

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

**Monday, August 20, 2012  
7:00 p.m.**

**City Council Chambers  
300 W. Rex Allen Drive  
Willcox, AZ 85643**

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

**Resolution No. 2012- 75  
Ordinance NS311**

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

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. PLEDGE OF ALLEGIANCE TO THE FLAG**

**4. CALL TO THE PUBLIC**

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

**5. DECLARATION ON CONFLICT OF INTEREST**

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

**6. ADOPTION OF THE AGENDA**

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

**7. PUBLIC HEARINGS, PETITIONS, AND COMMUNICATIONS**

**Tab 1**

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

**Public Hearing:** The Mayor and Council will hold Public Hearing on Monday, August 20, 2012 at 7:00 p.m., City Council Chambers, 300 W. Rex Allen Drive, relating to: Public Hearing on Property Tax Levy

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

and

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

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

**8. CONSENT AGENDA**

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

- 8A. MINUTES OF REGULAR MEETING- July 18, 2011, July 2, 2012, July 16, 2012, August 6, 2012 and Special Meeting of September 6, 2011, April 5, 2012, and Work Session of July 9, 2012 and July 30, 2012, August 6, 2012.**
- 9. DISCUSSION/ DECISION REGARDING ORDINANCE NO. NS-311 RELATING TO TAXATION: LEVYING SEPARATE AMOUNTS TO BE RAISED FOR PRIMARY AND SECONDARY PROPERTY TAX LEVIES UPON EACH ONE HUNDRED DOLLARS (\$100.00) OF THE ASSESSED VALUATION OF PROPERTY SUBJECT TO TAXATION WITHIN THE CITY OF WILLCOX FOR THE FISCAL YEAR ENDING JUNE 30, 2012 AND DECLARING AN EMERGENCY TO EXIST. Tab 3**  
Consideration, discussion and/or decision 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.
- 10. DISCUSSION/DECISION REGARDING REX ALLEN DAYS REQUEST PERMISSION TO HOLD CARNIVAL AT KEILLER PARK AND WUSD PROPERTY FROM OCOBER 5, 2012 THRU OCTOBER 7, 2012 Tab 4**  
Consideration, discussion and/or decision regarding Rex Allen Days request permission to hold Carnival at Keiller Park and WUSD property from October 5, 2012 thru October 7, 2012.
- 11. DISCUSSION/ DIRECTION REGARDING REX ALLEN DAYS INC. ARE REQUESTING A WAIVER OF FEES FOR QUAILPARK FOR GRAND CANYON PRO RODEO AND A PRE RODEO EVENT FOR CHILDREN. Tab 5**  
Consideration, discussion and/or decision regarding Rex Allen Days Inc. are requesting a waiver of fees for Quail Park for Grand Canyon Pro Rodeo and a Pre Rodeo Event for children.
- 12. DISCUSSION/ DECISION REGARDING LETTER OF RESIGNATION FROM CODY BOWMAN FROM THE PARKS AND RECREATION ADVISORY COMMITTEE. Tab 6**  
Consideration, discussion and/or decision regarding letter of resignation from Cody Bowman from the Parks and Recreation Advisory Committee.
- 13. DISCUSSION/ DECISION REGARDING RESOLUTION NO. 2012-74 APPROVING AND ADOPTING THE ASSIGNMENT OF THE CITY ATTORNEY LEGAL SERVICES CONTRACT TO ANN P ROBERTS, ESQ. OF THE LAW FIRM OF BATTAGLIA & ROBERTS, P.C. AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION, THE CONTRACT ASSIGNMENT AND DECLARING AN EMERGENCY TO EXIST Tab 7**  
Consideration, discussion and/or direction regarding Resolution No. 2012-74 approving and adopting the assignment of the City Attorney Legal Services Contract to Ann P Roberts, Esq. of the Law Firm of Battaglia & Roberts, P.C. and authorizing the Mayor to execute this Resolution,
- 14. DISCUSSION/DECISION REGARDING ACCEPTING THE RESIGNATION OF HECTOR FIGUEROA AS CITY ATTORNEY (ENDING THE LEGAL SERVICES CONTRACT) AND ADVISING STAFF ON HOW TO PROCEED Tab 8**  
Consideration, discussion and/or direction regarding accepting the resignation of Hector Figueroa as City Attorney (ending the legal services contract) and advising staff on how to proceed.

**15. DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-75 APPROVING AND ADOPTING AN AMENDED JOB DESCRIPTION FOR THE POSITION OF ACCOUNTING CLERK II IN THE FINANCE DEPARTMENT PURSUANT TO SECTION 208 OF THE EMPLOYEE HANDBOOK AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST. Tab 9**

Consideration, discussion and/or decision regarding Resolution NO. 2012-75 as stated, relating to amended job description for the position of Accounting Clerk II in the Finance Department.

**16. REPORTS BY THE CITY MANAGER PAT MCCOURT**

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

- **Report on Arizona League of Arizona Cities & Towns Annual Conference**-will be held on August 28-31, 2012 at the Hyatt Regency Scottsdale at Gainey Ranch
- **Work Session JT with P&R Park Fees**- will be held on September 4, 2012 at 6:00 pm due to conflict of scheduling on August 27, 2012.
- **Special Council Meeting**- Will be held on Tuesday, September 4, 2012 due to Labor Day Holiday on Monday, September 3, 2012.
- **Update on old Border Patrol Building**- construction proceeding as planned
- **Ramada at Railroad Park**- project has been completed.
- **Appraisals** to City for Circle I Road.
- **Vacancy**- (1) Parks and Recreation and (1) Planning and Zoning

**17. COMMENTS NOT FOR DISCUSSION FROM MAYOR AND COUNCIL MEMBERS.**

**18. DISCUSSION/DECISION ENTER INTO AN EXECUTIVE SESSION PURSUANT TO ARIZONA REVISED STATUTES §38-431.03A(3) DISCUSSION OR CONSULTATION FOR LEGAL ADVICE WITH THE ATTORNEY OR ATTORNEYS OF THE PUBLIC BODY Tab 10**

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

**19. RECESS TO EXECUTIVE SESSION, IF APPROVED**

**20. RECONVENE FROM EXECUTIVE SESSION**

**21. 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.

**22. ADJOURN**

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**NOTE:** Documentation (if any) for items listed on the Agenda is available for public inspection, a minimum of 24 hours prior to the Council Meeting, at any time during regular business hours in the Office of the City Clerk, 101 S. Railroad Avenue, Suite B, or the Elsie S. Hogan Community Library during regular business hours Monday-Saturday and on the City's website [www.cityofwillcox.org](http://www.cityofwillcox.org).  
**NOTE:** People with disabilities may request reasonable accommodations. Requests must be made 48 hours prior to the meeting by contacting City Hall at 384-4271 during regular business hours 8:00 a.m. to 4:30 p.m., Monday through Friday.

**CITY OF WILLCOX, COCHISE COUNTY, ARIZONA**

**RESOLUTION NO: 2012-74**

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**A RESOLUTION OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA, APPROVING AND ADOPTING THE ASSIGNMENT OF THE CITY ATTORNEY LEGAL SERVICES CONTRACT TO ANN P ROBERTS, ESQ. OF THE LAW FIRM OF BATTAGLIA & ROBERTS, P.C. AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION, THE CONTRACT ASSIGNMENT AND DECLARING AN EMERGENCY TO EXIST**

**WHEREAS**, the CITY is empowered pursuant to Title 9, A.R.S. § 9-499.01, et seq. and the Willcox City Code, Title 1, Chapter 7, Article C, Section 1-7C-1 to appoint/retain CONTRACTOR to provide Municipal Legal Services as the City Attorney; and

**WHEREAS**, the CITY and the Hector M. Figueroa, Esq. ("CONTRACTOR") entered into the Legal Services Contract and Amendments thereto for legal services from May 27, 2007 up to the present date with a Contract clause authorizing assignment of the contract; and

**WHEREAS**, the Legal Services Contract assignment clause requires CITY approval that may be withheld at the sole discretion of the CITY provided that such approval shall not be unreasonably withheld; and

**WHEREAS**, the CONTRACTOR has provided notice of his intent to resign the position of City Attorney and his desire to assign the Legal Services Contract to Ann P Roberts, Esq. from date of approved assignment to June 30, 2013; and

**WHEREAS**, the CITY desires to approve the Legal Services Contract Assignment to Ann P Roberts, Esq. for all legal services required to be provided to the CITY; and

**WHEREAS**, the City of Willcox, Cochise County, Arizona desires to have this Resolution presented at the Regular Council Meeting on August 20<sup>th</sup>, 2012 and has determined that approval of Legal Services Contract Assignment is in the best interest of the CITY and its residents; 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, 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 of Willcox formally approves the Legal Services Contract Assignment from the CONTRACTOR to Ann P Roberts, Esq. as presented to Mayor and Council.

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 approving the Legal Services Contract Assignment as presented.

**PASSED AND ADOPTED** by the 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. 2012-74**