accounts Receivable write-offs.

SECONDED: Vice Mayor Cronberg seconded the motion. **DISCUSSION:** Mayor Lindsey stated he is confused on the write-off amounts. In the second paragraph 'permission is requested to write off terminated utility accounts closed sent to collection prior to 2010 paid \$19,119.78 outstanding. A list of closed accts sent to collection since January 1, 2010 that we are actively seeking to collect as attached... the last write off of uncollectible accounts prior to January 1, 2010 was approved in July 2010.' It looks like talking about the same things that we may have already written off. Finance Director Graham apologized for confusion. The write off that was done in June 2010 was for prior of 2010 or ending in 2009 or year and a half. In her history/fact incorrectly picked up the gross amount for collection for \$22,215.06 when in fact it is \$19,119.78. Mayor Lindsey asked what did we write off in 2010 and Ms. Graham said we actually wrote off in 2010 but they were for and we hold them for about a year before we actually take them off. The first page total is \$22,215.06 minus the amount paid of \$3,095 is accounts that were sent to collections prior to 2010 or about 18 months ago. The second page is for prior write-offs. Second page refers to accounts sent to collections but keeping active in books. The first page refers to accounts sent to collections before 2010 and asking to write off. The second page accounts are in collection now and sent in 2010 but not asking to write off now and trying to collect them. When prior customer comes in for new service we collect because require prior account be paid first before opening another account. City manager McCourt said the emphasis is writing them off does not mean we are forgiving them. This is bookkeeping measure and we anticipate we will collect these. Occasionally someone comes in and we do collect. Ms. Graham said the Account Receivable balance after the write off for June 30, 2011 \$316,471 which is about \$12,000 less from a year ago. Mr. Figueroa said if figure on Resolution \$22,215.06 are incorrect and subtotals we have to change that before voting on the Resolution. Councilman Johnson asked if we are looking to write off 2009 or 2010 debts. Ms. Graham stated write off accounts sent to collections sent before 2010. The totals in the history/fact do add up to \$19,119.78. Councilman Johnson so that is the amount looking to write off versus the \$22,215.06 because out of that we have been paid \$3,900.28. Ms. Graham replied that is correct and requesting to write off \$19,119.78. Vice Mayor Cronberg stated the Resolution does not reflect that. Ms. Graham concurred.

MOTION: Councilman Donahue moved to table Resolution NO. 2011-54.

SECONDED: Vice Mayor Cronberg seconded the motion. **CARRIED.**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2011-55 APPROVING AND ACCEPTING FINANCIAL ASSISTANCE FROM THE BORDER ENVIRONMENT COOPERATION COMMISSION ["BECC"] UNDER THE ENVIRONMENTAL PROTECTION AGENCY FOR FUNDS FOR THE UPGRADES OF THE WASTE WATER TREATMENT PLANT ("WWTP") AND DECLARING AN EMERGENCY TO EXIST.

MOTION: Councilman Johnson moved to approve Resolution No. 2011- 55, as stated, regarding accepting funding from BECC for the WWTP.

SECONDED: Councilman Donahue seconded the motion. **DISCUSSION:** Councilman Johnson stated up to \$7,203,191 in grants and loans from BECC and asked what portion of that is free and what portion do we have to pay back? City Manager McCourt explained this funding from BECC almost mirrors the USDA. They will look at how much we need to do the project; look how much impact on our rates; they will look at our sewer rates compared to other organizations of similar types; and then decide how much in grant money and how much will be in loan money. He does not have answer to Councilman

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Johnson's question and won't until they finish analysis. Councilman Johnson asked if approved this evening does that bind us to contract that may or may not come. City Manager replied if approved what will happen is we will have a second source of funding that will include some loan money and some grant money. Like USDA some loan and some grant money. The main reason he recommends to move forward is that we will have more secure funding in place. It is very likely grant money if we don't get this what is going to happen is we are going to be forced to raise all the money ourselves with borrowed money which will have larger impact on our rate structure. The second reason he thinks we should do this is that there is a lot of turmoil at the Federal level. This is almost a duplicate of potential funding source and concern if funding starts cuts being made at Federal level and if we have only one funding source we could find ourselves with no funding source other than raise our own funding. So if we have two (2) potential sources then it is less likely it will happen. Thinks this is the way to have the least impact and does think we will have to borrow money and that will have impact on rates. Either agreement talking about tonight they will provide us some grant money to do preliminary type of work that needs to be done to meet requirements. The actual construction and final Engineering we have to pay 15% and final construction based on impact of rate structure.
CARRIED.

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2011-56 TO FORMALLY APPROVE AND AUTHORIZE THE CITY MANAGER TO PURSUE PERMISSION TO ERECT A BILLBOARD ADJACENT TO I-10 FROM THE ARIZONA DEPARTMENT OF TRANSPORTATION ("ADOT"), TO AUTHORIZE THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.

MOTION: Councilman Klump moved to approve Resolution No. 2011- 56, as stated, and authorizing the City Manager to pursue permission to apply for a billboard permit from ADOT.

SECONDED: Councilman Irvin seconded the motion. **DISCUSSION:** Councilman Johnson asked if this is an ADOT run billboard or going to be like Eller. City Manager McCourt stated this particular request goes towards the land the City owns where Visitor Center area is. The Federal Government has restrictions on billboards that are erected on State and Federal Highways. The State also has copied those and enforces those on the local level and anyone who wants to erect billboard they have to apply through the State. There are currently three (3) billboards on this particular property. One is by the Highway Patrol Office, Stout's Cider Mill and Mr. Woods sign. It appears that under guidelines adopted by the State there is space for a fourth billboard site on the property. The reason like to see about doing this is he has had interest on the existing billboard used by Stout's and other people potentially renting that ad for local businesses. At the same time after we get City building vacated and renovated and up to snuff and wants to lease it out wants opportunity to have a billboard available that they could use and to do that we need to apply. Currently it appears there is location available and asking if we can go ahead and file for a permit. Councilman Johnson asked what we normally collect is it monthly or annually. Mr. McCourt replied we collect from Mr. Woods \$100/month. The billboard by the Highway Patrol Office is contracted with Clear Channel as part of our Economic Development efforts we made a deal with them that they could use that billboard and the one east bound side near Keiller Park we exchanged with them to lease face space on those. They gave us face space on two (2) other billboards one located near Bowie and the other near Benson. We do have billboard on those signs advertising Willcox. That is what we receive for exchange for rental. This new one if Mayor and Council allow staff to apply and if we get permit then we will see to tie with building renovated and existing then bid it out to allow local business to advertise. Councilman Johnson asked if going to cost City to erect. Mr. McCourt replied as soon as secure permit the City could potentially erect and he would be looking to adding that to part of Lease Agreement with a provision. **CARRIED.**

DISCUSSION/DECISION REGARDING RESOLUTION 2011-57 APPROVING AND ADOPTING THE ARIZONA STATE LIBRARY, ARCHIVES, AND PUBLIC RECORDS ("LSTA") GRANT IN THE AMOUNT OF \$8,923.00, AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND THE GRANT DOCUMENTS AND DECLARING AN EMERGENCY TO EXIST

MOTION: Councilman Donahue moved to approve Resolution No. 2011-57 as stated above regarding acceptance of the LTSA Grant award for the Library for \$8,923.00.

SECONDED: Vice Mayor Cronberg seconded the motion. **CARRIED.**

DISCUSSION/DECISION REGARDING RESOLUTION 2011-58 APPROVING AND ADOPTING THE FY2011/2012 WORKER'S COMPENSATION RENEWAL CONTRACT BETWEEN THE CITY OF WILLCOX ("CITY") AND THE ARIZONA

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MUNICIPAL RISK RETENTION POOL ("AMRRP") AT AN ESTIMATED PREMIUM COST OF \$86,636 AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST

MOTION: Councilman Irvin moved to adopt Resolution No. 2011- 58 as stated regarding renewal of policy with AMRRP at an estimated premium cost of \$86,636.00, as presented.

SECONDED: Councilman Klump seconded the motion. **DISCUSSION:** Councilman Johnson asked what last year's cost was. Finance Director Graham stated she does not have last year's cost. Modification Rate had dropped every year, in 2005 it was 9.17 we had highest in State and has gone down every year. Last year 1.57 and this it is year 1.33 and anticipates rates will be lower for FY13. The Risk Pool pays a dividend and announced couple meetings ago \$21,000.00. Mayor Lindsey stated the rebate reflected about 50% of what we were paying in. **CARRIED.**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2011-59 RATIFYING, APPROVING AND AUTHORIZING THE SUBMISSION OF THE APPLICATION TO THE COCHISE COMMUNITY FOUNDATION ["CCF"] REQUESTING A FUNDING AWARD TO BE USED FOR THE COMMUNITY SKATE PARK PROJECT AND DECLARING AN EMERGENCY TO EXIST.

MOTION: Councilman Johnson moved to approve Resolution No. 2011-59 as stated Ratifying approval to submit the application to the Cochise Community Fund Grant to be used for the Skate Park Project, as presented.

SECONDED: Vice Mayor Cronberg seconded the motion. **DISCUSSION:** Councilman Johnson asked when will we know. City Manager McCourt responded he is not sure. **CARRIED.**

REPORTS BY THE CITY MANAGER PAT MCCOURT

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

- Reminder Mayor Manager Luncheon - will be attended in Tombstone July 21, 2010 (2011)
- Report that an additional donation was received to Humane Control in Sondra Cox's honor for \$175 –and notifying Mayor and Council.
- Economic Development- Mr. Stoddard passed out that information to the Council members and copies are available for those in the audience interested.
- August 4-5, 2011- the City Manager is taking couple days off and Chief Weaver will cover during his absence.

COMMENTS NOT FOR DISCUSSION FROM MAYOR AND COUNCIL MEMBERS.

There were no comments from the Mayor or Council members present.

Moved per motion during the adoption of the agenda.

DISCUSSION/DECISION ENTER EXECUTIVE SESSION PURSUANT TO ARIZONA REVISED STATUTES A.R.S. §38-431.03A(1) - DISCUSSION OR CONSIDERATION OF EMPLOYMENT, ASSIGNMENT, APPOINTMENT, PROMOTION, DEMOTION, DISMISSAL, SALARIES, DISCIPLINING OR RESIGNATION OF A PUBLIC OFFICER, APPOINTEE OR EMPLOYEE OF ANY PUBLIC BODY, EXCEPT THAT, WITH THE EXCEPTION OF SALARY DISCUSSIONS, AN OFFICER, APPOINTEE OR EMPLOYEE MAY DEMAND THAT SUCH DISCUSSION OR CONSIDERATION OCCUR AT A PUBLIC MEETING. THE PUBLIC BODY SHALL PROVIDE THE OFFICER, APPOINTEE OR EMPLOYEE WITH SUCH NOTICE OF THE EXECUTIVE SESSION AS IS APPROPRIATE BUT NOT LESS THAN TWENTY-FOUR HOURS FOR THE OFFICER, APPOINTEE OR EMPLOYEE TO DETERMINE WHETHER SUCH DISCUSSION OR CONSIDERATION SHOULD OCCUR AT A PUBLIC MEETING.

MOTION: Councilman Klump moved to enter into an Executive Session pursuant to ARS § 38-431.03A(1), as stated, relating to City Personnel annual evaluation of City Manager Pat McCourt.

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

RECESS TO EXECUTIVE SESSION, IF APPROVED-Mayor Lindsey recessed the regular meeting at 8:02 p.m.

RECONVENE FROM EXECUTIVE SESSION-The Mayor reconvened the regular meeting from Executive Session at 8:37 p.m.

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DISCUSSION/DECISION MATTERS DISCUSSED IN EXECUTIVE SESSION

Mayor Lindsey announced they have completed the evaluation on City Manager Patrick McCourt as required in his contract.

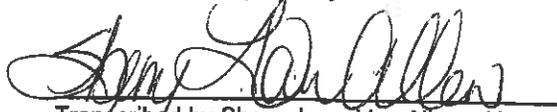
ADJOURN

There being no further business before the Mayor and Council, Mayor Lindsey adjourned the meeting at 8:37 p.m.

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of the City of Willcox held on the 18th day of July 2011. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 3rd day of July 2012



Transcribed by Sherry Lynn Van Allen – Human Resources

PASSED, APPROVED AND ADOPTED this ____ day of _____ 2012.

MAYOR ROBERT A. IRVIN

Signed: _____

ATTEST:

City Clerk Virginia A. Mefford

**THE REGULAR MINUTES OF THE MAYOR AND CITY COUNCIL
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CALL TO ORDER-Mayor Robert "Bob" Irvin called the regular session meeting to order on Monday, July 2, 2012 at 7:00 p.m.

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

PRESENT

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

STAFF

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

ABSENT

- Councilwoman Monika Cronberg (excused)

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

DECLARATION ON CONFLICT OF INTEREST

No Conflicts were declared.

CALL TO THE PUBLIC

Bo Downey addressed the Council and city officials and started out congratulating the new councilman. He briefly spoke about the gunfight show on Railroad Ave. which has been welcomed and stated that we are having a 2:00 and 4 o'clock show. Since then it has gotten a quite a bit of notice around AZ. He has raised money for the Military Families and just won an award from the Marine League for their contributions for the support. He stated that he was very surprised by the award and indicated they were the on of the top 5 gun fight shows in AZ. Has since then added some history before the gun show, and Willcox has a lot of history to tell. He stated they are getting ready to gear up for the future gunfight shows on Railroad Ave; he also stated he is working on obtaining the one million dollar insurance policy. Each member of the show spends about \$1800 per person per year. We did have about six gunfighters who had to leave and it actually made us fall short for the insurance and so I had to go to the public for support which many of you assisted. We are 70% there, all we need is \$300 therefore; I would like to ask that the \$50 reservation fee be waived for Railroad park. With six people leaving we fell short. I am asking the council to donate the \$300 plus waive the \$50 fee.

DECLARATION ON CONFLICT OF INTEREST

None Declared

ADOPTION OF THE AGENDA

MOTION made by Councilman Lindsey to accept the agenda as presented removing items #20-23 related to executive Session. **SECOND:** Vice Mayor Holloway **CARRIED.**

PUBLIC HEARINGS, PETITIONS, AND COMMUNICATIONS

Public hearings: The Mayor and Council will hold Public Hearings on Monday, July 2, 2012 at 7:00 p.m., City Council Chambers, 300 W. Rex Allen Drive, relating to:

- (1) Mayor Irvin read the following: the Licensing Agreement with Valley Connections, LLC; Mayor Irvin opened the Public Hearing at 7:10 PM, Hearing no comments the PH was closed at 7:11 pm.
- (2) Public Hearing on final Budget (2nd Public Hearing on July 16th) 7:12 PM PH was closed at 7:15 PM. Mayor Irvin opened the Public Hearing at 7:10 PM, Hearing no comments the PH was closed at 7:11pm.
- (3) Property Tax Levy (July 16th and August 6th)

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DISCUSSION/ DIRECTION ON INFORMATION REGARDING DIRECTION TO STAFF CONCERNING THE CITY'S INDUSTRIAL PARK PROPERTY

Mr. McCourt explained the industrial Park accoutrement. Since that time it has been leased by El Paso Natural Gas (ENG) and the lease is coming up on April 24, 2015 and at that time they have the right for \$50 lease and after the third time they will have the right to \$25 lease. That parcel is leased and the other parcels are not being used at this time. We were going to the city at this time because we have been approached by two individuals that want to get that property developed. If we sale the land under the terms of the Land Farmers Home (LFH) agreement we will be responsible for 83.9% of that to them. The city would keep the remainder of the cost and it would go into the General Fund. At this time we could look at this we could do one of two things, if we resale the land the city would receive a portion and the LFH would receive a portion and we would gain revenue taxes on this, but we will have to obtain a commercial appraisal on this land and this is the question the staff is asking. The only thing with commercial appraisals is it only last for limited time and if we wait too long we would have to do this again so we would have to act on this as soon as we can. At this time we are asking to get permission to acquire an appraisal for these percales.

Councilman Lindsey asked have we collect anything form ENG have we received anything for this monthly?

City Manager McCourt stated they did prepaid this for a total of \$900. Councilman Lindsey stated I see no real advantage selling the property and develop it and property built on the land is taxable. The land itself is not really worth much. The appraisal is good for about 6 months, if we are going to payback 83.9%. Vice Mayor Holloway asked are they looking to do something with it. City Manager McCourt stated they are looking to doing something with it as far as they are telling him. Mr. Stoddard stated there were two interested. Councilman Goolsby asked Councilman Lindsey what t is you're hesitation with this. Councilman Lindsey stated if we got the right business to come in here to create jobs we could then review it. Councilman Goolsby asked is there merit to get some kind of tax. Councilman Lindsey stated the land is worth very little the building would have the taxation. Mr. Stoddard stated we could write a letter to the Home farmers to waive the 83.9%. Councilman Johnson asked what the property tax on this land is. Councilman Lindsey stated the city doesn't pay taxes on this land but they do on the buildings.

Councilman Johnson stated we have made zero dollars on this and the city is not in the land business and if the city is willing to sell it to make money on it I think we could the reason we go into correct me if I'm wrong. City Manager McCourt stated we are not asking to sell the property we are asking to have an appraisal.

Councilman Johnson stated are they really interested in buying it. Mr. Stoddard stated they are very interested. Mr. Stoddard stated if we keep delaying it I would like to have something to say how much it is worth and say would like to buy it. Councilman Goolsby stated what the City Manager is requesting is to get an appraisal.

Councilman Johnson stated

City Manager McCourt stated we will of course double up our

Mayor Irvin stated we are

DISCUSSION/ DIRECTION ON INFORMATION REGARDING DIRECTION TO STAFF CONCERNING ECONOMIC DEVELOPMENT

Mr. Stoddard stated we are using Apple Annie's as an example and mentioned various presenters that came and they stated 8 people received a grant of \$60,000 we got a long term lease on it and we could do one wine selling and the other part do a farmers market and swat meet. Mr. Doyle stated this was a good idea and get with Rita and Chamber of Commerce to get this started. Councilman Lindsey asked is Rita with this. Mr. Stoddard stated they are the ones taking the lead on this.

Councilman Lindsey asked would we have to go out for proposal. Mr. Stoddard stated we would go out into the community. We are not sure about this; we are just trying to get the grant money. Vice Mayor Holloway asked we are just proposing a plan to try and get this grant. City Manager Mr. McCourt stated we know this is a lot. Mayor Irvin stated at this time we don't have any interested parties. Mr. Stoddard stated we don't, we do not own the land the Railroad does but we could do a long term lease. Councilman Lindsey stated what this was built for was for grain storage and it is not insulated there are a lot of things that need to be done. Mr. Stoddard stated what we liked was it has a farmers market look to it. Councilman Lindsey stated well it use to be called the Farmers Grain Company (laughter). Holloway stated it is an opportunity to have RITA and Chamber of Commerce on board. Nigh stated these are very strong organizations and they are very interested in doing something. I actually looked at that building when I moved here but it is very hot and needed a lot of work. Mr. Stoddard stated it will take a lot of leverage to get this grant. Councilman Nigh stated it does take leverage to get that grant. Vice Mayor Holloway asked what the largest grant is since doing this. Mr. Stoddard indicated the biggest grant they have given out was for about \$415,000. Mr. Lindsey

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stated it is my inclination to move forward with this. Mayor Irvin stated we are trying to Encourage Economic Development and this would help do this. Mr. McCourt stated to understand this, you are giving the staff direction to proceed with this and come back to you once we have this together. Mayor Irvin state that is my understanding.

DISCUSSION/DECISION REGARDING APPOINTMENT TO THE CORONADO RESOURCE CONSERVATION AND DEVELOPMENT COMMITTEE

APPOINTMENT: Mayor Irvin appointed Councilman Lindsey to the Coronado Resource Conservation and Development Committee

DISCUSSION: Councilman Lindsey asked if anyone else would like to serve on this RD &D Committee he would be okay with that.

DISCUSSION/DECISION REGARDING APPOINTING DON ULSES TO FILL THE VACANCY ON THE PLANNING AND ZONING COMMISSION FILL THE NEW TERM EXPIRING JUNE 30, 2016

MOTION: Councilman Johnson moved To Appoint Don Ulses to Fill The Vacancy On The Planning And Zoning Commission fill the new term expiring June 30, 2016

SECOND: Councilman Lindsey **DISCUSSION:** Councilman Lindsey stated I don't think we could ask for a better person to serve on this than Mr. Ulses and Councilman Goolsby seconded that comment and Mayor Irvin stating it has been his pleasure to have Mr. Ulses serve on the PZ committee. **CARRIED**

DISCUSSION/ DECISION SCHEDULING WORK SESSION REGARDING PROPERTY ON CIRCLE I ROAD

DISCUSSION: City Manager Mr. McCourt explained the City of Willcox owns quite a bit of property out on Circle I road and that particular property is not serviced by the city sewer and we thought, at first, it would not be a problem but the further we have gone the more expensive it has gotten. I have instructed the staff to stop as we are looking at \$60,000 in repairs. We would like to suggest a work session on this item. I would like to have this work session to be before I go on Vacation July 24th we do not have a work session scheduled on the 16th. Mayor Irvin asked does anyone have problem for the 16th of July. Councilman Hallway and Councilman Lindsey stated he would be out of town that day. Mr. McCourt stated we could do the 9th if you like we could schedule the meeting on July 13th at 6:30 pm. The council agreed on July 9, 2012 at 6:30 pm.

DISCUSSION/DECISION REGARDING APPROVAL TO SPEND MONEY FROM COUNCIL BUDGET FOR WOW (WINGS OVER WILLCOX) ADVERTISEMENT

MOTION: Vice Mayor Holloway moved to spend money from Council Budget for WOW Advertisement.

SECONDED: Councilman Lindsey **DISCUSSION:** Councilman Lindsey stated we do need to show our support for WOW. **CARRIED**

DISCUSSION/ DECISION REGARDING RESOLUTION NO. 2012-59 THE ELSIE S. HOGAN COMMUNITY LIBRARY ["LIBRARY"] LIBRARY GENERAL POLICY AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.

MOTION: Councilman Goolsby moved to approve the Resolution No. 2012-59 The Elsie S. Hogan Community Library ["Library"] Library General Policy

SECOND: Councilman Lindsey **DISCUSSION:** Mr. Minor stated this is pretty standard for our policies. There were not very many changes made. We insured this was consistent throughout. He stated we live by County, and Federal Rules, we inserted into our policy for example of the allocation that was mandated by the state so we implemented them into our personal local policy. Councilman Lindsey stated he has a personal moral issue with item number 9. I know this is standard but the policy related here in item 8d I have trouble with this one this I thing we should be able to put a rating system on books like they do for movies, if it seems to have explicit and vulgar content we could get into politics on this issue that is my personal view on this. **CARRIED**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-61 FOR THE AMENDED PARKING LEASE BETWEEN THE CITY OF WILLCOX ["LESSOR"] AND JACOBS COMPANY ["LESSEE"] FOR PARKING AND PASSENGER PICKUP AREA AT QUAIL PARK ON PARCEL #202-43-015B, AUTHORIZING THE MAYOR TO

**THE REGULAR MINUTES OF THE MAYOR AND CITY COUNCIL
OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 2nd DAY OF JULY 2012**

EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.

MOTION: Vice Mayor Holloway motioned to approve Resolution NO. 2012-61 as stated, for the amended Parking Lease between the City of Willcox ["Lessor"] And Jacobs Company ["Lessee"] For Parking And Passenger Pickup Area At Quail Park On Parcel #202-43-015b

SECONDED: Councilman Goolsby **DISCUSSION:** City Manager McCourt stated if this looks familiar it should, we do have a month to month lease instead of the 6 month lease. Lindsey stated I have a question on this I would hate to go to month to month on this I wrote this agenda report on 6-26-12 and I was not able to gather all the info due to Vacations. The parking lot is already done and understands the railroad ties. Dave Bonner stated the leveling of the land and telephone polls are in front of the property those are the things that have been done. Councilman Lindsey asked can you get into trouble with this. Dave stated that is a good question and I don't have the answer for that. Councilman Lindsey stated this property per say, but this may back us into a corner. City Manager McCourt stated he is not aware of this and the county is very strict with things like this. Councilman Johnson asked how many vehicle do we have parked out there? Jeff Stoddard stated about 150 vehicles are parked out there. Councilman Johnson asked what dollar amount is spent on this parking lot. City Manager McCourt stated he didn't have that number. Councilman Johnson stated about \$100,000. City Manager McCourt stated it is about that much. **CARRIED**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-62 THE EXISTING LLC ("VALLEY") CABLE TELEVISION SERVICES LICENSE AND THE FORMER COX CABLE TELEVISION LICENSE ("COX") UNDER THE SERVICES AGREEMENT ("AGREEMENT") IN THE CITY OF WILLCOX ("CITY") AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND DECLARING AN EMERGENCY TO EXIST.

MOTION: Councilman Johnson moved to approve Resolution NO. 2012-62 as stated, relating to the existing LLC ("Valley") Cable Television Services License And the former Cox Cable Television License ("Cox") under the services agreement.

SECONDED: Vice Mayor Holloway **DISCUSSION:** Councilman Lindsey stated my first question is after reading this was what kind of agreement are we entering into. Mr. McCourt stated what this does is they have fiber optics and this is a different Councilman Lindsey stated the reason I asked this question was because of the Cox did not carry the community station 4, if we do offer that. Mr. McCourt stated it was Environment Government channel (EG channel) and staff is not suggestion we do this we just want to reserve that right. Councilman Lindsey stated will this be something available in the future. Read item 3.A. Mr. McCourt stated this is the do not have to obtain a permit to update the system and there is no cost to Valley. Councilman Lindsey stated so this is the Franchise. **CARRIED**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-63 APPROVING AND AUTHORIZING THE WRITE-OFF ALLOCATION OF LEHMAN BROTHERS INVESTMENT IN THE LOCAL GOVERNMENT INVESTMENT POOL ("LGIP") FOR GAS FUND AND FIREMEN'S PENSION FUND HOLDINGS, AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST

MOTION: Councilman Lindsey moved to approve Resolution NO. 2012-63 as stated, relating to The Write-Off Allocation of Lehman Brothers Investment in the Local Government Investment Pool ("LGIP") for Gas Fund and Firemen's Pension Fund. **SECOND:** Councilman Goolsby **DISCUSSION:** Ms. Graham read the history and fact to the council and explained what each entity of the write off was and is requesting the balance be written off. If we do have additional funds Lindsey asked if we do write this write off does this clear the account? City Manager McCourt stated we could do this Ms. Graham stated with the current information that occurred was this pool. It has been Mr. Nigh stated the 1901 is on your front of your page and the other two are there are also. Lindsey suggested having the math checked on this. **CARRIED**

REPORTS BY THE CITY MANAGER PAT MCCOURT

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

- **Report City Manager Vacation**-City Manager is on vacation from July 24th to August 10, 2012 Chief Weaver is covering; per contract City Manager is authorized to use paid hours prior to their accrual.
- **Report on Arizona League of Arizona Cities & Towns Annual Conference**-will be held on August 28-31, 2012 at the Hyatt Regency Scottsdale at Gainey Ranch. The registrations, booth and hotel have been reserved for

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those who have RSVP'd and if you anyone else would like to attend or anyone needs to cancel please let us know as soon as possible.

- **Report on Collection of Donations for the 4th of July Fireworks**-The Willcox Department of Public Safety is accepting donations towards the 4th of July Fireworks! Thanked the paper for the publicity of the donations needed. We have started work on the Ramada and corrected it by raising the awnings.

COMMENTS NOT FOR DISCUSSION FROM MAYOR AND COUNCIL MEMBERS

Councilman Nigh stated he was rethinking on Item 9 in the library policies. The swamp meets would be a good idea. Councilman Johnson had nothing at this time. Councilman Lindsey stated the state parks is in operation at this time but have not seen too many skaters. It looks like we need to find more skaters. Mayor Irvin gave his condolences to Councilwoman Cronberg as she has lost her father on behalf of the board. He announced it would be Councilman Lindsey last Chemo treatment. Vice Mayor Holloway stated if Mr. McCourt wins \$500,000 in Vegas we want 2% cut. **(Laughing)** Goolsby stated he Echo's on Councilman Lindsey on the Public Library he really doesn't know how this really relates to this subject but wanted to announce a ruling from the Supreme Court regarding we can lie about my military service but this guy claimed he was a recipient of the congressional medal of honor and when someone can access anything and when can we draw the line I did have a top secret clearance but I am not about to lie about my service of what they did. I am stunned about the affordable healthcare but I am stunned I can lie about my military service and it is okay.

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

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

RECESS TO EXECUTIVE SESSION, IF APPROVED

RECONVENE FROM EXECUTIVE SESSION

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

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

ADJOURN at 8:15 PM

Dated this 2nd day of July 2012


City Clerk Virginia A. Mefford

PASSED, APPROVED AND ADOPTED this _____ day of _____ 2012.

MAYOR ROBERT A IRVIN
Signed _____

ATTEST:

**THE REGULAR MINUTES OF THE MAYOR AND CITY COUNCIL
OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 2nd DAY OF JULY 2012**

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 9th DAY OF JULY 2012**

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

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

PRESENT

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

STAFF

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

ABSENT

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

PLEDGE OF ALLEGIANCE TO THE FLAG lead by Mayor Irvin

DECLARATION ON CONFLICT OF INTEREST

None Declared

ADOPTION OF THE AGENDA.

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

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

DISCUSSION REGARDING PROPERTY ON CIRCLE I ROAD

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

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

put in a sewer system, or (3) the city could just sell it, the entity that bought it could put in their own sewer system. The city would be governed by the Zoning Code unless the Council wanted to put more stipulations. We would still have a lot of land for potential development. I passed out another item on your dais the council may consider on this. There is a lot of private land marketable. Do we want to eject ourselves to this? If we do, we have land that is cheaper we could do this with. The bill boards spaces we have three of them. Councilman Lindsey asked a question regarding one of the power point slides. Stoddard explained the maximum what this facility we could hold. Cochise County stated we would have to go out for a RFQ with the maximum size of the 150 people coming through and 10 employees. This is two 4000 gallon tanks. Councilman Lindsey stated that we have a 1500 gallon and Mr. Stoddard stated that is what is out there now, the state requires you to have a field just in case it goes out. Councilman Lindsey stated the objection is the building. Mr. McCourt stated that is what we need to talk about what is our objection. We have tried to give you basic direction and wanted to make sure the council felt was needed. Mr. Irvin asked the City Manager if we sell this land, we would not have to come up with the money to do this. Mr. McCourt stated they could do that and the city could do this also but we assume they would like to maximize the usage of the land. Mr. Johnson stated at one point we had two interests. Mr. McCourt stated we did have two parties interested. If we do have some interest we could put it on the market and see what happens. Mayor Irvin asked the members of the audience if they had any comments. The audience indicated they are here just to listen. Councilwoman Cronberg stated I would like to put it on the market and see what happens and have some say on development of this land. Mayor Irvin stated I am in favor of this. Mr. Stoddard stated we would have to wait and see if we would have to extend this line. Mayor Irvin stated we would save \$60,000. We would have to extend the line to make this sellable and I have moved the property line so they would have parking because it use to go right up to the door of Stout's. Mr. McCourt stated we do not have any use of the building at this point. I kind of like to move things into private hands for development. Mayor Irvin asked do we have concessions to sell this land. I would like to direct the staff to sell this property. Mr. McCourt stated I will give this to my staff to start this tomorrow.

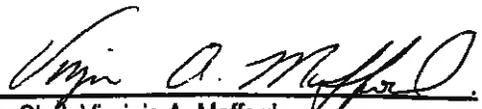
ADJOURN

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

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the special meeting of the City Council of the City of Willcox held on the 9th day of July 2012. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 9th day of July 2012



City Clerk Virginia A. Mefford

PASSED, APPROVED AND ADOPTED this 9th day of July 2012.

MAYOR ROBERT A IRVIN
Signed _____

ATTEST:

City Clerk Virginia A. Mefford

**CITY OF WILLCOX
REQUEST FOR COUNCIL ACTION**

Agenda Item: 7
Tab Number: 5
Date: 8-06-12

Date Submitted: 7-18-12 Date Requested: 8-6-12
--

Action: <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Formal <input checked="" type="checkbox"/> Other

Subject: Report from Ms. Haas on Governor's conference on tourism
--

TO: MAYOR AND COUNCIL

FROM: City Manager

DISCUSSION: At the May 12, 2012 regular city Council meeting the Council agreed to assist Ms. Haas (who serves on as a City representative on the Cochise County Committee on Tourism) with registration and attendance at the Governor's Conference on Tourism.

The Council requested that Ms. Haas provide them a report on the conference.

RECOMMENDATION: Accept the report from Ms. Haas.

FISCAL IMPACT: No impact on accepting the report.

Prepared by: Pat McCourt

Approved by: 
City Manager

**CITY OF WILLCOX
REQUEST FOR COUNCIL ACTION**

Agenda Item: 10
Tab Number: 6
Date: 08-06-2012

Date Submitted: 07-24-2012
Date Requested: 08-06-2012

Action:
<input type="checkbox"/> Resolution
<input type="checkbox"/> Ordinance
<input type="checkbox"/> Formal
<input checked="" type="checkbox"/> Other

Subject: Hosting Mayor/Manager Luncheon on September 20, 2012
--

TO: MAYOR AND COUNCIL

FROM: Human Resources

DISCUSSION: The City of Willcox has annually participated in hosting the Mayor/Manger Luncheons. Willcox was selected to host this luncheon in September of 2012. It is attended by Mayors, Council Members and City Managers from across Southeastern Arizona (Cochise County). The City would like to host this year's luncheon on Thursday, September 20th beginning at noon. We chose the third Thursday of September to ensure that it will not interfere with any of the Rex Allen Day's festivities.

The luncheon was hosted last year at Big Tex BBQ and has been held in the past at the Brass Rail, the Willcox Community Center, and Coronado Vineyards. The City invites a guest speaker to address the attendees and share information on our Community. This year we have asked a representative from Eurofresh Farms to be the keynote speaker.

We have scheduled this year's luncheon to be held at The Kiva Room at the Quality Inn the menu is Beef Enchiladas, Chicken Fajitas, Beans, Rice, Chips & Salas with Coffee, Ice Tea or Water. The estimated cost will be \$500.00 this includes meal, tax and gratuity.

We hope to have all members of the Willcox City Council in attendance to participate in making this a memorable and interesting event.

RECOMMENDATION: Approve hosting the Luncheon and the approximate expense of \$500.00 to be taken from the Mayor and Council's training line.

Prepared by: 
Sherry/Lynn Van Allen -HR

Approved by: _____
Pat McCourt, City Manager



**Mayor Robert A. Irvin
City Council and City Manager
Request the pleasure of your company at the**

Mayors'/Managers' Luncheon

***On Thursday, the 20th day of September, 2012
at twelve o' clock noon.***

***Kiva Room
at Quality Inn***

***1100 West Rex Allen Drive
Willcox, AZ 85643***

***Guest Speaker:
Frank van Straalen - Chief Financial Officer
Eurofresh Farms: Green House History***

***Meal Selection:
Buffet: Beef Enchiladas, Chicken Fajitas, Rice, Beans
Chips & Salsa
Coffee, Tea or Water***

***Please R.S.V.P. by Friday,
September 14, 2012 (520) 766 4204;
Fax (520) 384-2590
or svanallen@willcoxcity.org***

2012 (Revised)

Rotation Schedule for Mayor/Managers Meeting and Luncheon

JANUARY	BENSON
FEBRUARY	COCHISE COUNTY (District 2)
MARCH	HUACHUCA CITY
APRIL	BISBEE
MAY	COCHISE COUNTY (District 1)
JUNE	DOUGLAS
JULY	TOMBSTONE
AUGUST	SIERRA VISTA
SEPTEMBER	WILLCOX
OCTOBER	COCHISE COUNTY (District 3)
NOVEMBER	FT. HUACHUCA
DECEMBER	No Meeting (SEAGO no longer hosting)

**CITY OF WILLCOX
REQUEST FOR COUNCIL ACTION**

Agenda Item: 11
Tab Number: 7
Date: 07/23/2012

Date Submitted:
07-17-2012

Date Requested:
07-23-2012

Action:
 Resolution
 Ordinance
 Formal
 Other

**Subject: Accept letter of
resignation from Earl
Goolsby from the
Planning and Zoning
Commission**

TO: MAYOR AND COUNCIL

FROM: Sherry Van Allen, Human Resources

DISCUSSION: Attached is a letter from Earl Goolsby regarding his resignation from the Planning and Zoning Commission.

RECOMMENDATION: Accept the Resignation

FISCAL IMPACT: None

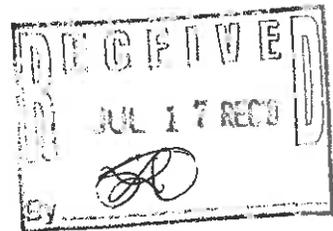
Prepared by:


Sherry Lynn Van Allen - HR

Approved by:


Pat McCourt, City Manager

Thursday, July 12, 2012



To: Jim Fusco, Chairman
Willcox Planning and Zoning Commission....
and
Mayor and City Council
City of Willcox
Willcox, Arizona
From: Earl B. Goolsby, *Former* Vice-Chairman
Willcox Planning and Zoning Commission
City of Willcox
Willcox, Arizona
Subject: Resignation from P. & Z. Commission

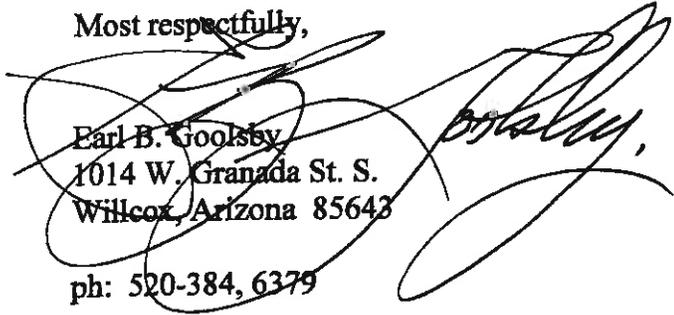
Mr. Chairman, please be advised,

In light of my recent election to the Willcox City Council, this capacity creates a conflict with my serving any longer on the Planning and Zoning Commission. Consider this note as my official resignation from that august group.

It has been an extreme honor to serve with P. & Z., to serve with you, and to exercise input, influence, and oversight to and for the community of Willcox. I look forward to our joint efforts as Commission and Council.

Thank you for your time and consideration, and I remain,

Most respectfully,

 7-12-12

Earl B. Goolsby
1014 W. Granada St. S.
Willcox, Arizona 85643
ph: 520-384, 6379

**CITY OF WILLCOX
REQUEST FOR COUNCIL ACTION**

Agenda Item: 12
Tab Number: 8
Date: 8-06-12

Date Submitted: 7-20-12 Date Requested: 8-6-12

Action: <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Formal <input type="checkbox"/> Other

Subject: Approve Ordinance granting Sulphur Springs Valley Electric cooperative a Franchise agreement
--

TO: MAYOR AND COUNCIL

FROM: City Manager

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

The existing Franchise expires December 31, 2012.

The attached proposed Franchise has been negotiated between the City Staff and SSVEC staff. The agreement is modeled after the City of Sierra Vista Franchise Agreement and the City of Benson Franchise Agreement. The agreement provides for conditions under which the City and SSVEC will cooperate to make certain the people and business of the City will receive electric services.

The proposed agreement is for twenty-five (25) years.

SSVEC does pay a franchise fee for the use of the City ROW and will pay a franchise fee under the proposed agreement.

The agreement must be approved by the voters. Under separate action the proposed franchise will be sent to the November ballot.

SSVEC will pay for the cost of the election.

RECOMMENDATION: Approve the proposed Ordinance

FISCAL IMPACT: General fund revenue estimate for Fiscal Year 13 is \$110,000. The actual amount will be based upon the amount of electricity sold and the price of the electricity.

Prepared by: Pat McCourt

Approved by: _____
City Manager

**CITY OF WILLCOX, COCHISE COUNTY, ARIZONA
RESOLUTION NO: 2012-71**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA (“CITY”) APPROVING FOR PLACEMENT BEFORE THE QUALIFIED ELECTORS OF THE CITY A NEW TWENTY-FIVE (25) YEAR FRANCHISE AGREEMENT FOR THE SULPHUR SPRINGS VALLEY ELECTRIC COOPERATIVE (“SSVEC”) TO CONTINUE TO USE CITY PUBLIC RIGHT-OF WAYS TO SUPPLY ELECTRICITY TO THE CITIZENS OF THE CITY; AUTHORIZING AND DIRECTING AUTHORIZED CITY OFFICERS AND AGENTS TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, pursuant to A.R.S. § 9-501(A), the CITY has the authority to grant a franchise for a public utility operated by a grantee only after being authorized by a majority vote of the qualified electors of the municipal corporation at a regular election or at a special election duly and regularly called by the governing of the municipal corporation for that purpose; and

WHEREAS, pursuant to A.R.S. § 9-502(A), a person desiring to obtain a franchise to operate a public utility from a municipal corporation shall present the franchise desired to the municipal governing body and it shall be filed among its records; and

WHEREAS, on March 10th, 1987, the CITY approved and adopted Ordinance NS130 granting, selling and renewing SSVEC a 25 year franchise agreement to continue to use the City public rights-of-ways to supply electricity to the citizens of the CITY; and

WHEREAS, upon expiration of the existing franchise agreement and pursuant to A.R.S. § 9-502, a new SSVEC franchise agreement must be negotiated and presented to Mayor and Council and ultimately to the Willcox citizenry for voter approval; and

WHEREAS, CITY has reviewed the proposed new franchise agreement attached hereto and desires to have this item presented to Mayor and Council at its next Council Meeting on August 6th, 2012; and

WHEREAS, if the governing body of the City of Willcox deems the granting of the franchise beneficial to the municipal corporation, it shall pass a resolution, to be spread upon its record, stating that fact, and shall submit the question to its qualified electors as to whether or not the franchise shall be granted at a regular or special election called for that purpose as required pursuant to A.R.S. § 9-502(B); and

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

SECTION 1: That City Council Policy, affirmed by Ordinance No: NS130, granting of a utility franchise for use of public rights-of-ways, be and is hereby affirmed; and

SECTION 2: That a new 25 year franchise agreement for SSVEC, attached hereto and made part of this Resolution as Exhibit "A", be approved and placed before the qualified electors of the City for voter approval.

SECTION 3: That the City Manager, City Clerk, Legal Counsel, Election Officials or their duly authorized officers and agents are hereby authorized and directed to take all necessary steps to carry out the purposes and intent of this Resolution.

PASSED AND ADOPTED by the Mayor and Council of the City of Willcox, Cochise County, Arizona this _____ day of August, 2012

APPROVED/EXECUTED

MAYOR, ROBERT A. IRVIN

ATTEST:

APPROVED AS TO FORM:

City Clerk, Virginia A. Mefford

City Attorney, Hector M. Figueroa, Esq.

RESOLUTION NO: 2012-71

FRANCHISE AGREEMENT

BETWEEN SULPHUR SPRINGS VALLEY ELECTRIC COOPERATIVE, INC.

AND

THE CITY OF WILLCOX, ARIZONA

Section 1 - Grant of Franchise:

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

Section 2 – Grantee's Compliance with City Standards; Plans Submitted for Approval; City Construction near Grantee's Facilities:

All construction under this Franchise shall be performed in accordance with the established rules and regulations of City with respect to the use of such public rights-of-way, as applicable at the time of any such construction, and with the laws of this state. Before Grantee constructs, relocates, or installs any Facilities in the public rights-of-way, Grantee shall obtain such permits as are required by the City, to be issued for other similar construction work in the public rights-of-way, pay applicable permit fees, submit for approval a map showing the

location of such proposed installations to the City Engineer, and comply with all other applicable requirements for any such work. Notwithstanding the foregoing, Grantee may make emergency repairs without first obtaining a Permit. In the event of such an emergency, Grantee shall make reasonable efforts to contact appropriate Public Works personnel, prior to making the repairs, to advise them of the emergency and the work to be performed within public rights of way.

Section 3 – Construction and Relocation of Grantee’s Facilities; Payment:

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

- A. If City requires Grantee to relocate Grantee's Facilities that were lawfully located before the public dedication of the associated public street or right-of-way, or before the acquisition of that property by the City, the entire cost of relocating Grantee's Facilities (including the cost of purchasing a new private easement if

necessary) shall be borne by City. City shall also bear the entire cost of all subsequent relocations of any relocated, pre-existing Facilities required by City, until such time as City condemns or purchases rights of way. Grantee will use good faith efforts to advise City of any such situation that may require City financial responsibility during the planning and design phase of any such city project, as necessary, to allow City to mitigate any such potential expense.

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

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

- C. City will bear the entire cost of relocating any of Grantee's Facilities, the relocation of which is necessitated by the construction of improvements by or on behalf of City in furtherance of a proprietary function. All functions of City which are not governmental are proprietary.
- D. If City participates in the cost of relocating Grantee's Facilities for any reason, the cost of relocation to City shall not include any upgrade or improvement of Grantee's Facilities as they existed prior to relocation.
- E. City will not exercise its right to require Grantee's Facilities to be relocated in an unreasonable or arbitrary manner, or to avoid its obligation under the Franchise. City agrees to notify Grantee during the planning and design of City's projects in rights-of-way that may require relocation of Grantee's Facilities and to coordinate

its construction plans and schedules with Grantee to determine the most cost-effective design to mitigate Grantee's cost to relocate its Facilities. City will consider reasonable alternative designs, as proposed by Grantee, that may require less relocation expenses for Grantee, provided that Grantee agrees to bear any incremental costs incurred by City in the connection with the alternative and the alternative will serve the public interest in substantially the same manner as the original design.

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

Section 4 – Indemnification:

The Grantee shall indemnify, defend, and hold harmless the City from and against any and all claims, losses, liability, costs, and expenses (including reasonable attorney fees) arising out of this franchise by said Grantee.

Section 5 – Restoration of Rights-of-Way:

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

Section 6 – Franchise Fee:

As a further consideration for the Franchise hereby granted, during the first four years of this Agreement, Grantee will pay to the Municipality a sum equal to 2.5% of the gross receipts of the Grantee from the sale of electric energy as determined by its base rates, as approved by the Arizona Corporation Commission, within the present and any further corporate limits of the Municipality, as shown by the Grantee's billing records, such payment to be due and payable monthly. During the next succeeding ten years of this Agreement, the sum shall be 3.0% of the gross receipts set forth above. In the final ten years of this Agreement, the sum shall be 3.5% of the gross receipts set forth above. Such payment shall be in lieu of all fees or charges for permits issued for the construction of the Grantee's facilities within Municipality's rights-of-way hereunder or for inspections thereof. For the purpose of verifying the amounts payable hereunder, the books and records of the Grantee shall be subject to inspection by duly authorized officers and representatives of the Municipality at reasonable times. Said inspection shall be limited to the preceding 48 calendar months from the date of inspection. It is expressly understood that the above computation in regard to Grantee's base rates shall be defined, equal to and the same as the rate base as provided for in Arizona Revised Statutes Section 42-5603, as may be amended from time to time, for the calculation of Arizona Transaction Privilege Tax. Provided, however, if it is shown that Grantee has failed to pay the amounts due hereunder solely due to its failure to include in its calculations energy sales within an area or areas that have come within the corporate limits of Municipality subsequent to the date of this Agreement, and Municipality did not provide Grantee timely notice of such annexation, then Municipality shall have no right to collect such payments based on energy sales within the areas omitted for the first twelve months following the area's annexation.

Section 7 – Additional Fees and Taxes:

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

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

Section 8 – Use of Grantee's Poles:

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

Section 9– Term:

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

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

Section 10 – Franchise; Non-Exclusive:

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

Section 11– Conflicting Ordinances:

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

Section 12 – Independent Provisions:

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

Section 13 – No Third Party Beneficiaries:

There are no third party beneficiaries to this Franchise agreement between City and Grantee.

Section 14 – Voter Approval Required:

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

Section 15– Assignment and Transfer:

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

Section 16 – Stock:

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

Section 17 – Notices:

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

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

Section 18 – Adoption:

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

CITY OF WILLCOX

SSVEC

By _____
Mayor
On behalf of the City of
Willcox

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

Date: _____

Date: _____

ATTEST:

Willcox City Clerk

APPROVED AS TO FORM:

Willcox City Attorney

**CITY OF WILLCOX, COCHISE COUNTY, ARIZONA
RESOLUTION NO: 2012-72**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA ("CITY") FINDING AND DECLARING THAT SAME DEEM THE GRANTING OF A CERTAIN UTILITY FRANCHISE BENEFICIAL TO THE MUNICIPAL CORPORATION PURSUANT TO A.R.S. § 9-502(B); ORDERING THE SUBMITTAL OF THE QUESTION TO THE QUALIFIED ELECTORS AS TO WHETHER OR NOT THE FRANCHISE SHALL BE GRANTED TO SULPHUR SPRINGS VALLEY ELECTRIC COOPERATIVE ("SSVEC"); PROVIDING FOR THE GIVING OF NOTICE OF SAID ELECTION TO ALL QUALIFIED ELECTORS; PRESCRIBING THE FORM OF BALLOT TO BE USED; AUTHORIZING AND DIRECTING AUTHORIZED CITY OFFICERS AND AGENTS TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, the City of Willcox has passed and adopted Resolution 2012-71 approving the placement of the new SSVEC franchise agreement to its qualified electors as required pursuant to A.R.S. § 9-502(B); and

WHEREAS, the City of Willcox must deem the granting of the franchise beneficial to the municipal corporation before it shall submit the question to its qualified electors as to whether or not the franchise shall be granted at a regular or special election called for that purpose as required pursuant to A.R.S. § 9-502(B); and

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

SECTION 1:

That Mayor and Council of the City of Willcox, Arizona hereby deem the granting of the SSVEC franchise beneficial to the municipal corporation and shall submit the question to the qualified electors of the CITY as prescribed pursuant to A.R.S. § 9-502(B).

SECTION 2:

That an election is hereby called and ordered to be held in the CITY on November 6, 2012, for the purpose of submitting to a vote of the qualified electors of the CITY the question as to whether the following new 25 year franchise shall be granted to SSVEC.

PASSED AND ADOPTED by the Mayor and Council of the City of Willcox, Cochise County, Arizona this _____ day of August, 2012

APPROVED/EXECUTED

MAYOR, ROBERT A. IRVIN

ATTEST:

APPROVED AS TO FORM:

City Clerk, Virginia A. Mefford

City Attorney, Hector M. Figueroa, Esq.

RESOLUTION NO: 2012-72

TAB 10

REFER TO WORK SESSION MATERIAL

RESOLUTION NO. 2012-73

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA (“CITY”) APPROVING AND ADOPTING THE HAZARD MITIGATION PLAN (“PLAN”) DEVELOPED THROUGH A GRANT SECURED BY THE ARIZONA DIVISION OF EMERGENCY MANAGEMENT AS PART OF THE PROCESS TO HELP MITIGATE FUTURE HAZARDS AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.

WHEREAS, the CITY is authorized to prepare to mitigate future hazards within our city and surrounding area; and

WHEREAS, the Arizona Division of Emergency Management secured a federal planning grant to assist in the Hazard Mitigation Plan (“Plan”) process; and

WHEREAS, elected and appointed officials from seven jurisdictions were part of a planning team that met to develop the Plan; and

WHEREAS, the Plan has been prepared in compliance with Section 322 of the Robert T Stafford Disaster Relief and Emergency Assistance Act; and

WHEREAS, the Mayor and Council of the City of Willcox desire to have this Resolution presented at its August 6th, 2012 Council Meeting for the purpose of approving and adopting the Plan; and

WHEREAS, the Mayor and Council have determined that formal action on this Resolution is in the best interest of the CITY and the citizens within and without the CITY; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA, AS FOLLOWS:

Section 1: That the CITY formally approves and adopts Resolution 2012-73 for the purpose of approving and adopting the Plan as presented.

Section 2: That the immediate operation of the provisions of this Resolution is necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, and this Resolution shall be in full force and effect from and after its passage by the City of Willcox, Cochise County, Arizona.

Section 3: That the Mayor is authorized and empowered to execute this Resolution and the City Manager is authorized and directed to implement the Plan.

PASSED AND ADOPTED BY MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA this _____ day of August, 2012.

APPROVED/EXECUTED:

MAYOR, ROBERT A. IRVIN

ATTEST:

APPROVED AS TO FORM:

City Clerk, Virginia A. Mefford

City Attorney, Hector M. Figueroa, Esq.

RESOLUTION NO. 2012-73

**CITY OF WILLCOX
REQUEST FOR COUNCIL ACTION**

Agenda Item 15
Tab Number 11
Date: 8/6/2012

Date Submitted:

August 2, 2012

Action:

Resolution
 Ordinance
 Formal

Subject:

Financial Statements
Fiscal Year 2011-2012
(Unaudited)

TO: MAYOR AND COUNCIL
FROM: Finance Director Ruth Graham

Discussion:

The following financial reports reflect the revenues and expenses of the funds managed by the City, including the General Fund, HURF (the Streets Fund), Grants, Special Revenue Grants, Debt Service, Capital Improvements, Gas, Water, Sewer and Refuse (Solid Waste), as well as the Fiduciary (or trust) funds managed by the City for the Magistrate Court and the Firemen's Pension Fund.

There is also a period of sixty (60) days after the close of the fiscal year in which adjustments may be made for receipt of revenues due to the City for periods prior to June 30th, and payment of expenditures for goods or services provided prior to June 30th. In addition, the amounts shown are prior to the City's FY12 annual audit, and adjustments may be made.

The reports include:

A) The Revenues, Expenses and Fund Balances report is on a modified-accrual basis that includes adjustments for accrued year-end revenues and expenses.

The report is arranged in columns showing:

- 1) Fund Number,
- 2) Fund Name,
- 3) 7/1/11 Opening Balance,
- 4) Revenues (YTD net of transfers),
- 5) Interfund Transfers in and out,
- 6) Expenses (YTD net of transfers),
- 7) 6/30/12 fund balance, and
- 8) Change in Fund Balance (YTD) with reductions shown in parentheses.

The General Fund is showing improvement. As of June 30, 2012, the General Fund showed a use of fund balance (or savings) in the amount of \$120,881 for Fiscal Year 2011-2012. One year prior to that, at June 30, 2011, the use of fund balance for the Fiscal Year 2010-2011 totaled \$207,931.

- B) The Report to the City Council Balances is on a modified-accrual basis that includes adjustments for accrued year-end revenues and expenses. It shows the comparison between actual year to date and budgeted year to date activities, as well as a comparison to the same time period last fiscal year. In the YTD Revenues block, the first column shows the Actual YTD income, including transfers in from other funds, the budgeted YTD revenues, and the percentage of revenues received for the year to date. The last column in the YTD Revenues section shows the Revenues received for the same period last year. The YTD Expenditures follow the same format. The final block includes YTD income (loss) for the current year and the prior year.
- C) An Investment Report as of June 30, 2012 is presented for the Council's information. This report is prepared on a cash basis; it reflects the actual cash transactions and cash balances, and does not include adjustments for accrued revenues and expenses.

The City has accumulated Fund Balances, or cash on hand, that is invested. The City follows the terms of the Investment Policy adopted January 20, 2009 which recites the following primary investment objectives of the City in order of priority:

- Safety
- Liquidity
- Optimal yield
- Collateralization

The City continues to participate in the Local Government Investment Pool (LGIP) Pool 700, a conservative long-term pool in which Willcox has participated since the fund's inception, and the Certificate of Deposit Registry (CDARS) program.

- D) City Sales Tax (FY11 Adjusted). This chart shows gross sales tax revenues by month for the years 2005-2012. The reference in the title to (FY12 Adjusted) reflects a smoothing of revenues received in August 2011 when the City received a one-time payment of \$150,000 from a single taxpayer. The Total column on the right includes the year to date revenues as well as the budgeted revenues for the year. The % Budget line for FY12 represents actual revenues divided by budgeted revenues. The Average % Received line analyzes where we would expect to be at this time of year based on past years' receipts. The Budgeted Distribution block shows the distribution of the City Sales Tax Revenues. Bed tax revenues are included in the gross transaction privilege tax receipts; after allocation of the bed tax, 2% of the revenues are allocated to General Fund, and 1% to Streets.

The chart reflects that City sales tax receipts for FY12 total \$2,295,352. That is an increase of about 1.9% from FY11. In FY10, receipts totaled \$2,194,826, and in FY11 receipts totaled \$2,252,926.

Submitted by:

Approved:

Ruth Graham, Finance Director

Pat McCourt, City Manager

**City of Willcox Fiscal Year 2011-12
Revenues, Expenses and Fund Balances (100% of fiscal year) - Before Audit**

Fund Number	Fund Name	7/1/11 Opening Bal.	Revenues	Inter-fund Transfers		Expenses	6/30/12 Ending Balance	FY 11-12 Fund Bal. Change
				In	Out			
10-53	Operating Funds:							
10	General Fund	\$ 1,857,949	2,882,183	A \$ 532,638 E \$ 35,799	C \$ 20,500	\$ 3,551,001	\$ 1,737,068	\$ (120,881)
15	HURF	\$ 257,723	\$ 939,927		B \$ 15,741	\$ 820,332	\$ 361,577	\$ 103,854
16	Grants	\$ 56,211	\$ 561,749	B \$ 15,741		\$ 577,454	\$ 56,247	\$ 36
17	Special Rev Grants	\$ 100,554	\$ 45,531	C \$ 20,500		\$ 72,338	\$ 94,247	\$ (6,307)
20	Debt Service	\$ 161,895	\$ 151,821	D \$ 5,800		\$ 155,313	\$ 164,203	\$ 2,308
21	Capital Improv	\$ 44,182	\$ 85,366	F		\$ 87,301	\$ 42,247	\$ (1,935)
50	Gas - Operating	\$ 969,183	\$ 858,186		A \$ 190,735	\$ 632,236	\$ 1,004,398	\$ 35,215
51	Water	\$ 1,331,319	\$ 768,153		A \$ 126,543 D \$ 5,800	\$ 454,437	\$ 1,512,692	\$ 181,373
52	Sewer	\$ 718,971	\$ 777,715		A \$ 115,228	\$ 477,057	\$ 904,401	\$ 185,430
53	Refuse Due to GF \$78,268	\$ 3,718	\$ 661,236		A \$ 100,132 E \$ 35,799	\$ 495,128	\$ 33,895	\$ 30,177
61-72	Total Operating	\$ 5,501,705	\$ 7,731,867	\$ 610,478	\$ 610,478	\$ 7,322,597	\$ 5,910,975	\$ 409,270
61	Fiduciary Funds:							
	Magistrate Court Trust Fund	\$ 3,863	\$ 23,156			\$ 23,156	\$ 3,863	\$ -
72	Firemen's Pension Trust Fund	\$ 217,238	\$ 9,726			\$ 2,541	\$ 224,423	\$ 7,185
	Total All Funds	\$ 5,722,806	\$ 7,764,749	\$ 610,478	\$ 610,478	\$ 7,348,294	\$ 6,139,261	\$ 416,455

A Utilities transfers to General Fund
 B Grant matching funds from Streets to Fort Grant project
 C City's matching for skatepark funds received to date
 D General Obligation Bond for Water paid by Water Utility
 E Year to date budgeted Refuse loan repayment to General Fund
 F Civic facility landscaping; Library Improv-USDA Grant; reimbursmt 4/5/12 accrued

CITY OF WILLCOX
FINANCE DEPARTMENT
REPORT TO THE CITY COUNCIL

100% OF FISCAL YEAR 2011-2012 - BEFORE AUDIT

	YTD REVENUES			YTD EXPENDITURES			YTD INC (LOSS)	
	ACTUAL YTD	BUDGET YTD	%	ACTUAL YTD	BUDGET YTD	%	FY12 Net	FY11 Net
GENERAL FUND								
General Fund Departments	\$ 3,450,620	\$ 4,334,618	79.6%	\$ 3,571,501	\$ 4,334,618	82.4%	\$ (120,881)	\$ (207,931)
HURF/LTAF **	\$ 939,927	\$ 1,174,602	80.0%	\$ 836,073	\$ 1,174,602	71.2%	\$ 103,854	\$ 102,377
SPECIAL REVENUE FUND								
Special Revenue Grants	\$ 643,521	\$ 2,196,459	29.3%	\$ 649,792	\$ 2,196,459	29.6%	\$ (6,271)	\$ (1,483)
Debt Service Fund *	\$ 157,621	\$ 156,794	100.5%	\$ 155,313	\$ 156,794	99%	\$ 2,308	\$ 6,119
Capital Improvements Fund	\$ 85,366	\$ 162,700	52.5%	\$ 87,301	\$ 162,700	53.7%	\$ (1,934)	\$ (21,176)
PROPRIETARY FUND								
Gas	\$ 858,186	\$ 1,220,013	70.3%	\$ 822,971	\$ 1,220,013	67.5%	\$ 35,216	\$ 85,900
Water	\$ 768,153	\$ 736,289	104.3%	\$ 586,780	\$ 736,289	79.7%	\$ 181,373	\$ 122,259
Sewer	\$ 777,715	\$ 730,865	106.4%	\$ 592,285	\$ 730,865	81.0%	\$ 185,431	\$ 161,990
Refuse	\$ 661,236	\$ 663,986	99.6%	\$ 631,059	\$ 663,986	95.0%	\$ 30,177	\$ 14,058
FIDUCIARY FUND								
Magistrate Court Fund	\$ 23,156	\$ 28,000	82.7%	\$ 23,156	\$ 28,000	82.7%	\$ -	\$ -
Fireman Pension Fund	\$ 9,726	\$ 54,258	17.9%	\$ 2,541	\$ 54,258	4.7%	\$ 7,185	\$ 5,185
FUND GRAND TOTALS	\$ 8,375,228	\$ 11,458,584	73.1%	\$ 7,958,770	\$ 11,458,584	69.5%	\$ 416,458	\$ 267,299

*General Obligation Bond payments include all annual principal and interest; revenues received throughout the year.

City of Willcox

Fiscal Year 2011-2012

Investment Report as of 6/30/2012 (Prior to Audit)

Investment Account	Opening Cash Balance		Cash In		Cash Out thru 6/30/12	Ending Balance 6/30/2012	Change in Ending Balance
	7/1/2011	thru 6/30/12	thru 6/30/12	Accrued			
Governmental & Enterprise Funds							
Combined Savings	\$ 655,618	\$ 5,276,590	\$ -	\$ -	\$ 5,489,062	\$ 443,147	\$ (212,472)
Local Govt Investment Pool (LGIP)	\$ 3,090,449	\$ 2,046,290	\$ -	\$ -	\$ 260,952	\$ 4,875,787	\$ 1,785,338
CDARS	\$ 1,516,896	\$ 127,699	\$ -	\$ -	\$ 1,135,004	\$ 509,590	\$ (1,007,306)
Petty cash & other	\$ 2,199	\$ 3,819	\$ -	\$ -	\$ 3,819	\$ 2,199	\$ 1
Savings-Golf Course	\$ 13,593	\$ 16	\$ -	\$ -	\$ 3,218	\$ 10,391	\$ (3,202)
Police Bond Fund Checking	\$ 222,951	\$ 211	\$ -	\$ -	\$ 180,712	\$ 42,450	\$ (180,501)
Total Governmental & Enterprise	\$ 5,501,706	\$ 7,454,625	\$ -	\$ -	\$ 7,072,767	\$ 5,883,564	\$ 381,859
Agency Fund - Magistrate Court							
Combined Savings	\$ (592)	\$ 2,083	\$ -	\$ -	\$ 4,664	\$ (3,173)	\$ (2,581)
Checking-Magistrate	\$ 4,455	\$ 23,095	\$ -	\$ -	\$ 24,278	\$ 3,273	\$ (1,182)
Total Agency-Magistrate Court	\$ 3,863	\$ 25,178	\$ -	\$ -	\$ 28,942	\$ 100	\$ (3,763)
Agency Fund - Fireman's Fund							
Combined Savings	\$ (711)	\$ 3,150	\$ -	\$ -	\$ 2,669	\$ (230)	\$ 481
Local Govt Investment Pool (LGIP)	\$ 214,667	\$ 4,298	\$ -	\$ -	\$ 338	\$ 218,627	\$ 3,961
Firemen's Fund Savings	\$ 3,281	\$ 2,061	\$ -	\$ -	\$ -	\$ 5,343	\$ 2,061
Total Agency-Fireman's Fund	\$ 217,237	\$ 9,509	\$ -	\$ -	\$ 3,006	\$ 223,740	\$ 6,503
Total Cash	\$ 5,722,806	\$ 7,489,313	\$ -	\$ -	\$ 7,104,714	\$ 6,107,404	\$ 384,598
A Reimbursement to Gen Fund-Police Facility/Library							
B Firefighters contributions and City match							
C The revenue spread for the LGIP & CDARS funds is reallocated annually based on fund balance in accordance with the balances shown on the annual audited financial statements. Reallocations for FY12, effective as of July 1, 2011 and included in Cash Out for reallocation purposes, are as follows:							
		FY11	FY12	Change			
General Fund		45%	36%	-9%			
HURF		6%	5%	-1%			
Gas Utility		18%	19%	1%			
Water Utility		22%	26%	4%			
Sewer Utility		9%	14%	5%			
		100%	100%	0%			

City of Willcox

Fiscal Year 2010-2011

Investment Report by Fund as of 6/30/2012 (Prior to Audit)

Fund Number	Fund Investment Account	Opening Cash Balance		Cash In		Cash Out thru 6/30/12	Ending Balance 6/30/2012	Change in Ending Balance
		7/1/2011	6/30/2011	thru 6/30/12	Accrued			
10	General Fund							
	Combined Savings	\$ (34,571)	\$ 1,509,836			1,522,471	\$ (47,206)	\$ (12,635)
	Local Govt Investment Pool (LGIP)	\$ 1,224,191	\$ 697,627			164,152	\$ 1,757,665	\$ 533,475
	CDARS	\$ 666,130	\$ 2,648			485,314	\$ 183,464	\$ (482,666)
	Petty cash & other	\$ 2,199	\$ 3,819			3,819	\$ 2,199	\$ 1
	Sub-Total: General Fund	\$ 1,857,949	\$ 2,213,930	\$ -		2,175,756	\$ 1,896,123	\$ 38,174
15	HURF							
	Combined Savings	\$ 165,747	\$ 496,489			621,455	\$ 40,780	\$ (124,967)
	Local Govt Investment Pool (LGIP)	\$ 59,483	\$ 184,589			320	\$ 243,751	\$ 184,268
	CDARS	\$ 32,493	\$ 28,528			35,543	\$ 25,479	\$ (7,015)
	Sub-Total: HURF	\$ 257,723	\$ 709,606	\$ -		657,319	\$ 310,010	\$ 52,287
16 & 17	Grants Special Revenue							
	Combined Savings	\$ 143,172	\$ 422,119			556,365	\$ 8,926	\$ (134,245)
	Savings-Golf Course	\$ 13,593	\$ 16			3,218	\$ 10,391	\$ (3,202)
	Sub-Total: Grants Special Revenue	\$ 156,764	\$ 422,136	\$ -		559,583	\$ 19,317	\$ (137,447)
20 & 21	Debt Service & Capital Improvements							
	Combined Savings	\$ (16,874)	\$ 404,623			227,429	\$ 160,320	\$ 177,194
	Police Bond Fund Checking	\$ 222,951	\$ 211			180,712	\$ 42,450	\$ (180,501)
	Sub-Total: Debt Svc & Capital Impr	\$ 206,078	\$ 404,834	\$ -		408,141	\$ 202,770	\$ (3,307)
50	Gas-Utility							
	Combined Savings	\$ 95,407	\$ 774,868			828,111	\$ 42,163	\$ (53,243)
	Local Govt Investment Pool (LGIP)	\$ 565,089	\$ 360,751			1,218	\$ 924,622	\$ 359,533
	CDARS	\$ 308,687	\$ 1,261			213,130	\$ 96,819	\$ (211,868)
	Sub-Total: Gas Utility	\$ 969,183	\$ 1,136,879	\$ -		1,042,458	\$ 1,063,604	\$ 94,421

City of Willcox

Fiscal Year 2010-2011

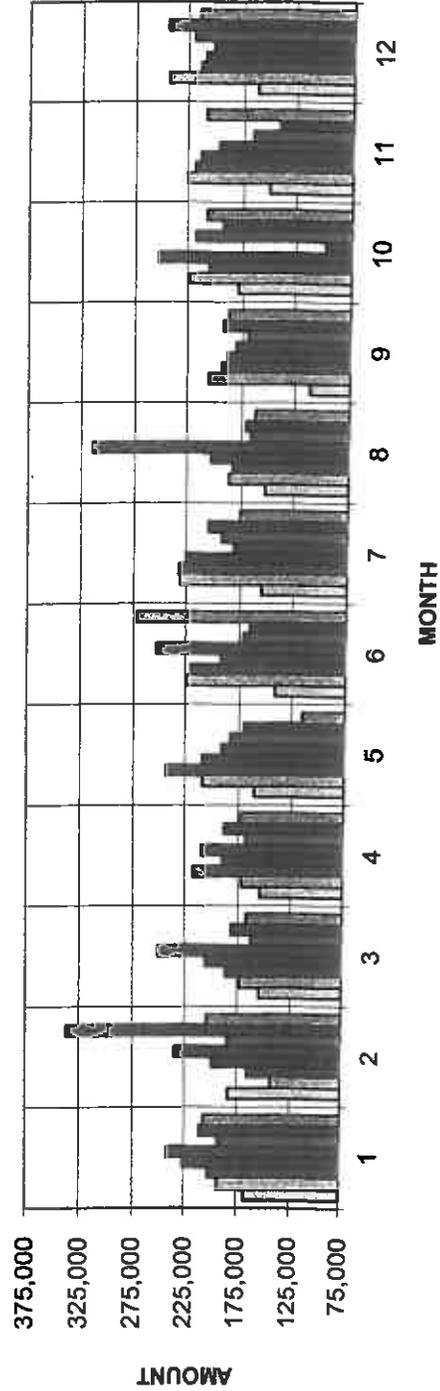
Investment Report by Fund as of 6/30/2012 (Prior to Audit)

Fund Number	Fund Investment Account	Opening		Cash In		Cash Out thru 6/30/12	Ending Balance 6/30/2012	Change in Ending Balance
		Cash Balance 7/1/2011		thru 6/30/12	Accrued			
51	Water-Utility							
	Combined Savings	\$ 227,602	\$ 630,050			803,635	\$ 54,016	\$ (173,586)
	Local Govt Investment Pool (LGIP)	\$ 713,797	\$ 552,983			1,666	\$ 1,265,114	\$ 551,317
	CDARS	\$ 389,920	\$ 1,631			259,062	\$ 132,489	\$ (257,432)
	Sub-Total: Water Utility	\$ 1,331,320	\$ 1,184,664	\$ -		1,064,364	\$ 1,451,619	\$ 120,300
52	Sewer-Utility							
	Combined Savings	\$ 75,136	\$ 650,303			527,718	\$ 197,721	\$ 122,585
	Local Govt Investment Pool (LGIP)	\$ 524,170	\$ 250,341			93,596	\$ 680,916	\$ 156,745
	CDARS	\$ 119,665	\$ 93,630			141,955	\$ 71,340	\$ (48,325)
	Sub-Total: Sewer Utility	\$ 718,971	\$ 994,274	\$ -		763,269	\$ 949,976	\$ 231,006
53	Refuse/Solid Waste							
	Combined Savings	\$ -	\$ 388,303			401,877	\$ (13,574)	\$ (13,574)
	Local Govt Investment Pool (LGIP)	\$ 3,718	\$ -			-	\$ 3,718	\$ -
	Sub-Total: Refuse/Solid Waste	\$ 3,718	\$ 388,303	\$ -		401,877	\$ (9,856)	\$ (13,574)
	Total Investments	\$ 5,501,706	\$ 7,454,625	\$ -		7,072,767	\$ 5,883,564	\$ 381,859
61	Magistrate Court							
	Combined Savings	\$ (592)	\$ 2,083			4,664	\$ (3,173)	\$ (2,581)
	Checking-Magistrate	\$ 4,455	\$ 23,095			24,278	\$ 3,273	\$ (1,182)
	Total Agency Fund - Magistrate Court	\$ 3,863	\$ 25,178	\$ -		28,942	\$ 100	\$ (3,763)
72	Agency Fund - Fireman's Fund							
	Combined Savings	\$ (711)	\$ 3,150			2,669	\$ (230)	\$ 481
	Local Govt Investment Pool (LGIP)	\$ 214,667	\$ 4,298			338	\$ 218,627	\$ 3,961
	Firemen's Fund Savings	\$ 3,281	\$ 2,061			-	\$ 5,343	\$ 2,061
	Total Agency - Fireman's Fund	\$ 217,237	\$ 9,509	\$ -		3,006	\$ 223,740	\$ 6,503

**FY 2011-2012 REVENUE ANALYSIS, 7 YEAR COMPARISON
CITY SALES TAX (FY 11 Adjusted)**

	JUL 1	AUG 2	SEP 3	OCT 4	NOV 5	DEC 6	JAN 7	FEB 8	MAR 9	APR 10	MAY 11	JUN 12	TOTAL
FY 05	168,013	183,504	154,754	154,469	160,110	141,338	154,907	152,582	110,850	178,844	150,068	161,654	\$ 1,871,093
% ACTUAL	9%	19%	27%	35%	44%	51%	60%	68%	74%	83%	91%	100%	
FY 06	193,896	143,339	173,142	171,901	208,794	224,179	230,275	186,889	205,698	222,916	225,015	243,549	\$ 2,429,593
% ACTUAL	8%	14%	21%	28%	37%	46%	55%	63%	72%	81%	90%	100%	
FY 07	202,743	165,765	186,262	216,547	242,925	219,633	231,558	183,483	194,169	206,918	218,263	213,479	\$ 2,481,745
% ACTUAL	8%	15%	22%	31%	41%	50%	59%	66%	74%	83%	91%	100%	
FY 08	226,135	199,426	206,086	190,555	209,137	193,394	224,737	203,483	188,181	252,298	213,351	209,987	\$ 2,516,769
% ACTUAL	9%	17%	25%	33%	41%	49%	58%	66%	73%	83%	92%	100%	
FY 09	241,222	233,929	249,889	209,366	191,160	252,520	181,257	313,856	180,737	98,680	198,186	203,912	\$ 2,554,713
% ACTUAL	9%	19%	28%	37%	44%	54%	61%	73%	80%	84%	92%	100%	
FY 10	193,688	184,506	162,446	168,042	182,805	171,565	193,292	166,484	169,312	217,453	166,070	219,163	\$ 2,194,826
% ACTUAL	9%	17%	25%	32%	41%	48%	57%	65%	73%	82%	90%	100%	
FY 11	210,485	190,200	180,741	188,681	170,387	165,299	205,760	170,540	192,588	193,598	140,665	243,983	\$ 2,252,926
% ACTUAL	9%	18%	26%	34%	42%	49%	58%	66%	74%	83%	89%	100%	
FY 12	206,815	204,379	167,071	173,708	114,454	271,942	175,746	161,979	187,513	208,225	209,202	214,317	\$ 2,295,352
% BUDGET	8%	17%	24%	31%	36%	47%	54%	61%	68%	77%	85%	94%	
AVG %	9%	17%	25%	33%	41%	49%	58%	67%	74%	83%	91%	100%	
RECVD													
													See note below

CITY SALES TAX



Budgeted Distribution:	YTD Rec'd:
Fund 10: General City Sales 2% 10-31-10000	\$ 1,428,386
Bed Tax 10-31-50000	\$ 152,774
Fund 15: Streets 15-39-71100	\$ 714,193
Over(Under) Budget	\$ (139,571)

NOTE: August 2010 has been adjusted to remove \$146,093 collection of prior year taxes

**CITY OF WILLCOX
REQUEST FOR COUNCIL ACTION**

Agenda Item: 16
Tab Number: 12
Date: 08-06-2012

Date Submitted:
07/24/2012

Date Requested:
08-06-2012

Action:
 Resolution
 Ordinance
 Formal
 Other

Subject: Discussion/Decision
regarding Rex Allen Days
request for Special Events
Liquor License at Quail Drive
Sports Park on Saturday,
Oct. 6 and Sunday Oct. 7,
2012

TO: MAYOR AND COUNCIL

FROM: Sherry Lynn Van Allen

DISCUSSION: The 61st Rex Allen Days Annual Rodeo will be held at Quail Drive Sports Park. RAD's is requesting the Mayor and Council to approve the submission of an application for a Special Events Liquor License to the Arizona Department of Liquor Licenses and Control, beginning on Saturday, October 6, 2012 from 11:00 a.m. to 7:00 p.m. and on Sunday, October 7, 2012 from 12:00 noon to 6:00 p.m.

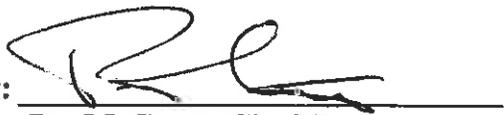
RECOMMENDATION: To approve this charitable application for a Special Events License to the Rex Allen Days, Inc.

FISCAL IMPACT: Unknown.

Prepared by:


Sherry Lynn Van Allen - HR

Approved by:


Pat McCourt, City Manager

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007
(602) 542-5141



400 W Congress #150
Tucson AZ 85701
(520) 628-6595

APPLICATION FOR SPECIAL EVENT LICENSE

Fee = \$25.00 per day, for 1-10 day events only
A service fee of \$25.00 will be charged for all dishonored checks (A.R.S. 44-6852)

PLEASE NOTE: THIS DOCUMENT MUST BE FULLY COMPLETED OR IT WILL BE RETURNED.

****APPLICATION MUST BE APPROVED BY LOCAL GOVERNMENT**

DEPT USE ONLY
LIC#

1. Name of Organization: Rex Allen Days, Inc.

2. Non-Profit/I.R.S. Tax Exempt Number: 510166786

3. The organization is a: (check one box only)

- Charitable Fraternal (must have regular membership and in existence for over 5 years)
- Civic Political Party, Ballot Measure, or Campaign Committee
- Religious

4. What is the purpose of this event? Fundraiser

5. Location of the event: Quail Park, Willcox AZ Cochise 85643
Address of physical location (Not P.O. Box) City County Zip

Applicant must be a member of the qualifying organization and authorized by an Officer, Director or Chairperson of the Organization named in Question #1. (Signature required in section #18)

6. Applicant: Mullins Michelle Priscilla 1-1-74
Last First Middle Date of Birth

7. Applicant's Mailing Address: 6066 N. Hamilton Rd, Willcox AZ 85643
Street City State Zip

8. Phone Numbers: () 520 507-8330 ()
Site Owner # Applicant's Business # Applicant's Home #

9. Date(s) & Hours of Event: (Remember: you cannot sell alcohol before 10:00 a.m. on Sunday)

	Date	Day of Week	Hours from A.M./P.M.	To A.M./P.M.
Day 1:	<u>Oct 6th 2012</u>	<u>Saturday</u>	<u>12 to 11 AM</u>	<u>7pm</u>
Day 2:	<u>Oct 7th 2012</u>	<u>Sunday</u>	<u>12 pm</u>	<u>6 pm</u>
Day 3:	_____	_____	_____	_____
Day 4:	_____	_____	_____	_____
Day 5:	_____	_____	_____	_____
Day 6:	_____	_____	_____	_____
Day 7:	_____	_____	_____	_____
Day 8:	_____	_____	_____	_____
Day 9:	_____	_____	_____	_____
Day 10:	_____	_____	_____	_____

10. Has the applicant been convicted of a felony in the past five years, or had a liquor license revoked?
 YES NO (attach explanation if yes)
11. This organization has been issued a special event license for 2 days this year, including this event
(not to exceed 10 days per year).
12. Is the organization using the services of a promoter or other person to manage the event? YES NO
If yes, attach a copy of the agreement.
13. List all people and organizations who will receive the proceeds. Account for 100% of the proceeds.
THE ORGANIZATION APPLYING MUST RECEIVE 25% of the gross revenues of Alcoholic Beverage Sales.

Name	Address	Percentage
<u>Rex Allen Days Inc</u>	<u>P.O. Box 429 Willcox AZ 85643</u>	<u>100%</u>

(Attach additional sheet if necessary)

14. Knowledge of Arizona State Liquor Laws Title 4 is important to prevent liquor law violations. If you have any questions regarding the law or this application, please contact the Arizona State Department of Liquor Licenses and Control for assistance.

NOTE: ALL ALCOHOLIC BEVERAGE SALES MUST BE FOR CONSUMPTION AT THE EVENT SITE ONLY.
"NO ALCOHOLIC BEVERAGES SHALL LEAVE SPECIAL EVENT PREMISES."

15. What security and control measures will you take to prevent violations of state liquor laws at this event?
(List type and number of security/police personnel and type of fencing or control barriers if applicable)

- 2 # Police Fencing
___ # Security personnel Barriers

orange fencing under Ramada

16. Is there an existing liquor license at the location where the special event is being held? YES NO
If yes, does the existing business agree to suspend their liquor license during the time period, and in the area in which the special event license will be in use? YES NO
(ATTACH COPY OF AGREEMENT)

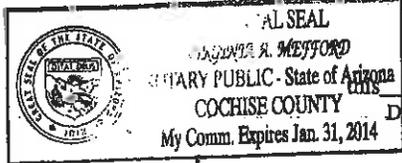
Name of Business () _____
Phone Number

17. Your licensed premises is that area in which you are authorized to sell, dispense, or serve spirituous liquors under the provisions of your license. The following page is to be used to prepare a diagram of your special event licensed premises. Please show dimensions, serving areas, fencing, barricades or other control measures and security positions.

THIS SECTION TO BE COMPLETED ONLY BY AN OFFICER, DIRECTOR OR CHAIRPERSON OF THE ORGANIZATION NAMED IN QUESTION #1

18. I, Michelle Priscilla Mullins, being first duly sworn upon oath, hereby depose, swear and declare, under penalty of perjury, that I am an officer/director/chairperson appointing the applicant listed in Question 6, to apply on behalf of the foregoing organization for a Special Event Liquor License.

X [Signature] (Signature) President (Title/Position) 7-26-12 (Date) 5205078330 (Phone #)



SUBSCRIBED IN MY PRESENCE AND SWORN TO BEFORE ME 26 day of July, 2012
Day of Month Month Year

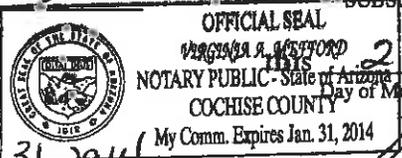
My Commission expires on: Jan 31, 2014 (Date)

[Signature] (Signature of NOTARY PUBLIC)

THIS SECTION TO BE COMPLETED ONLY BY THE APPLICANT NAMED IN QUESTION #6

19. I, Michelle Priscilla Mullins, being first duly sworn upon oath, hereby depose, swear and declare, under penalty of perjury, that I am the applicant making the foregoing application as listed in Question 6, and that the application has been read and that the contents thereof and all statements contained therein are true, correct and complete.

X [Signature] (Signature)



SUBSCRIBED IN MY PRESENCE AND SWORN TO BEFORE ME 26 day of July, 2012
Day of Month Month Year

My commission expires on: Jan 31, 2014 (Date)

[Signature] (Signature of NOTARY PUBLIC)

You must obtain local government approval. City or County MUST recommend event & complete item #20. The local city or county jurisdiction may require additional applications to be completed and additional licensing fees before approval may be granted.

LOCAL GOVERNING BODY APPROVAL SECTION

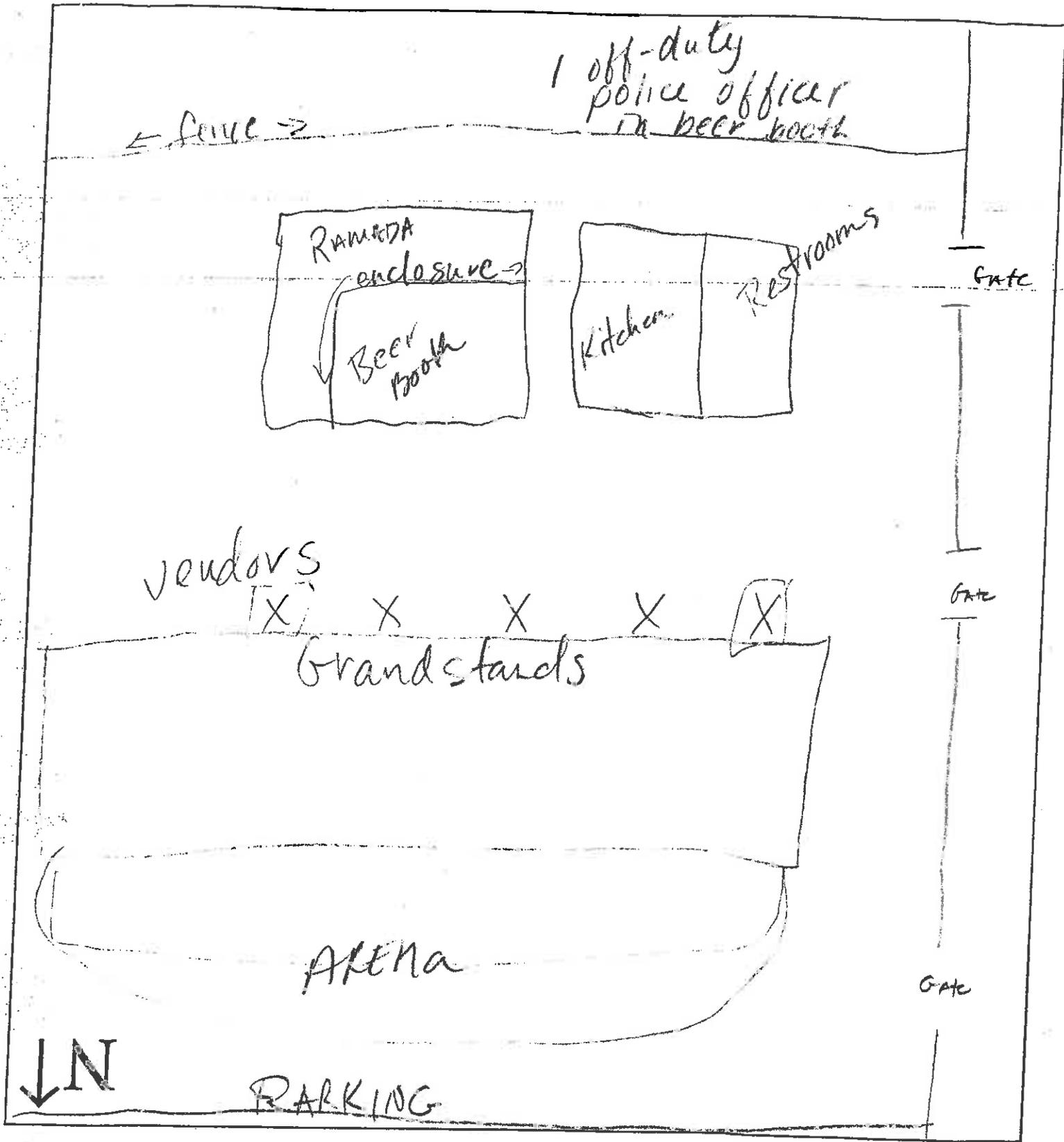
20. I, _____, _____, hereby recommend this special event application on behalf of _____.
(Government Official) (Title) (City, Town or County) (Signature of OFFICIAL) (Date)

FOR DLLC DEPARTMENT USE ONLY

Department Comment Section:

(Employee) (Date)

APPROVED DISAPPROVED BY: _____
(Title) (Date)



SPECIAL EVENT LICENSED PREMISES DIAGRAM
 (This diagram must be completed with this application)

NOTE: Show nearest cross streets, highway, or road if location doesn't have an address.
 Special Event Diagram: (Show dimensions, serving areas, and label type of enclosure and security positions)

SERIES: 15 SPECIAL EVENT LICENSE (Temporary)
Non-transferable
On-sale retail privileges

PURPOSE:

Allows a charitable, civic, fraternal, political or religious organization to sell and serve spirituous liquor for consumption only on the premises where the spirituous liquor is sold, and only for the period authorized on the license. This is a temporary license.

ADDITIONAL RIGHTS AND RESPONSIBILITIES:

The applicant for a special event license must request a special event application from the Department and file the application with the governing body of the city or town, or Board of Supervisors of an unincorporated area of a county, where the special event is to take place, for approval or disapproval.

If the application is approved by the local authority, and the event meets the requirements for granting the license, the **DIRECTOR** will issue a special event license to the qualifying organization.

Qualifying organizations will be granted a special event license for no more than ten (10) days in a calendar year. Events must be held on consecutive days and at the same location or additional licenses will be required. The license is automatically terminated upon closing of the last day of the event or the expiration of the license, whichever occurs first.

The qualified organization must receive at least twenty-five percent (25 %) of the gross revenues of **Alcoholic Beverage Sales** of the special event.

A person selling spirituous liquor under a special event license must purchase the spirituous liquor from the holder of a license authorized to sell off-sale; *except that*, in the case of a non-profit organization which has obtained a special event license for the purpose of charitable fund raising activities, a person may receive the spirituous liquor from a wholesaler as a donation.

AVERAGE APPROVAL TIME: One (1) to seven (7) days.

PERIOD OF ISSUANCE:

Issued for no more than a cumulative total of ten (10) days in a calendar year. A special event may be held for more than one (1) day, but it must be held on consecutive days and at the same location, or additional licenses will be required.

FEES: \$25.00 per day.

ARIZONA STATUTES AND REGULATIONS:

ARS 4-203.02, 4-244, 4-261; Rule R19-1-214, R19-1-244, R19-1-250.

Disabled individuals requiring special accommodations please call (602) 542-9051

**CITY OF WILLCOX
REQUEST FOR COUNCIL ACTION**

Agenda Item: 17
Tab Number: 13
Date: 08-06-2012

Date Submitted:
07/24/2012

Date Requested:
08-06-2012

Action:
 Resolution
 Ordinance
 Formal
 Other

Subject: Discussion/Decision
regarding Rex Allen Days
request for Special Events
Liquor License at Keiller
Park on Saturday, Oct. 6,
2012

TO: MAYOR AND COUNCIL

FROM: Sherry Lynn Van Allen

DISCUSSION: The 61st Rex Allen Days Annual Celebration will be held at Keiller Park. RAD's is requesting the Mayor and Council to approve the submission of an application for a Special Events Liquor License to the Arizona Department of Liquor Licenses and Control, beginning on Saturday, October 6, 2012 from 11:00 a.m. to 10:00 p.m.

RECOMMENDATION: To approve this charitable application for a Special Events License to the Rex Allen Days, Inc.

FISCAL IMPACT: Unknown.

Prepared by:


Sherry/Lynn Van Allen - HR

Approved by:


Pat McCourt, City Manager

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007
(602) 542-5141



400 W Congress #150
Tucson AZ 85701
(520) 628-6595

APPLICATION FOR SPECIAL EVENT LICENSE

Fee = \$25.00 per day, for 1-10 day events only
A service fee of \$25.00 will be charged for all dishonored checks (A.R.S. 44-6852)

PLEASE NOTE: THIS DOCUMENT MUST BE FULLY COMPLETED OR IT WILL BE RETURNED.

****APPLICATION MUST BE APPROVED BY LOCAL GOVERNMENT**

DEPT USE ONLY
LIC#

1. Name of Organization: Rex Allen Days, Inc.

2. Non-Profit/I.R.S. Tax Exempt Number: 510166786

3. The organization is a: (check one box only)

- Charitable
- Fraternal (must have regular membership and in existence for over 5 years)
- Civic
- Political Party, Ballot Measure, or Campaign Committee
- Religious

4. What is the purpose of this event? Fundraiser

5. Location of the event: Keither Park, Bisbee Ave. Willcox Cochise 85643
Address of physical location (Not P.O. Box) City County Zip

Applicant must be a member of the qualifying organization and authorized by an Officer, Director or Chairperson of the Organization named in Question #1. (Signature required in section #18)

6. Applicant: Mullins Michelle Priscilla 1-1-74
Last First Middle Date of Birth

7. Applicant's Mailing Address: 6066 N Hamilton Rd Willcox AZ 85643
Street City State Zip

8. Phone Numbers: () (520) 507 8330 ()
Site Owner # Applicant's Business # Applicant's Home #

9. Date(s) & Hours of Event: (Remember: you cannot sell alcohol before 10:00 a.m. on Sunday)

	Date	Day of Week	Hours from A.M./P.M.	To A.M./P.M.
Day 1:	<u>Oct 6th 2012</u>	<u>Saturday</u>	<u>11am</u>	<u>10pm</u>
Day 2:	_____	_____	_____	_____
Day 3:	_____	_____	_____	_____
Day 4:	_____	_____	_____	_____
Day 5:	_____	_____	_____	_____
Day 6:	_____	_____	_____	_____
Day 7:	_____	_____	_____	_____
Day 8:	_____	_____	_____	_____
Day 9:	_____	_____	_____	_____
Day 10:	_____	_____	_____	_____

*Disabled individuals requiring special accommodations, please call the Department.

10. Has the applicant been convicted of a felony in the past five years, or had a liquor license suspended or revoked? YES NO (attach explanation if yes)

11. This organization has been issued a special event license for 3 days this year, including this event (not to exceed 10 days per year).

12. Is the organization using the services of a promoter or other person to manage the event? YES NO
If yes, attach a copy of the agreement.

13. List all people and organizations who will receive the proceeds. Account for 100% of the proceeds. **THE ORGANIZATION APPLYING MUST RECEIVE 25% of the gross revenues of Alcoholic Beverage Sales.**

Name Rox Allan Dags Inc
Address Box 429 Wilcox
#2 85243
Percentage 101%

(Attach additional sheet if necessary)

14. Knowledge of Arizona State Liquor Laws Title 4 is important to prevent liquor law violations. If you have any questions regarding the law or this application, please contact the Arizona State Department of Liquor Licenses and Control for assistance.

NOTE: ALL ALCOHOLIC BEVERAGE SALES MUST BE FOR CONSUMPTION AT THE EVENT SITE ONLY.
"NO ALCOHOLIC BEVERAGES SHALL LEAVE SPECIAL EVENT PREMISES."

15. What security and control measures will you take to prevent violations of state liquor laws at this event? (List type and number of security/police personnel and type of fencing or control barriers if applicable)

Police 2
 Fencing
 Barriers
Security personnel

Chain link fence, our gate - fully enclosed

16. Is there an existing liquor license at the location where the special event is being held? YES NO
If yes, does the existing business agree to suspend their liquor license during the time period, and in the area in which the special event license will be in use? YES NO
(ATTACH COPY OF AGREEMENT)

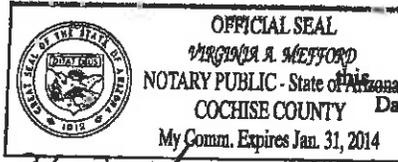
Name of Business _____
Phone Number _____

17. Your licensed premises is that area in which you are authorized to sell, dispense, or serve spirituous liquors under the provisions of your license. The following page it to be used to prepare a diagram of your special event licensed premises. Please show dimensions, serving areas, fencing, barricades or other control measures and security positions.

THIS SECTION TO BE COMPLETED ONLY BY AN OFFICER, DIRECTOR OR CHAIRPERSON OF THE ORGANIZATION NAMED IN QUESTION #1

18. I, Michelle Priscilla Mullins, being first duly sworn upon oath, hereby depose, swear and declare, under penalty of perjury, that I am an officer/director/chairperson appointing the applicant listed in Question 6, to apply on behalf of the foregoing organization for a Special Event Liquor License.

X [Signature] President 7-26-12 5205078330
(Signature) (Title/Position) (Date) (Phone #)



SUBSCRIBED IN MY PRESENCE AND SWORN TO BEFORE ME
this 26 day of July, 2012
Day of Month Year

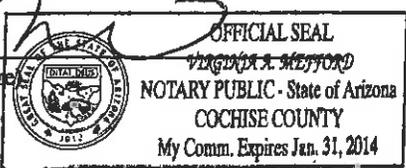
My Commission expires on: Jan 31, 2014
(Date)

[Signature]
(Signature of NOTARY PUBLIC)

THIS SECTION TO BE COMPLETED ONLY BY THE APPLICANT NAMED IN QUESTION #6

19. I, Michelle Priscilla Mullins, being first duly sworn upon oath, hereby depose, swear and declare, under penalty of perjury, that I am the applicant making the foregoing application as listed in Question 6, and that the application has been read and that the contents thereof and all statements contained therein are true, correct and complete.

X [Signature]
(Signature)



SUBSCRIBED IN MY PRESENCE AND SWORN TO BEFORE ME

this 26 day of July, 2012
Day of Month Year

My commission expires on: Jan 31, 2014
(Date)

[Signature]
(Signature of NOTARY PUBLIC)

You must obtain local government approval. City or County MUST recommend event & complete item #20. The local city or county jurisdiction may require additional applications to be completed and additional licensing fees before approval may be granted.

LOCAL GOVERNING BODY APPROVAL SECTION

20. I, _____, _____, hereby recommend this special event application on behalf of _____.
(Government Official) (Title) (City, Town or County) (Signature of OFFICIAL) (Date)

FOR DLLC DEPARTMENT USE ONLY

Department Comment Section:

(Employee) (Date)

APPROVED DISAPPROVED BY: _____
(Title) (Date)

SERIES: 15 SPECIAL EVENT LICENSE (Temporary)

Non-transferable
On-sale retail privileges

PURPOSE:

Allows a charitable, civic, fraternal, political or religious organization to sell and serve spirituous liquor for consumption only on the premises where the spirituous liquor is sold, and only for the period authorized on the license. This is a temporary license.

ADDITIONAL RIGHTS AND RESPONSIBILITIES:

The applicant for a special event license must request a special event application from the Department and file the application with the governing body of the city or town, or Board of Supervisors of an unincorporated area of a county, where the special event is to take place, for approval or disapproval.

If the application is approved by the local authority, and the event meets the requirements for granting the license, the **DIRECTOR** will issue a special event license to the qualifying organization.

Qualifying organizations will be granted a special event license for no more than ten (10) days in a calendar year. Events must be held on consecutive days and at the same location or additional licenses will be required. The license is automatically terminated upon closing of the last day of the event or the expiration of the license, whichever occurs first.

The qualified organization must receive at least twenty-five percent (25 %) of the gross revenues of of **Alcoholic Beverage Sales** of the special event.

A person selling spirituous liquor under a special event license must purchase the spirituous liquor from the holder of a license authorized to sell off-sale; *except that*, in the case of a non-profit organization which has obtained a special event license for the purpose of charitable fund raising activities, a person may receive the spirituous liquor from a wholesaler as a donation.

AVERAGE APPROVAL TIME: One (1) to seven (7) days.

PERIOD OF ISSUANCE:

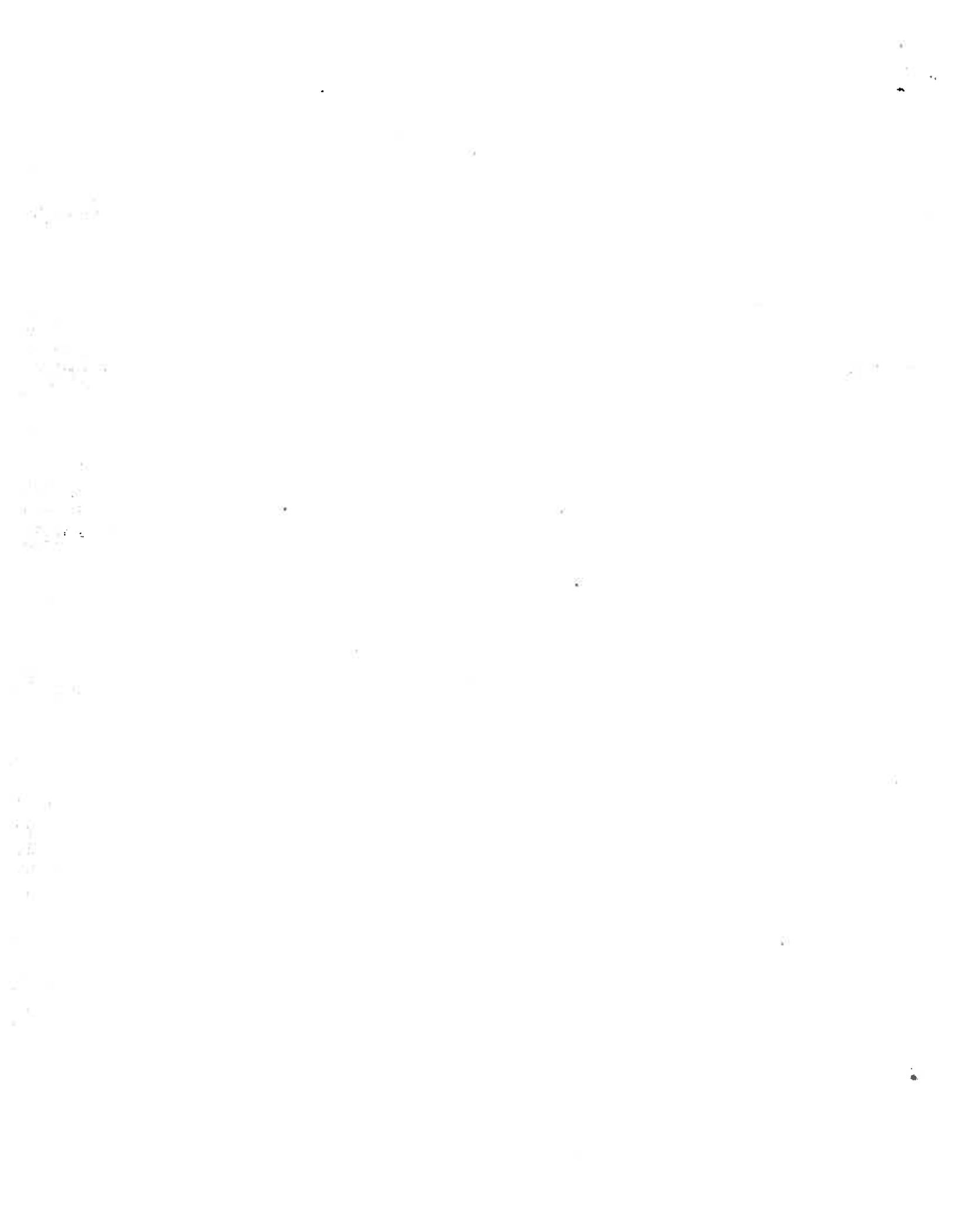
Issued for no more than a cumulative total of ten (10) days in a calendar year. A special event may be held for more than one (1) day, but it must be held on consecutive days and at the same location, or additional licenses will be required.

FEES: \$25.00 per day.

ARIZONA STATUTES AND REGULATIONS:

ARS 4-203.02, 4-244, 4-261; Rule R19-1-214, R19-1-244, R19-1-250.

Disabled individuals requiring special accommodations please call (602) 542-9051



**CITY OF WILLCOX
Request for Council Action**

Agenda Item: 18
Tab Number: 14
Date: 8-06-12

Date Submitted:
07/20/2012
Date Requested:
10/06/2012

Action:
 Resolution
 Ordinance
 Formal
 Other

Subject: Rex Allen Days. The Rex Allen Days Inc. is requesting a street closure of Haskell Ave. Starting at Wood and ending at Soto.

To: Honorable Mayor and City Council

From: Dave Bonner, Director Public Services & Works

Discussion: The Rex Allen Days Inc. is requesting a street closure of Haskell Ave, starting at Wood and ending at Soto with space for the safety parade from McCourt to Jessie. The Rex Allen Days Inc. is also requesting closures from Fremont to Haskell to Austin and Austin from Fremont to Maley. The Rex Allen Days Inc. is requesting these street closures to hold the Rex Allen Day Parade. This event is scheduled to be held on October 6, 2012 from 8:00 am until 11:30 am.

RAD Inc. will obtain all necessary barricades and signage. City crews will place and remove the barricades the morning of the event.

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

Fiscal Impact: \$0.00

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

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

Approved By: _____
Pat McCourt, City Manager

Street Closure Request Form

Name of Applicant

Rex Allen Trays, Inc.

Date of Request

07-11-2012

Address

P.O. Box 429 Willcox AZ 85643

Phone Number

520 507 8330

Event or Event Sponsor for Street Closure

Rex Allen Trays Parade

Date(s) Requested for Street Closure

Oct 6th 2012

Times for Street Closure

8am - 11:30am

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

Haskell Ave. Starting at Wood and ending at Soto. With space for safety parade is from McCourt to Jessie.

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.

[Signature]
Applicant Signature

07-11-2012
Date

[Signature]
Received By

7-20-2012
Date

[Signature]
Takes Weaver Police Chief

[Signature]
Date

[Signature]
Gary Adams Street Supervisor

7-20-12
Date

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

ON Oct 6th 2012
DATE(S)

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

FOR THE PURPOSE OF 61st Rex Allen Day Parade
EVENT

Kempton Auto Sales
Willeox Commercial, ok to close Wendy Johnson

SSVEC
Rex Allen Museum, ok to close Chon Bennett

Red Nine Salon
Rex Allen Theater, ok to close Janice

Joe's Car Care
Rodney's, ok to close Joe

Bohise Credit Union
Palace Saloon, ok to close Shelley Thomas

La Unica
Desert Moon Gifts, ok to close Rubia Mendez

2Keso Realty → Kathy Mendez
Old West Mercantile, ok to close Kathy Mendez

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

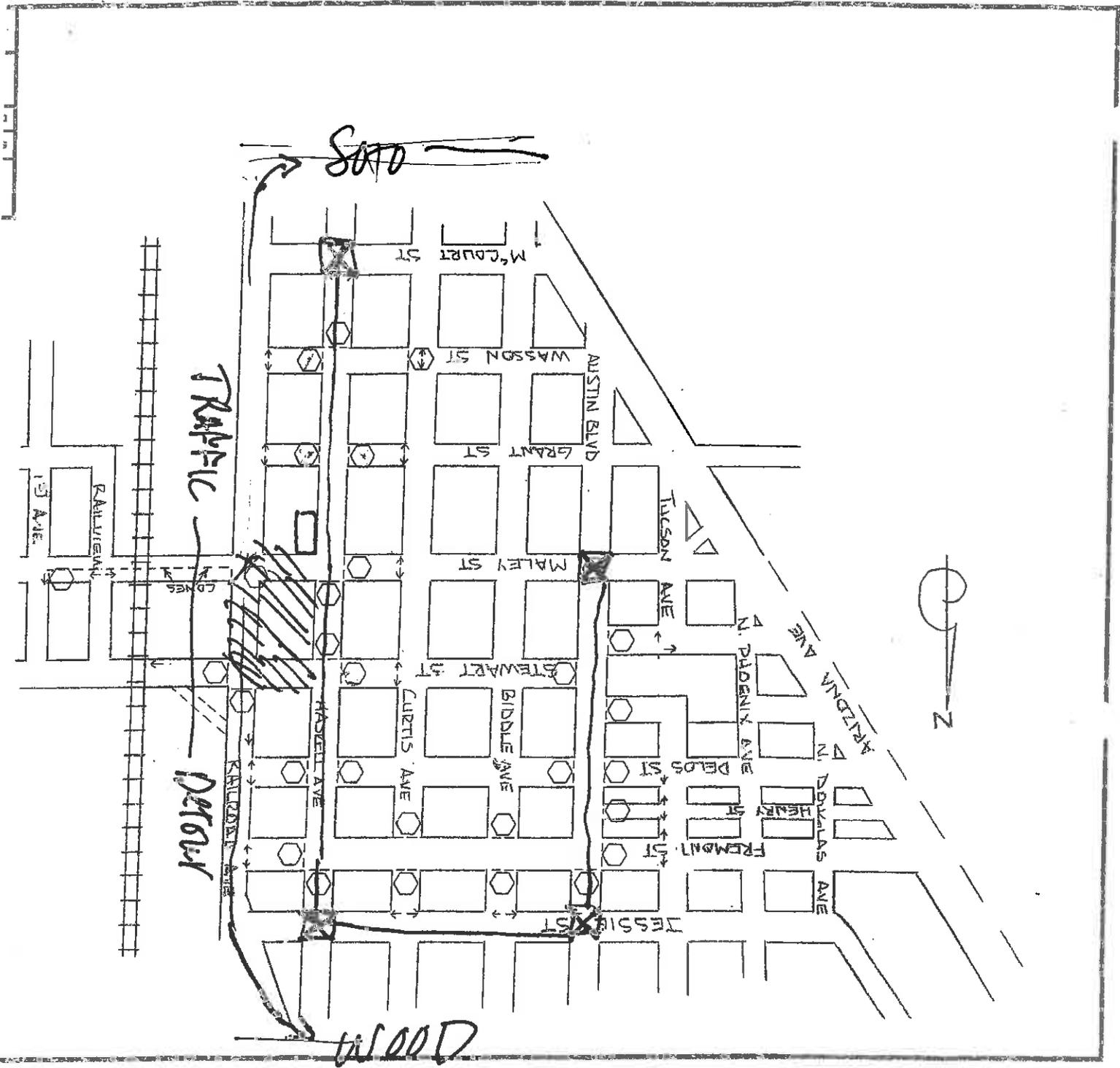
WORLDWIDE HOBBIES, ok to close Kenneth

A2 Range News, ok to close Carol Broeder

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

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

Johnny Cuttane Detail Johnny Pessen



REX ALLEN
 DETOUR

Closure time
 8:00 - 11:30

**CITY OF WILLCOX
EXECUTIVE SESSION**

AGENDA

MONDAY, August 6, 2012

7:00 p.m.

300 W. REX ALLEN DRIVE

Willcox, Arizona

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **CONSIDERATION PURSUANT TO ARIZONA REVISED STATUTES §38-431.03A(3) DISCUSSION OR CONSULTATION FOR LEGAL ADVICE WITH THE ATTORNEY OR ATTORNEYS OF THE PUBLIC BODY**
Consideration and/or discussion pursuant to Arizona Revised Statutes §38-431.03(A)(3), as stated relating to consultation for legal advice with the attorney(s) of the public body.
4. **ADJOURN**

"Mine, Yours, Ours"



NOTICE OF EXECUTIVE SESSION

CITY COUNCIL

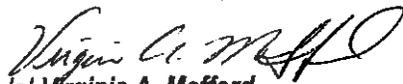
In accordance with Resolution No. 370 of the City of Willcox, and Section 38-431.01 of the Arizona Revised Statutes **NOTICE IS HEREBY GIVEN** that the **MAYOR AND COUNCIL** of the City of Willcox, County of Cochise, Arizona, will hold an **EXECUTIVE SESSION**, if approved, during the **REGULAR** meeting on **MONDAY**, the **6th** day of **August 2012** 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. §38.431.03A(3) DISCUSSION OR CONSULTATION FOR LEGAL ADVICE WITH THE ATTORNEY OR ATTORNEYS OF THE PUBLIC BODY,
Consideration and/or discussion regarding consultation for legal advice with the Attorney or Attorney's of the public body.

DATED AND POSTED this 2nd day of August 2012, at 4:00 P.M.

CITY OF WILLCOX, ARIZONA


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

"Mine, Yours, Ours"