

Proclamation

Proclamation for National Historic Preservation Month

WHERE AS, "SEE! SAVE! CELEBRATE! Is the theme for National Historic Preservation Month 2013, cosponsored by the Sulphur Springs Valley Historical Society and the National Trust for Historic Preservation; and

WHERE AS, THE City of Willcox is a treasure-trove of historic resources including Railroad Avenue and the Downtown Historic District, Rex Allen Arizona Cowboy Museum, Chiricahua Regional Museum and Research Center, historic homes and businesses, and

WHERE AS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects fo the heritage that has shaped the City of Willcox and us as people; and

WHERE AS, Historic Preservation encourages community reinvestment, saving resources and promoting socially, culturally, and economically rich communities;

NOW, THEREFORE, I, Robert A. Irvin, Mayor of the City of Willcox, do recognize May 2013 as National Historic Preservation Month, and call upon the people of Willcox to join their fellow citizens across the United States in recognizing and participating in this special observance.

In witness whereof, I have hereunto set my hand and caused the Seal of the City of Willcox to be affixed this 6th day of May 2013

Robert A. Irvin

Mayor Robert A. Irvin

Attest:

Virginia A. Mefford

Virginia A. Mefford
City Clerk



"Mine, Yours, Ours"

PROCLAMATION

WHEREAS, every day, peace officers work tirelessly to protect our citizens, enforce our laws, and keep our neighborhoods safe with devotion and dedication, preserving the peace and safety of every man, woman and child; and

WHEREAS, peace officers bravely endeavor to reduce crime on our streets, dangers on our roadways, and the injury and death of our citizens; and

WHEREAS, each day, peace officers report for duty and are engaged in a difficult and often dangerous profession, which at times can lead to injury or even the death of these officers, and they do so knowing full well the dangers they face and the sacrifices they may be called upon to make; and

WHEREAS, we owe a profound debt to those who have worn the badge, and to the families whose care and understanding enables them to serve with pride.

NOW, THEREFORE, I Robert Irvin, Mayor of the City of Willcox, Cochise County, Arizona, do hereby proclaim May 12 – 18, 2013 as

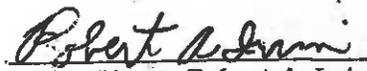
PEACE OFFICERS WEEK

And May 15, 2013 as

PEACE OFFICERS MEMORIAL DAY

And urge all citizens of the City of Willcox to recognize and remember the sacrifices that these officers and their families have made and the legacy they have entrusted to all of us. I further encourage all citizens to display the flags at half-staff from their homes and businesses on Peace Officers Memorial Day.

In witness whereof, I have hereunto set my hand and caused the Seal of the City of Willcox to be affixed this 6th day of May 2013



Mayor Robert A. Irvin

Attest: 

Virginia A. Mefford
City Clerk



"Mine, Yours, Ours"

**THE MINUTES OF THE REGULAR SESSION OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 15th DAY OF APRIL 15, 2013**

CALL TO ORDER- Mayor Bob Irvin called the regular session meeting to order on Monday, April 15, 2013 at 7:00 p.m. and welcomed everyone in attendance

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

PRESENT

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

STAFF

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

ABSENT

- Councilwoman Monika Cronberg-Excused

PLEDGE OF ALLEGIANCE TO THE FLAG led by Mayor Irvin

PROCLAMATIONS

Mayor Irvin proclaims (2) proclamations one week in April 2013 as National Library Week and one week in April 2013 as National Volunteer Week. Was presented to Mr. Tom Minor Library Director for National Library and Mr. John Cropper for National Volunteer Week

CALL TO THE PUBLIC- None

DECLARATION ON CONFLICT OF INTEREST

None Declared

ADOPTION OF THE AGENDA

MOTION: Councilmember Johnson to adopt the agenda as presented.

SECONDED: Vice Mayor Holloway **CARRIED**

CONSENT AGENDA

MOTION: Vice Mayor Holloway to adopt the agenda as presented with one correction already pointed out to City Clerk.

SECONDED: Councilmember Johnson **CARRIED**

Minutes approve on consent agenda.

- 8a. Approval of Special Meeting Minutes of March 25, 2013
- 8b. Approval of Work Session Minutes of March 25, 2013
- 8c. Approval of Regular Minutes April 1, 2013
- 8d. Approval of Work Session Minutes April 08, 2013

PUBLIC HEARINGS

- a. Second reading, Liquor License Series #9 for KT's Market **Open: 7:09 Closed: 7:11**
- b. Second reading, Liquor License Series #12 for Tortilleria La Unica **Open: 7:11 Closed: 7:12**

**THE MINUTES OF THE REGULAR SESSION OF THE MAYOR AND
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REGARDING THE APPLICATION FOR LIQUOR LICENSE SERIES #9 KT'S MARKET NEW LICENSE

MOTION: Councilmember Johnson moved to approve the application for Liquor License Series #9 KT's Market new license.

SECONDED: Councilmember Goolsby **CARRIED**

REGARDING THE APPLICATION FOR LIQUOR LICENSE SERIES #12 TORTILLERIA LA UNICA NEW LICENSE

MOTION: Councilmember Johnson moved to approve the application for Liquor License Series #12 Tortilleria La Unica new license

SECONDED: Councilmember Goolsby **CARRIED**

REGARDING REX ALLEN DAYS REQUEST FOR APPROVAL LIQUOR LICENSE APPLICATION FOR A CHARITY DANCE ON SATURDAY, MAY 18, 2013

MOTION: Councilmember Johnson moved to approve Rex Allen Days request for Liquor License application approval for a Charity dance on Saturday, May 18, 2013

SECONDED: Vice Mayor Holloway **CARRIED**

REGARDING REX ALLEN DAYS REQUEST FOR APPROVAL LIQUOR LICENSE APPLICATION FOR A CHARITY DANCE ON THURSDAY, JULY 4, 2013

MOTION: Councilmember Johnson moved to approve Rex Allen Days request for Liquor License application approval for a charity dance on Thursday, July 4, 2013

SECONDED: Councilmember Goolsby **CARRIED**

REGARDING CITY MANAGER ADVERTISEMENTS AND TENTATIVE HIRING TIMEFRAME

DISCUSSION: regarding City Manager Advertisements, and tentative hiring timeframe Vice Mayor Holloway asked if we could move this to after the Work Session. Mayor Irvin asked if the Council would like for Mr. McCourt to participate in the hiring process. City Manager McCourt stated I have not looked at any of the application. Mayor Irvin asked how many applications have come in. City Manager McCourt stated we have received 12 and 2 more have come in today.

REGARDING CONTRACT FOR RENTAL OF CITY EQUIPMENT BY PRIVATE INDIVIDUAL

MOTION: Vice Mayor Holloway moved to approve contract for rental of city equipment as additional fee in the amount of \$50.00

SECONDED: Councilmember Goolsby **DISCUSSION:** City Manager McCourt stated the current City Policy doesn't allow us to loan out equipment. At the Rodeo Grounds it has to be tilled and evened out; the city does do this before the rodeo and in the course of the rodeo it needs to be done again. Some of the individuals do have this equipment but this individual doesn't have this type of equipment. I have spoken to the insurance and they are not too keen on renting this equipment, and the staff doesn't want to be in the rental equipment business. There haven't been any problems but when we realized the it was in violation of policy we don't feel comfortable and stopped it. Councilmember Lindsey stated can't we do this as a and include it with the rental of the arena. Vice Mayor Holloway stated if we could set this up with the rental of the arena or something like that. Councilmember Goolsby stated this is a very unique I think we should be as accommodating as possible. City Manager McCourt asked if Council were asking for a fee to be added to the rental of the arena. Council stated yes. **AYES:** Vice Mayor Holloway and Councilmember Goolsby; **NAYES:** Mayor Irvin, Councilmembers Lindsey, Johnson, and Nigh **MOTION FAILED**

MOTION: Councilmember Jonson made a motion to lower the rental fee for the City equipment

SECONDED: Councilmember Nigh

AYES: Mayor Irvin, Councilmembers Lindsey, Johnson, and Nigh **NAYES:** Vice Mayor Holloway and Councilmember Goolsby **CARRIED**

REGARDING PURCHASE OF 2007 PATROL CAR FROM ARIZONA EMERGENCY PRODUCTS

MOTION: Vice mayor Holloway moved to approve purchase of 2007 Patrol Car from Arizona Emergency Products

SECONDED: Councilmember Goolsby **DISCUSSION:** City Manager McCourt explained this item and Councilmember Johnson asked if any of the staff mechanics had a chance to look at it. Sgt Childers stated no they have not but Chief Weaver knows them very well and they put all of our patrol cars together. Johnson stated it worries me that it is a 2006 model. Sgt Childers stated Officer Valle currently drives a 2000 and the Crown Victoria is no longer being sold which sent chaos to everyone. The manufacture did call and ask Chief Weaver if he would be interested in buying it this demo.

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Lindsey stated if we were going to buy a new vehicle we would have to go out to bid. Mr. McCourt stated it is a sole source and we need Council approve it. **CARRIED**

**REGARDING TO ACT AS FISCAL AGENT FOR WILLCOX LITTLE LEAGUE ON GRANT FROM COCHISE
COMMUNITY FOUNDATION**

MOTION: Councilmember Johnson moved to approve to Act as Fiscal Agent for Willcox Little League on grant from Cochise Community Foundation

SECONDED: Councilmember Lindsey **DISCUSSION:** Mr. McCourt stated they are asking us to be fiscal agent and I am recommending Council to approve this item. **CARRIED**

REGARDING VOLUNTEER WORK AT KEILLER PARK BY THE LITTLE LEAGUE

MOTION: Councilmember Johnson moved to approve volunteer work at Keiller Park by the Little League

SECONDED: Vice Mayor Holloway **DISCUSSION:** Mr. Trevor Ward stated the all-stars for 11-12 we gave a presentation and we got the all-stars to our town which has not been here for 28 years and we would like to replace the dugouts and we have Jeff Stoddard to get this set up right. We need to add more dirt to the field and paint the dugouts and concession stand and the city has done a lot for us already and we appreciate it. **CARRIED**

REGARDING EMPLOYEE COMPENSATION OPTIONS FOR FY 2014 BUDGET

MOTION: Councilmember Goolsby moved to approve employee compensation options of 1.7%.

SECONDED: Councilmember Lindsey **DISCUSSION:** City Manager McCourt stated we have brought the same 4 options and we would like direction for the budget and one of the option is no increase, 2nd option is 1.7 Cost of Living (COL), 3rd option is 50 cents and the 4th option is \$1.00. He asked the council to look at page 4 of the handout where it is broken down. Councilmember Lindsey stated it is nice to bring up moral with a raise and something is better than nothing. Vice Mayor Holloway state he would like to see a bit more like a 2% pay increase. Councilmember Johnson stated I would like to see the lower end of the pay scale received more as a percentage they usually get less than the upper pay scale employees this is why I would like to see a 50 cents across the board raise. **AYES:** Mayor Irvin, Councilmember's Lindsey, Goolsby, and Nigh **Nays:** Vice Mayor Holloway and Councilmember Johnson. **CARRIED**

**PRESENTATION/DISCUSSION REGARDING JULY 1 – MARCH 31, 2013 FINANCIAL STATEMENT AND INVESTMENT
REPORT FROM RUTH GRAHAM.**

DISCUSSION: Ruth Graham discussed July 1- March 31, 2013 Financial Statement and Investment Report and recapped the funds from the handouts sheets to the Council. Ms. Graham pointed out the projects that were completed. The matching funds that were complete for example the Historical Theater of \$15,000. On the sales tax revenue chart shows 9 year comparison on the chart from the handouts. Investment report shows where the money is being invested and pointed out each allocation for each fund.

REGARDING CITY ATTORNEY POSITION AND CONTRACT

DISCUSSION: City Manager stated we have contracted services for this position and we have had conversation and one way to do this would be to make if you wish to attain the existing City Attorney. We could make this position a city employee if you wish or keep it as contract services. Councilmember Johnson stated didn't we have this before. City Manager McCourt stated it may have been that is how it is done at other places. City Attorney Roberts stated the only change would be in the State Retirement because I currently participate in the State Retirement. Vice Mayor Holloway stated first of all we are happy with the current city Attorney. The council stated yes. Councilmember Lindsey stated it depends on what is negotiated and I would like to sit down with the City Attorney and see what was being proposed in either open or executive session. Councilmember Johnson asked is wage and salary being discussed in open session. City Attorney Roberts stated she is fine with an open session as my contract will be public document anyways. Councilmember Goolsby asked would we need a job description. City Attorney Roberts stated in the policy it states the City Attorney will be a contracted employee; we would need to change the policy that states it maybe a contracted services.

**THE MINUTES OF THE REGULAR SESSION OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 15th DAY OF APRIL 15, 2013**

RESOLUTION NO. 2013-27 REGARDING APPROVING THE PURCHASE OF 77 TONS OF CRS-2 OIL AND APPLICATOR TRUCK AND DRIVER FROM WESTERN EMULSIONS; AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DIRECTING AUTHORIZED CITY OFFICERS AND AGENTS TO CARRY OUT THE PURPOSES AND INTENT OF THE RESOLUTION; DECLARING AN EMERGENCY TO EXIST.

MOTION: Councilmember Johnson moved to approve Resolution No. 2013-27 regarding approving the purchase of 77 tons of CRS-2 oil and applicator truck and driver from western emulsions; authorizing the mayor to execute this resolution and directing authorized city officers and agents to carry out the purposes and intent of the resolution.

SECONDED: Councilmember Lindsey **DISCUSSION:** City Manager stated these ties into the Zipper. **CARRIED**

RESOLUTION NO. 2013-23 REGARDING APPROVING AND ADOPTING THE AMENDED JOB DESCRIPTION FOR THE POSITION OF CODE ENFORCEMENT SPECIALIST TO BE PLACED WITHIN THE JOB DESCRIPTION MANUAL FOR THE CITY AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION

MOTION: Vice Mayor Holloway moved to approve resolution No. 2013-23 approving and adopting the amended job description for the position of Code Enforcement Specialist to be placed within the job description manual

SECONDED: Councilmember Goolsby **DISCUSSION:** City Manager McCourt stated this is missing who they report to and that is the only change. Councilmember Nigh stated it is very important to have some knowledge of inspector experience. Mr. Stoddard stated this job of code enforcement is dealing with ordinance only. **CARRIED**

RESOLUTION NO. 2013-24 ADOPTING A NOTICE OF INTENTION TO MODIFY THE CITY CODE, TITLE 13, "PUBLIC SERVICES", CHAPTER 14, "SEWER PRETREATMENT", DECLARING APRIL 22, 2013, AS THE DATE FOR THE FINAL TEXT OF SUCH ADDED CHAPTER TO BE FILED IN THE OFFICE OF THE CITY CLERK AS A PUBLIC RECORD AND SETTING MAY 6, 2013, AS THE DATE FOR PUBLIC HEARING ON THE PROPOSED CODE MODIFICATION AND ORDINANCE ADOPTION.

MOTION: Councilmember Johnson moved to approve Resolution No. 2013-24 adopting a Notice of Intention to modify the city code, title 13, "Public Services", Chapter 14, "Sewer Pretreatment", declaring April 22, 2013, as the date for the final text of such added chapter to be filed in the office of the City Clerk as Public Record and setting May 6, 2013, as the date for Public Hearing on the proposed Code Modification and Ordinance Adoption.

SECONDED: Councilmember Lindsey **CARRIED**

RESOLUTION NO. 2013-26 FOR THE PURPOSE OF AUTHORIZING AND APPROVING AUDIT SERVICES TO BE PROVIDED BY HINTON, BURDICK, HALL & SPILKER, PPLC; AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION; DIRECTING AUTHORIZED CITY OFFICERS AND AGENTS TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

MOTION: Councilmember Johnson moved to approve Resolution No. 2013-26 for the purpose of authorizing and approving Audit Services to be provided by Hinton, Burdick, Hall, & Spilker, PPLC

SECONDED: Councilmember Lindsey **DISCUSSION:** Councilmember stated it didn't state if there was no audit it would be reduced the cost by \$4,500. Ms. Graham stated it was a bit confusing but if we have a federal audit we would have it nt the budget. **CARRIED**

PRESENTATION OF SALE OF LOTS AT INDUSTRIAL PARK

PRESENTATION: Mr. White spoke on the lots at Industrial Park. Mr. White stated they have been in Cochise County for many years. Mr. Johnson asked what would be your intention acquiring this property would you be creating jobs? Mr. White stated we would be shipping and as it grows the sky is the limit.

Second presentation by Arizona Grain regarding presentation by Barney Barnes, he spoke a little bit about his back ground he stated he was out of the Casa Grande area he gave the Council a hand out with outline of what he plans he had in mind for the property. They plan to unload commodities and shipping he has made contact with UP railroad and San Pedro .We would incorporate all the property this is why we included a drawing of how we would use the property. We would incorporate with the community. Councilmember Johnson asked how many employees you would hire. Councilmember Johnson asked how many people would be employed once he is open for business. Right know we would employee 2 fulltime employees. We also plan to put in a processing plant down in this area. It is difficult for me to say how many employees.

**THE MINUTES OF THE REGULAR SESSION OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 15th DAY OF APRIL 15, 2013**

CITY MANAGER REPORTS

- **Council Work Session Meetings-** every Monday in the Month of **April**
Work Session Monday, April 22, 2013 at 6:30 pm for Streets/HURF
Work Session Monday, April, 29, 2013at 6:30pm for General Fund Revenue and General Fund Capital Improvements
- **City Clean-up-** Saturday, April 27, 2013
- **Council Work Session Meetings-** in the Month of **May**
Work Session Monday, May 6, 2013 at 6:00 pm Admin, Council, Comm Program, Legal/Courts, Dev Serv., Finance, Library
Work Session Monday, May 13, 2013 at 6:30 pm Admin PW including admin, Swimming Pool, Cemetery, Vehicle Maintenance., Buildings & Grounds, and Parks
- Work Session Monday, May 20, 2013 6:00 pm Patrol, Investigations, K-9 & Fire Department
- **General-** City Manager to take vacation from June 3-5, 2013. Police Chief Weaver will step in while away. City Manager announced that Chief Weaver's last day would be April 15, 2013,

COMMENTS NOT FOR DISCUSSION FROM MAYOR AND COUNCILMEMBERS

Councilmember Goolsby commented on Boston regarding latest tragedy they are going through and the impact the bombing at the Boston Marathon. My heart goes out their City Council and what they are facing.

Councilmember Nigh stated there is a lot of property out in the area that has not been development around the property being sold Industrial Park that the Economic Development committee should pursue.

EXECUTIVE SESSION FOR CONSULTATION FOR LEGAL ADVICE WITH THE ATTORNEY OF THE PUBLIC BODY REGARDING THE PURCHASE, SALE, OR LEASE OF REAL PROPERTY

MOTION: Councilmember Lindsey moved to enter into an Executive Session pursuant to A.R.S. §38-431.03(A)(3), for the purpose of consultation for legal advice with the attorney(s) of the public body regarding the purchase, sale, or lease of real property.

SECONDED: Vice Mayor Holloway **CARRIED**

30. RECESS TO EXECUTIVE SESSION, IF APPROVED: 8:27 pm

31. RECONVENE FROM EXECUTIVE SESSION: 8:33 pm

**32. DISCUSSION/DECISION/DIRECTION TO STAFF REGARDING MATTERS DISCUSSED IN EXECUTIVE SESSION
RESOLUTION NO. 2013-25 FOR THE PURPOSE OF ACCEPTING THE BID FOR PURCHASE OF REAL
PROPERTY FROM ARIZONA GRAIN IN THE AMOUNT OF \$110,001.00, FOR THE SALE OF CITY OF
WILLCOX INDUSTRIAL PARK PROPERTY LOCATED AT SOUTH FIRST AVENUE, WILLCOX, ARIZONA;
AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DIRECTING AUTHORIZED CIT
OFFICERS AND AGENTS TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION**

MOTION: Vice Mayor Holloway moved to Resolution No. 2013-25 for the purpose of accepting the bid for purchase of real property form Arizona Grain in the amount of \$110,001.00 for the sale of City of Willcox Industrial Park Property located at South First Avenue, Willcox Arizona for the best interest of the City of Willcox

SECONDED: Councilmember Johnson **CARRIED**

ADJOURN- with no further discussion at 8: 52 pm.

**THE MINUTES OF THE WORK SESSION OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 15th DAY OF APRIL 2013**

CALL TO ORDER-Mayor Irvin called the work session meeting to order on Monday, April 15, 2013 at 6:00 p.m. and

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

PRESENT

Mayor Robert A. Irvin
Vice Mayor Bill Holloway
Councilman Gerald W. Lindsey arrived at 6:05 pm
Councilman Elwood A. Johnson arrived at 6:10 pm
~~Councilwoman Monika Cronberg~~
Councilman Earl Goolsby
Councilman William "Bill" Nigh

STAFF

City Manager Pat McCourt
City Attorney Ann P. Roberts
City Clerk Virginia A. Mefford
Public Services & Works Director Dave Bonner
Chief Jake Weaver
Finance Director Ruth Graham
Development Services Jeff Stoddard
Library Director Tom Miner

ABSENT

Monika Cronberg

PLEDGE OF ALLEGIANCE TO THE FLAG led by Mayor Irvin

DECLARATION ON CONFLICT OF INTEREST

No Conflicts were declared.

ADOPTION OF THE AGENDA

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

SECONDED: Councilmember Goolsby **CARRIED.**

DISCUSSION REGARDING GRANTS FUND (16)

City Manager McCourt discussed the grant funds in the Council packets and pointed out the various funds that have been discussed and pointed out the transfers going into the General Fund, and explained the money that has been collected and the revenue that has come in. City Manager pointed out the matching funds going in and out. City Manager McCourt stated some of the grant's projects have been completed, and some of the grants that have been completed may be received again. The budget is built in for this, just in case if it does come up again the Council may apply for these.

DISCUSSION REGARDING SPECIAL REVENUE FUND (17)

City Manager McCourt discussed the grant that was received for \$75,000 for the Railroad Park Improvement. The City has completed this and it was under budget. We recently received grants for the Railroad mascot car and received enough grant money to complete this project. There has been some talk to expanding the Park. Southern Pacific Railroad has said they would be able to lease it but not let us buy it. If they do lease it to us they would want us to put up a fence. Mr. Stoddard stated they also indicated they did not want to put anything in the green area of the map. Councilmember Nigh stated I have noticed a lot of SUV's parking diagonally and we could put up a sign on the highway for free SUV parking during the day. Councilmember Johnson asked did get a price to duplicate the fencing. City manager McCourt stated it would cost of about \$31,000. He also stated what we will bring back to Council is to do the Shade area of the mascot car. We did have a lot of volunteers on various projects that helped us come in under budget. Councilmember Johnson asked do we only own a part of the land where the mascot car sits. Mr. McCourt stated yes you are correct. We will put this shade area into the budget.

**THE MINUTES OF THE WORK SESSION OF THE MAYOR AND
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DISCUSSION REGARDING REPAIRS AND DEMOLITION FUND (22)

Discussion on the Repairs and Demolition fund we have set up this fund for this purpose only. We set up a fund for the demolition and once a demolition is approved the staff will monitor it and keep track of it.

ADJOURN

Being no further business before the Mayor and Council, Mayor Irvin adjourned the Work Session at 6:28 p.m.

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Work Session of the City Council of the City of Willcox held on the 15th day of April 2013. I further certify that the work session was duly called and held, and that a quorum was present.

Dated this 15th day of April 2013

City Clerk Virginia A. Mefford

PASSED, APPROVED AND ADOPTED this 6th day of May 2013

MAYOR ROBERT A IRVIN

Signed _____

ATTEST:

City Clerk Virginia A. Mefford

**THE MINUTES OF THE WORK SESSION OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 22nd DAY OF APRIL 2013**

CALL TO ORDER-Mayor Irvin called the work session meeting to order on Monday, April 22, 2013 at 6:30 p.m. and

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

PRESENT

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

STAFF

City Manager Pat McCourt
City Attorney Ann P. Roberts
City Clerk Virginia A. Mefford
Public Serv. & Works Interim Director John Bowen
Finance Director Ruth Graham
Development Services Jeff Stoddard

PLEDGE OF ALLEGIANCE TO THE FLAG led by Mayor Irvin

DECLARATION ON CONFLICT OF INTEREST

No Conflicts were declared.

ADOPTION OF THE AGENDA

MOTION: Councilmember Johnson moved to adopt the agenda as presented

SECONDED: Councilmember Cronberg **CARRIED.**

DISCUSSION REGARDING STREETS/HURF

City Manager McCourt explained this is one of our continuing and ongoing Budget Work Session. He went over all the different funds and stated some of them are moved by transfer only and pointed at the budget sheet from the councilmembers handouts. He stated in the Waste Water Treatment Plant instead of the \$5,000,000 the city was anticipating on getting a loan for it may be looking at getting a loan for \$2,000,000 instead for the projected and I am almost afraid to say that. City Manager McCourt stated one of our community volunteers asked if he went after some grants for the Firefighter's Pension Plan if we would be able to add it to the budget. He pointed out the funds for this and we do a pretty hefty amount in the expense and revenue. The government has a flat rate per gallon. He explained the sheet the Councilmember's we given and read the various amounts that were gained by revenue by the gas rates and explained that there has been some recovery in this area. Another source of income was from the City's 1% sales tax increase; this will have an impact on the GF. The Projection sheet has the income sources. We do have transfer funds going on. Some a couple of the (loans) are for the Zipper and the loader. The loader goes on for one more year. What we are planning on doing after the loader is paid is purchasing a streets sweeper. Mr. Gary Adams will explain this a bit further later in his presentation. I have recommended having an open ended balance budget. We have a long understanding with the public of what we are going to fix. We do have a bond for debt service that runs out in 2035. Councilmember Lindsey asked if this was to fix Arizona Street. Mr. Adams stated yes, and a couple of other streets. City Manager McCourt introduced Gary Adams to show what the money has been used for.

Mr. Adams stated with the Zipper we have been able to maintain the streets. This piece of equipment has helped us immensely. We are presently doing Curtis and Biddle we are doing Scott Street as we were going to do Wilson, but we have been getting a lot of complaints regarding Scott Street. Next year we will be doing Bowie, Cochise, and Maley to Bisbee. We have been able to get a dump truck thanks to Mr. Bowen getting on from State Surplus a lot cheaper. The new street sweeper will be mechanical broom and we currently have one that does a sucking motion and it is better to have a

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broom. City Manager McCourt asked about the savings on the Zipper. Council asked if the Zipper would save a lot of money on oil. Mr. Adams stated it won't on oil but on patching material the city has saved between \$49,000 and \$50,000 so far, since purchasing the Zipper. He gave a presentation on the power point of the areas they have completed so far and what they are about to complete. Several things that we do in streets consist of Mowing, Maintenance at Keiller Park, Bird area it is ADA standards, weed maintenance, and Crosswalk. Mayor Irvin asked how much do you spend on the patching load. Mr. Adams stated about \$2,500 a load. With Chip Seal we should keep the cost down. Recycling we have 11.41 ton of cardboard from TA 6.48 tons of card board has been collected at the city. We have spent about 47.95 of man hours plus inmates. Councilmember Cronberg asked if the capital expense was not just for this year. Mr. Adams stated no it is a 5 year plan; next year is about \$65,000

City Manager stated this is what we are proposing and the budget we are recommending. Next week we will be focusing on the General Fund.

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 Work Session of the City Council of the City of Willcox held on the 22nd day of April 2013. I further certify that the work session was duly called and held, and that a quorum was present.

Dated this 22nd day of April 2013

City Clerk Virginia A. Mefford

PASSED, APPROVED AND ADOPTED this 6th day of May 2013

MAYOR ROBERT A IRVIN

Signed _____

ATTEST:

City Clerk Virginia A. Mefford

**THE MINUTES OF THE WORK SESSION OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 29th DAY OF APRIL 2013**

CALL TO ORDER-Mayor Irvin called the work session meeting to order on Monday, April 29, 2013 at 6:30 p.m. and

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

PRESENT

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

STAFF

City Manager Pat McCourt
City Attorney Ann P. Roberts
City Clerk Virginia A. Mefford
Public Serv. & Works Interim Director John Bowen
Finance Director Ruth Graham
Development Services Jeff Stoddard

PLEDGE OF ALLEGIANCE TO THE FLAG led by Mayor Irvin

DECLARATION ON CONFLICT OF INTEREST

No Conflicts were declared.

ADOPTION OF THE AGENDA

MOTION: Councilmember Lindsey moved to adopt the agenda as presented

SECONDED: Councilmember Goolsby **CARRIED.**

DISCUSSION REGARDING GENERAL FUND REVENUES AND PROJECTIONS

City Manager McCourt explained this is one of our continuing and ongoing Budget Work Session for FY 14 starting July 1, 2013 to June 30, 2014. City Manager McCourt went over the handouts given in the Councilmember's packets. He explained the transfers in. He went over the General Fund long term projection sheets. He stated we do have a positive balance due to the sale of some property this year. On the Revenue sheet, we have a multiyear income. FY13 is a combination of actuals and estimates. City Manager McCourt went over the Taxes from General Fund Income sheet. We do split the Lodger's tax with the Chamber of Commerce. He explained the License and Permits. The electric License is at 3% and the cable TV is a declining due to satellite dishes. Business Permits do fluctuate On the Primary Property tax this will stay flat, but I kept it pretty conservative. Revenue Income Tax area should be correct because we will receive this amount as it is collected form two years back. We are tapering off in the Other Fees he went line by line from the Councilmember's packet. In the Transfer In; we have a loan repayment for \$35,799 and the final installment will be next year.

In Expense Fund, the big change is in investigation I have not authorized to fill this position. In communications it was filled with a lower level then in the past. In Library we have a vacant position, Administration we have 2 vacant positions, and in Finance we have a part time position. Not filling these positions has kept our spending down. Pointed out the Police Facility is not included in the transfer in. He went over the transfer in fund line by line that was provided in the Council packet. The City Attorney and the new City Clerk both feel the City code book is difficult to interpret and they are both committed to ensuring to get the Municipal codebook up to code. City Manager McCourt explained that the land where City Hall sits is owned by the City and in the contract of purchasing states we would erect a fence between City Hall and the railroad tracks.

ADJOURN

Being no further business before the Mayor and Council, Mayor Irvin adjourned the Work Session at 6:57 p.m.

**THE MINUTES OF THE WORK SESSION OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 29th DAY OF APRIL 2013**

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Work Session of the City Council of the City of Willcox held on the 29nd day of April 2013. I further certify that the work session was duly called and held, and that a quorum was present.

Dated this 29nd day of April 2013

City Clerk Virginia A. Mefford

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

MAYOR ROBERT A IRVIN

Signed _____

ATTEST:

City Clerk Virginia A. Mefford

**THE MINUTES OF THE SPECIAL MEETING SESSION OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 29th DAY OF APRIL 2013**

CALL TO ORDER- Mayor Bob Irvin called the special meeting session meeting to order on Monday, April 29, 2013 at 7:00 p.m. and welcomed everyone in attendance

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

PRESENT

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

STAFF

City Manager Pat McCourt
City Clerk Virginia A. Mefford
City Attorney Ann P. Roberts
Finance Director Ruth Graham

PLEDGE OF ALLEGIANCE TO THE FLAG led by Mayor Irvin.

DECLARATION ON CONFLICT OF INTEREST

None Declared

ADOPTION OF THE AGENDA

MOTION: Councilmember Lindsey to approve the agenda as presented.

SECONDED: Councilmember Cronberg **CARRIED**

EXECUTIVE SESSION FOR DISCUSSION/CONSIDERATION REGARDING THE HIRING OF THE CITY MANAGER AND CONSULTATION FOR LEGAL ADVICE WITH THE ATTORNEY OF THE PUBLIC BODY

MOTION: Councilmember Lindsey to approve entering into an Executive Session with a one no fault pursuant to A.R.S. §38-431.03(A) (1) and (A)(3), for the purpose of Discussion or consideration of employment. **SECOND:** Councilmember Cronberg **CARRIED**

RECESS TO EXECUTIVE SESSION, IF APPROVED at 7:02 pm.

RECONVENE FROM EXECUTIVE SESSION at 8:19 pm.

DISCUSSION/DIRECTION ON CITY MANAGER HIRING PROCESS

MOTION: Councilmember Johnson moved to give direction to staff to come up with supplemental questions for review at the regular council meeting on Monday May 6, 2013

SECOND: Councilmember Cronberg **CARRIED**

ADJOURN- with no further discussion at 8:24 pm.

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the special meeting of the City Council of the City of Willcox held on the 29th day of April 2013. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 29th day of April 2013

City Clerk Virginia A. Mefford

**THE MINUTES OF THE SPECIAL MEETING SESSION OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 29th DAY OF APRIL 2013**

PASSED, APPROVED AND ADOPTED this 29th day of April 2013.

MAYOR ROBERT A IRVIN

Signed _____

ATTEST:

City Clerk Virginia A. Mefford



PUBLIC HEARING NOTICE

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** the **MAYOR AND COUNCIL** of the City of Willcox, County of Cochise, Arizona, will hold a **PUBLIC HEARING NOTICE** during the **REGULAR MEETING ON MONDAY** the 6th day of **May 2013**, at **7:00 P.M.**, at the **CITY COUNCIL CHAMBERS, 300 W. REX ALLEN DRIVE, WILLCOX, AZ.**

Items for consideration, discussion and/or decision relating to Special Meeting:

- Please see the posted Special Meeting Agenda for all items or visit www.cityofwillcox.org website.

Public Hearings: Notice of Intent to Amend Title 13 "Public Services", Chapter 14 "Sewer Pretreatments".

* Public Hearings: 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.

All members of the public are invited to attend such meeting.

DATED AND POSTED this 2nd day of May 2013, at 3:00 P.M.

CITY OF WILLCOX, ARIZONA

/s/Virginia A. Mefford

City Clerk Virginia A. Mefford

Agenda\2013\050613spsmtgnotice

"Mine, Yours, Ours"



CITY OF WILLCOX

Virginia A. Mefford

City Clerk

101 S. Railroad Avenue Suite B

Willcox, AZ 85643

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M

TO: Mayor and Council

DATE: May 1, 2013

SUBJECT: Presentation by Gayle Berry

Mayor and Council,

A presentation will be given by Gayle Berry on the Willcox Historic Theater Preservation, Inc.

Thank you,

Virgie

**CITY OF WILLCOX
Request for Council Action**

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

Date Submitted:
April 15, 2013
Date Requested:
May 5, 2013

Action:
 Resolution
 Ordinance
 Formal
 Other

Subject:
Donnis Black would like to place a memorial board with names of golfers who have passed away at Twin Lakes Golf Course

To: Honorable Mayor and City Council

From: John Bowen, Interim Director, of Public Services and Works

Discussion: Donnis Black hosts an annual golf tournament to honor fellow golfers that have passed away. The money that is raised is donated to the Willcox High School golf team. Ms. Black would like to put up a memorial board with the names of the golfers who have passed away, at hole 6 close to the pond, so it's out of the way of any road or golfers.

Recommendation: Staff recommends that the Mayor and Council grant permission for the placement of the memorial board at Twin Lakes Golf Course. All maintenance and upkeep of the names will be incurred by Donnis Black.

Fiscal Impact: 0.00

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

Approved By: John Bowen
John Bowen, Interim Director, Public Services and Works

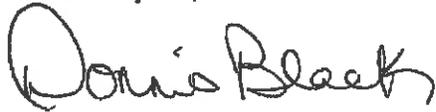
Approved By: _____
Pat McCourt, City Manager

April 15, 2013

To whom it may concern:

On the memorial board, all the maintenance, upkeep and the adding of name plates will be the responsibility of Donnis Black and Kim Moore. At no time will there be any expense to the golf course or the city.

Thank you,

A handwritten signature in black ink that reads "Donnis Black". The signature is written in a cursive style with a large initial "D".

Donnis Black

Kate Schwartz

From: Donnis R. Francis <donnis.francis@vtc.net>
Sent: Friday, April 05, 2013 9:39 AM
To: Kate Ann. Schwartz
Subject: Proposal
Attachments: Copy of Holes In Heaven Memorial.xlsx

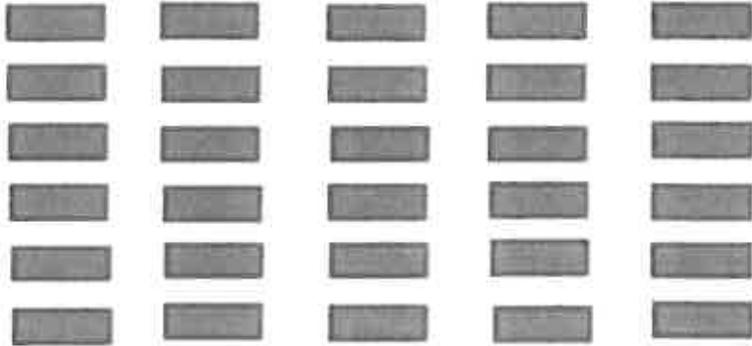
Hello. My name is Donnis Black. My mother and I host an annual golf tournament every year in honor of our fellow golfers that have passed away. The money raised is donated to the Willcox High School golf team. It is a very successful tournament.

We would like to put up a memorial board at the golf course with the names of the golfers that have passed. We would like to place this board on hole 6 close to the pond out of the way of any roads or golfers. Please contact me with any questions. We would like to have this board in place by our tournament which is held on July 27th. We will be providing the funds for materials and for the labor if any is needs.

Please see attachment for the proposed board.

Thank you,
Donnis Black
520-507-0708

HOLES IN HEAVEN



Board Measurements:

Height 50"

Width 60"

Materials:

Steel Plate w/Pipe Supports cemented in ground

Holes In Heaven will be Laser Cut out of the steel plate

Name tags will be metal.

**CITY OF WILLCOX
REQUEST FOR COUNCIL ACTION**

Agenda Item: 12
Tab Number: 6
Date: 05/06/2013

Date Submitted:
04/23/2013
Date Requested:
05/06/13

Action:
 Resolution
 Ordinance
 Formal
 Other

**Subject: Resignation
from Tim Charley from
Parks and Recreation
Advisory Committee**

TO: MAYOR AND COUNCIL

FROM: Human Resources

DISCUSSION: Attached is a resignation e-mail from Mr. Tim Charley from the Parks and Recreation Advisory committee. Mr. Charley has relocated to Sierra Vista, AZ.

RECOMMENDATION: Accept the resignation.

FISCAL IMPACT: zero

Prepared by:



Sherry Van Allen, HR

Approved by:



City Manager

From: Tim Charley [mailto:t13charley@yahoo.com]
Sent: Friday, April 19, 2013 4:11 AM
To: Kate Ann. Schwartz; 'Les Les Wolslagel (wolslagel@powerc.net)'; 'doscabezasdiaz@hotmail.com'
Cc: Oscar Hudson
Subject: Re: Parks and rec meeting on Monday April 22, 2013

Hello,

I will be unable to attend Monday's meeting.
Additionally, my position at work has moved to Sierra Vista. I
have also moved to Sierra Vista and will have to relinquish my
position with the Parks & Recreation Committee.

Best Regards,

Tim Charley

520.507.0912

CITY OF WILLCOX
Request for Council Action

Agenda Item: 13
Tab Number: 7
Date: 05/06/2013

Date Submitted:
April 23, 2013
Date Requested:
May 6, 2013

Action:
 Resolution
 Ordinance
 Formal
 Other

**Request to donate old
firefighting equipment
from the Willcox Fire
Dept. to the Chiricahua
Trails Fire Dept.**

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

Discussion: The Willcox Department of Public Safety is requesting approval to donate used equipment to the Chiricahua Trails Fire Dept. in accordance to City policy 3-1-3, Section V, Disposal of Surplus; this equipment has no monetary value and can be of use to another fire department. The Equipment consists of the following items:

- Darley "skid unit"
- Darley Reel and 250' red line (hose)
- 250 gallon water tank
- 11 HP Darley pump engine, misc. connections and (1) one nozzle

All of the above listed equipment is out of service and no longer of any use to the Willcox Fire Department, and has been in storage for several years with no plan to return to service due to its age and inability to be compatible with updated equipment currently in service with the Willcox Fire Department.

The Chiricahua Trails Fire Dept. is newly established and currently does not have the equipment or the funding available to provide basic wildland firefighting "startup" services. Their area of responsibility is the Dos Cabesa's community. A copy of their "Incorporated" status is appended.

Recommendation: Approval for the donation of the listed equipment from the Willcox Fire Dept. to the Chiricahua Trails Fire Department under City Policy 3-1-3, Section V of Disposal of Surplus.

Fiscal Impact: None

Prepared By: Penney L. Bell, Administrative Assistant


Glenn Childers, Sgt. / Interim Chief


Pat McCourt, City Manager

CITY OF WILLCOX, COCHISE COUNTY, ARIZONA

RESOLUTION 2013-28

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

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

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

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

WHEREAS, the Mayor and City Council have determined that the donation of the used fire equipment is in the best interest of the City, its employees and the citizens of this City, and they desire to have this Resolution presented at its May 6, 2013, Council Meeting.

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

SECTION 1: The Mayor and City Council of the City of Willcox, hereby approve the donation to the Chiricahua Trails Trials Fire Department, an Arizona Non-Profit Corporation, the following used fire equipment, which has no monetary value to the City and can be used for the public purpose of wildland fire fighting in the greater Willcox Community which provides a substantial benefit to the Citizens of Willcox:

- a. Darley "Skid Unit";
- b. Darley Reel and 250' Red Line (hose);
- c. 250 Gallon Water Tank; and,
- d. 11 HP Darley Pump Engine, Misc. Connections and One (1) Nozzle.

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

SECTION 3: That the Mayor is authorized and empowered to execute this Resolution as presented.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA, this 6th day of May, 2013.

APPROVED/EXECUTED

ROBERT A. IRVIN, MAYOR

Dated: _____

ATTEST:

VIRGINIA A. MEFFORD, City Clerk

APPROVED AS TO FORM:

ANN P. ROBERTS, City Attorney

RESOLUTION 2013-28

APR 08 2013

Articles of Incorporation
of

FILE NO. 1934678-5 Christophers Trails Volunteer Fire Department

1. **Name:** Christophers Trails Volunteer Fire Department.
2. **Initial Purpose:** The saving of lives, and the protection of property endangered by fires and other disasters, and to promote the teaching and practice of fire prevention and protection.
3. **Character of Affairs:** This Non-Profit Corporation shall develop, manage, and operate a volunteer fire department while conducting all related activities allowed under Arizona law.
4. **Fiscal Year:** The Non-Profit Corporation's fiscal year shall be January 1 to December 31.
5. **Known place of business:** 6475 S. Jeffords Trail, Willcox, Arizona 85643.
6. **Secretary agent:** Alvin Levine, 6475 S. Jeffords Trail, Willcox, Arizona 85643.
7. **Membership:** The membership shall be limited to those persons who are trained, qualified, and actively serve in the capacity of volunteer fire fighters with the Non-Profit Corporation.
8. **Board of Directors:** The bylaws will set the number of directors and following shall be initial directors and officers until December 31, 2013, or successors are elected and qualified:
 - a) Lynn H. Wetherby, Director & Chairman
7011 S. Quiksilver Road, Willcox, Arizona 85643.
 - b) Alvin Levine, Director & Vice Chairman
6475 S. Jeffords Trail, Willcox, Arizona 85643.
 - c) Peter K. Dzwinski, Director & Secretary/Treasurer
551 W. Maloy Place, Willcox, Arizona 85643.

AZ CORPORATION COMMISSION
FILED

MAR 25 2013

FILE NO. 1934678-5

9. **Incorporators:** The names and address of the incorporators are:
 - a) Lynn H. Wetherby, 7011 S. Quiksilver Road, Willcox, Arizona 85643.
 - b) Alvin Levine, 6475 S. Jeffords Trail, Willcox, Arizona 85643.
 - c) Peter K. Dzwinski, 551 W. Maloy Place, Willcox, Arizona 85643.
10. **Indemnification of Officers, Directors, Employees and Agents:** This Non-Profit Corporation (the Corporation) shall indemnify any person who incurs expenses or liabilities by reason of the fact he or she is or was an officer, director, employee or agent of the Corporation or is or was serving at the request of the Corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise. This indemnification shall be mandatory in all circumstances in which indemnification is provided by laws of the United States, Arizona, or other applicable jurisdiction.
11. **Net Earnings:** No part of the net earnings of the Corporation shall inure to the benefit of, or be distributable to its members, directors, officers, or other private persons, except that the Corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article 2. No substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any other provision of these Articles, the Corporation shall not carry on any other activities not permitted to be carried out by a corporation exempt from Federal income tax under Section 501(c)(3) of the Internal Revenue Code of 1955, or analogous (or the corresponding provisions of any future United States Internal Revenue) laws.

12. **Distribution:** Upon dissolution of the Corporation, the Board shall, after paying or making provision for the payment of all of the liabilities of the Corporation, dispose of all its assets exclusively for the purposes of the Corporation in such a manner, or to such organizations organized and operated exclusively for charitable, educational, religious or scientific purposes as shall at the time qualify as an exempt organization or organizations under Section 501(c)(3) of the Internal Revenue Code of 1987, as amended (or the corresponding provisions of any future United States Internal Revenue Law) as the Board shall determine. Any such assets not disposed of shall be disposed of by the Arizona Superior Court of the county in which the principal office of the Corporation is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

13. **Limitation of Liability:** To the fullest extent permitted by the Arizona Revised Statutes, as the same exist or may hereafter be amended, a director of the Corporation shall not be liable to the Corporation or its members for monetary damages for any action taken or any failure to take any action as a director. No repeal, amendment or modification of this article, whether direct or indirect, shall eliminate or reduce its effect with respect to any act or omission of a director occurring prior to such repeal, amendment or modification.

Witness: I, the undersigned, am signing as an incorporator and director of the non-profit corporation and, by signing below, I acknowledge under penalty of perjury that this document together with any attachments is submitted in compliance with Arizona law.

Signature: *Lyle H. Waterbury*
Lyle H. Waterbury, Incorporator & Director

Date: 3-21-2013

Signature: *Alvin Levine*
Alvin Levine, Incorporator & Director

Date: 3-21-2013

Signature: *Frank K. Damschak*
Frank K. Damschak, Incorporator & Director

Date: 3-21-2013

Acceptance of Appointment by Statutory Agent

I, Alvin Levine, the undersigned, hereby acknowledge and accept the appointment as statutory agent of the above-named non-profit corporation effective this ____ Day of March, 2013.

Signature: *Alvin Levine*
Alvin Levine, Statutory Agent

Date: 3-21-2013

INCORPORATOR ATTACHMENT

2. ENTITY NAME as listed on the Articles of Incorporation:
CHERCAHUA TRAILS VOLUNTEER FIRE DEPARTMENT

3. INCORPORATORS - list the names and addresses, and provide the signature, of additional INCORPORATORS of the corporation. If more space is needed, use another Incorporator Attachment form CS04.

Peter K. Duerbeck

551 W. Nalley Place

Address

State

Wilcox

AZ

85843

City

UNITED STATES

Country

INCORPORATOR: see Instructions CS04 or CS05

By checking the box marked "I accept" below, I acknowledge under penalty of perjury that this document together with any attachments is submitted in compliance with Arizona law.

I ACCEPT


Peter K. Duerbeck *Peter K. Duerbeck*

INCORPORATOR: see Instructions CS04 or CS05

Representing an Incorporator - I am signing as an officer or authorized agent of a corporation and to name it.

LLC or Incorporator - I am signing as a member, manager, or authorized agent of a limited liability company, and to name it.

Name

Address

State

City

Country

INCORPORATOR: see Instructions CS04 or CS05

By checking the box marked "I accept" below, I acknowledge under penalty of perjury that this document together with any attachments is submitted in compliance with Arizona law.

I ACCEPT

Signature

INCORPORATOR: see Instructions CS04 or CS05

Representing an Incorporator - I am signing as an officer or authorized agent of a corporation and to name it.

LLC or Incorporator - I am signing as a member, manager, or authorized agent of a limited liability company, and to name it.

CITY OF WILLCOX
Request for Council Action

Agenda Item: 14
Tab Number: 8
Date: 5-6-2013

Date Submitted:
April 30, 2013
Date Requested:
May 6, 2013

Action:
 Resolution
 Ordinance
 Formal
 Other

Subject:
Amend Title 13
"Public Services"
Chapter 14 "sewer
pretreatment"

To: Honorable Mayor and City Council

From: John Bowen, Interim Director, of Public Services and Works

Discussion: Pursuant to the ADEQ Consent Order, Willcox shall develop a Pretreatment Toxic Control Plan that will insure compliance with pretreatment methods for control of toxic pollutants discharged to the Waste Water Treatment Plant. The amended schedule stipulates a time line for council adoption by May 10, 2013.

Recommendation: Staff recommends that the Mayor and Council adopt the amended Title 13, Chapter 14 "sewer pretreatment" into ordinance.

Fiscal Impact: Administration to be absorbed by existing staff.

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

Approved By: John Bowen
John Bowen, Interim Director, Public Services and Works

Approved By: Pat McCourt
Pat McCourt, City Manager

CITY OF WILLCOX, COCHISE COUNTY, ARIZONA
ORDINANCE NO. NS313
(City Code Amendment – Title 13, Chapter 13.14 Sewer Pretreatment)

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA, AMENDING THE WILLCOX MUNICIPAL CODE, BY ADOPTING AS A NEW CHAPTER, THAT CERTAIN PUBLIC RECORD ENTITLED, “TITLE 13, PUBLIC SERVICES, CHAPTER 13.14, SEWER PRETREATMENT”; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; ESTABLISHING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Willcox (CITY) provides and controls to operations of its Wastewater utility service for the benefit of property owners within and without the CITY’S corporate boundaries pursuant to A.R.S.§9-240(B)(5)(a.) and 9-511, et. seq.; and,

WHEREAS, CITY, must establish rules and regulations applicable to the operations of such Wastewater utility service to ensure it is operated in such a manner as to protect the citizens of the CITY and all users of the utility service; and,

WHEREAS, The final text of “Title 13, Public Services, Chapter 14, Sewer Pretreatment”, was declared a public document and three (3) copies of such were filed in the Office of City Clerk located at 101 S. Railroad Avenue, Suite B, Willcox, Arizona, on **April 22, 2013**, and have been available to the public for inspection since that date; and,

WHEREAS, a public hearing on the proposed Municipal Code modification was held during the regular **City Council meeting at 7:00 p.m. on May 6, 2013**, in the City Council Chambers located at 300 W. Rex Allen Drive, Willcox, Arizona.

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

SECTION I: ADOPTION BY REFERENCE.

That certain document entitled “Title 13, Public Service, Chapter 13.14, Sewer Pretreatment”, three (3) copies of which are on file in the Office of the City Clerk of the City of Willcox, Arizona, said document having been made a public record by Resolution No. 2013-24 of the City of Willcox, passed and adopted on April 15, 2013, is hereby adopted by reference, and made a part hereof as if fully set forth in this Ordinance;

SECTION II: REVISIONS, ADDITIONS, CHANGES AND RENUMBERING.

The Municipal Code shall be amended to adopt a new chapter entitled "Title 13, Public Service, Chapter 13.14, Sewer Pretreatment";

SECTION III: PENALTY CLAUSE.

ARTICLE 5. VIOLATION

§13-14-501. Significant Non-Compliance a Civil Violation.

- (a) It shall be a civil infraction punishable pursuant to the Code of the City of Willcox for any person, enterprise, or corporation to violate any of the requirement of this Chapter which shall be considered significant non-compliance.
- (b) Significant non-compliance shall be considered any single, accidental discharge, upset, bypass or toxic overload caused by a user of the sewer system, or any single failure of any sewer system user to comply with the meaning or intent of this chapter, including failure to maintain any required pretreatment device, such as a grease trap or grease interceptor, upon first inspection by the city.
- (c) If a user of the sewer system is identified as being in significant non-compliance, the city may decide, at the discretion of the Director of Public Works, to implement compliance remedies commensurate to the violation.
- (d) Measures may include, but are not limited to:
 - a. Notice of violation;
 - b. Right of the city to suspend a business license;
 - c. Suspension or revocation of discharge permit;
 - d. Consent order;
 - e. Cease and desist order;
 - f. Emergency suspension;
 - g. Right to bring civil suits, including but not limited to injunctive relief and/or damages; and
 - h. A fine up to \$500.

- (e) If a user originally identified as a non-significant industrial user during the initial survey or inventory becomes non-compliant, the city may direct such user to comply with the permitting requirements of a significant industrial user, until such time that the Director of Public Works deems this action no longer necessary.

§13-14-502. Severe Non-Compliance a Criminal Violation.

- (a) Severe non-compliance shall be considered any willful violation of this code and any person who commits a violation of this chapter after having previously been found responsible by the City Magistrate for committing two (2) or more civil violations of this chapter within a twenty-four (24) month period, whether by admission, by payment of the fine, by default, or by judgment after hearing shall be guilty of a class one misdemeanor. The City Attorney is authorized to file a criminal misdemeanor complaint in the Magistrate Court against a habitual or severe non-compliance offender who violate this chapter. In applying the twenty-four (24) month provision, the dates of which the offender was found responsible shall be the determining factor, irrespective of the sequence of the commission of the offense.
- (b) Those POTW users identified as habitual non-compliers or in severe non-compliance shall be subject to the following remedies:
 - a. Reimbursement to the city for repairs;
 - b. Liens imposed on the property;
 - c. Removal of sewer connection;
 - d. Right to bring civil suits, including but not limited to, injunctive relief and/or damages;
 - e. Cease and desist order (immediate closure of facility); and
 - f. Criminal charges, including a fine of \$2,500 for each uncorrected occurrence or failed inspection 30 days after the initial inspection, each day constituting a separate violation.

§13-14-503. Interference with Enforcement Procedure.

Any person who interferes, prevents, or attempts to interfere or prevent, an individual employed by the City or other person contracted for by the City, from investigating an alleged violation of this article or from correcting or abating a violation of this article shall be guilty of a class three misdemeanor and shall be subject to thirty

(30) days in jail, 1 year probation and a \$500.00 fine plus surcharges.

SECTION IV: REPEALER CLAUSE.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the public record adopted by reference are hereby repealed;

SECTION V: SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the public record adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion thereof.

SECTION VI: EMERGENCY CLAUSE.

Whereas, it is necessary for the preservation of the peace, health and safety of the citizens of the City of Willcox, Arizona, an emergency is declared to exist, and this Ordinance shall become effective immediately operative and in force from and after the date of posting hereof.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLCOX, ARIZONA, this 6th day of May, 2013.

APPROVED/EXECUTED:

ROBERT A. IRVIN, MAYOR

ATTEST:

VIRGINIA A. MEFFORD, City Clerk

APPROVED AS TO FORM:

ANN P. ROBERTS, City Attorney

ORDINANCE NS313

Published in the Range News on the 15th and 22nd of May, 2013.

Passed and Adopted by ___ of 7 Council Votes.

Posted on May 7, 2013.

Clerk's Initials_____

**CITY OF WILLCOX
REQUEST FOR COUNCIL ACTION**

Agenda Item: 15
Tab Number: 9
Date: 5-06-2013

Date Submitted:
4-30-13
Date Requested:
5-6-13

Action:
 Resolution
 Ordinance
 Formal
 Other

**Subject: Direction from
the full Council on city
Attorney Services**

TO: MAYOR AND COUNCIL

FROM: City Manager

DISCUSSION: The Council appointed a subcommittee of the Vice Mayor Holloway, Councilmen Johnson and Lindsey to review the current Attorney Services and discuss options for continuation.

The subcommittee has had one meeting and is requesting clarification/direction from the full council.

RECOMMENDATION: Receive report and provide input to the subcommittee

FISCAL IMPACT: N/A

Prepared by: Pat McCourt

Approved by: 

City Manager



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 **May 2013** at **7:00 p.m.**, in the **CITY COUNCIL CHAMBERS, 300 W. REX ALLEN DRIVE, Willcox, AZ**

Item for Consideration and Discussion are:

A.R.S §38-431.03(A) (1) and (A)(3) DISCUSSION OR CONSULTATION FOR LEGAL ADVICE WITH THE ATTORNEY OR ATTORNEYS OF THE PUBLIC BODY FOR THE PURPOSE OF DISCUSSION OR CONSIDERATION OF EMPLOYMENT.

Consideration and/or discussion regarding consultation for legal advice with the Attorney or Attorney's of the public body regarding the purchase, sale, or lease of real property.

DATED AND POSTED this 2nd day of May 2013, at 3:00 P.M.

CITY OF WILLCOX, ARIZONA

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

**CITY OF WILLCOX
EXECUTIVE SESSION**

AGENDA

MONDAY, MAY 6, 2013

7:00 p.m.

300 W. REX ALLEN DRIVE

Willcox, Arizona

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