

**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 SEPTEMBER, 2014**

CALL TO ORDER - Mayor Bob Irvin called the meeting to order at 6:30 p.m.

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

PRESENT

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

STAFF

City Manager Ted Soltis
City Clerk Virginia Mefford
City Attorney Ann P. Roberts
Finance Director Crystal Hadfield
Police Chief Glenn Childers
~~Library Director Tom Miner~~
Public Works Director Kevin Hagerich
Development Services Jeff Stoddard

ABSENT

Councilman Elwood A. Johnson- Excused

PLEDGE OF ALLEGIANCE TO THE FLAG - Led by Mayor Irvin

CALL TO THE PUBLIC

Ann Bryan expressed concern regarding the zoning of her property at 125 N. Railview Ave. She hopes the issue with her property will be resolved in a timely manner. She appreciates everything Council does and hopes working together will resolve the issue.

DECLARATION ON CONFLICT OF INTEREST - None declared

ADOPTION OF THE AGENDA

MOTION: Councilmember Cronberg made a motion to adopt the agenda as presented.

SECONDED: Councilmember Goolsby seconded the motion.

MOTION CARRIED

APPROVAL OF MINUTES OF THE REGULAR MEETING OF SEPTEMBER 4, 2014.

MOTION: Councilmember Lindsey made a motion to approve the minutes.

SECONDED: Councilmember Cronberg seconded the motion.

MOTION CARRIED

PUBLIC HEARING - CDBG FUNDS - BONNIE WILLIAMS

Ms. Williams passed out handouts regarding projects the community may need. She gave a brief overview of what the Community Development Block Grant (CDBG) funds are used for and the process used to decide the priority list. The whole project, once decided, will take about three years to complete as it is done in phases.

Councilman Nigh asked who decides what the projects will be.

Ms. Williams stated the projects are decided based on the criteria in these handouts and then brought to Council for approval.

Councilman Goolsby asked about public service projects and when the monies need to be used by.

Ms. Williams replied this is a separate project. She stated with \$198,000 available for city/towns, they are only able to pick one project.

Mr. Cropper asked if there was a requirement for matching funds.

Ms. Williams stated no matching funds are required.

Councilman Lindsey explained these are the same funds that have been used for the Community Center for the past six years for improvements.

Councilmember Cronberg asked if the funds could be used for housing rehabilitation or the waste water treatment plant.

Ms. Williams stated yes and explained the processes for each one of them based on the handouts presented.

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OPENED Public Hearing: 6:58 pm.

Suggested items to consider by Council and audience in attendance:

Councilmember Cronberg suggested it be used to improve the commercial properties located on Main Street.

Mr. Cropper suggested considering sidewalk improvements.

Mr. Jones suggested street projects and demolition.

Mr. LeRoy suggested that the West side of town could use some beautification.

Mr. Hagerich explained some of the ideas that were mentioned tonight were set aside as it takes a lot of money. What Public Works has suggested is the City use the money to rehabilitate the commercial area on Haskell Ave. He noted it will take the owner's agreement and for them to turn in paperwork.

Councilmember Goolsby suggested fixing up the parks. Ms. Williams stated that parks are not fundable at this time.

CLOSED Public Hearing: 7:16 pm

RESOLUTION 2014-17 - A RESOLUTION DECLARING AS A PUBLIC RECORD AN AMENDMENT TO THE WILLCOX MUNICIPAL CODE, TITLE 17 ZONING, THAT CERTAIN DOCUMENT ENTITLED "CHAPTER 17.10 CITIZEN REVIEW PROCESS"

MOTION: Councilmember Lindsey made a motion to approve Resolution 2014-17.

SECONDED: Councilmember Goolsby seconded the motion.

DISCUSSION: Councilmember Lindsey asked that a grammar error be corrected. City Manager Soltis noted that it would be corrected. Councilmember Lindsey asked about the definition difference between the process in 17.10.40 and the text amendment in 17.10.50. Ms. Roberts explained the difference to Council. Mayor Irvin asked if it would be done through Planning & Zoning or Council. Ms. Roberts gave a brief explanation of the citizen review process and how it works. Mr. Soltis stated he has a draft Title 17 started but the citizen review process needs to be approved before Title 17 work can be finished.

MOTION CARRIED

ORDINANCE 319 - AN ORDINANCE AMENDING THE WILLCOX MUNICIPAL CODE, TITLE 17 ZONING, BY ADOPTING AS A NEW CHAPTER, THAT CERTAIN PUBLIC RECORD ENTITLED "CHAPTER 17.10 CITIZEN REVIEW PROCESS"

MOTION: Councilmember Cronberg made a motion to approve Ordinance 319.

SECONDED: Councilmember Goolsby seconded the motion.

MOTION CARRIED

APPOINT A COUNCILMEMBER TO FILL THE VACATED VICE MAYOR POSITION

MOTION: Councilmember Nigh nominated Councilmember Goolsby as Vice Mayor. Ms. Cronberg commented she would have volunteered for this position instead of nominating someone. Mayor Irvin asked if there were any other nominations. With no other nominations, he called for the vote.

NOMINATION CARRIED

CITY MANAGER'S REPORT

- He noted that at the last Council meeting Councilmember Cronberg recommended staff get our newly elected council some material to review to get them ready to take their seats on council. That has been done. The material is available in the Clerk's office.
- The October 2, 2014, Council meeting will be canceled as all Councilmembers will be attending the Cowboy Hall of Fame dinner.
- He announced some good news regarding a TV show called Communities of Distinction presented by Terry Bradshaw. They would like to do a small segment on Willcox and it will be shown on one nationwide TV program and 19 times on local stations. The funding needed for this to happen will be raised by the Chamber of Commerce. If the funding does not come through, the City will not participate in it.
- Chief Childers updated Council regarding recent training with the Department of Corrections. The training is done without announcement due to the nature of the training.
- Mr. Hagerich updated the Council on the recent storm event.
- City Manager Soltis thanked Public Works for all they did during the storm event.

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COMMENTS NOT FOR DISCUSSION FROM MAYOR AND COUNCIL MEMBERS

Councilmember Goolsby thanked Council for voting him in as vice-mayor. He also welcomed Tim Bowlby to the Council.

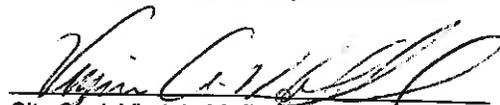
ADJOURN

With no further business before the Mayor and Council, the meeting was adjourned at 7:42 p.m. by Mayor Irvin.

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 September, 2014. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 18th day of September 2014



City Clerk Virginia Mefford

PASSED, APPROVED AND ADOPTED this 16TH day of October, 2014.

ATTEST:

Mayor Robert A. Irvin

City Clerk Virginia A. Mefford

PROCLAMATION

WHEREAS the City of Willcox recognizes the importance of substance abuse awareness in our community and in the nation; and

WHEREAS the City of Willcox has a long history in supporting WASA in its fight against Substance Abuse; and

WHEREAS the last week of October is recognized nationwide as "Red Ribbon Week" in an effort to bring awareness to and engage communities in prevention efforts,

NOW, THEREFORE, BE IT RESOLVED THAT I, Robert A. Irvin, Mayor of the City of Willcox, Cochise County, Arizona, do hereby proclaim the week of October 26 through October 31, 2014, as

*****RED RIBBON WEEK*****

And, I encourage all citizens to support this effort by wearing and displaying Red Ribbons throughout the week and, more importantly, engaging in meaningful conversation with youth and friends regarding the dangers of substance abuse, helping provide activities and alternatives to keep our young people safe and supporting efforts to help those who may be caught up in the web of addiction.

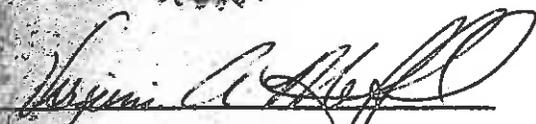
In witness whereof I have hereunto set my hand and caused this seal to be affixed.



Robert A. Irvin, Mayor



Attest:



Virginia A. Mefford, City Clerk

Arizona Department of Liquor Licenses and Control
 800 W Washington 5th Floor
 Phoenix AZ 85007-2934
 www.azliquor.gov
 (602) 542-5141

FAIR/FESTIVAL LICENSE APPLICATION
 A.R.S. §4-203.03 Farm Winery / A.R.S. §4-205.11 Craft Distillery
 A.R.S. §4-203.02 At Special Event

A service fee of \$25 will be charged for all dishonored checks (A.R.S. 44-6852). When the days of the fair/festival are not consecutive, a separate license for each uninterrupted period is needed.

SECTION 1 Application type:

- Wine Fair Wine Festival Craft Distillery Fair Craft Distillery Festival

1. Applicant's Name: MARK WALTER BERES Daytime Phone #: (520) 954-2935

2. Business name: FLYING LEAP VINEYARDS, INC. Liquor license #: 131.23014
farm winery or craft distillery

Email: markberes@flyingleapvineyards.com

3. Mailing address: 16500 S. CREOSOTE VIEW LN. VAIL AZ 85641
street address city state zip code

4. Location of fair/festival: 134 N. RAILROAD AVE. WILLCOX COCHISE 85643
street address city county zip code

SECTION 2 Fees, Date & Hours: \$15 per day

Winery festival days permitted: 50 licenses per winery per calendar year for a total of 150 days per winery per calendar year.

Craft Distillery festival days permitted: 25 licenses per craft distillery per calendar year for a total of 75 days per craft distillery per calendar year.

	DATE	DAY OF WEEK	START TIME AM/PM	END TIME AM/PM
1.	<u>11/8/2014</u>	<u>SATURDAY</u>	<u>5:30 P</u>	<u>8:30 P</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____
7.	_____	_____	_____	_____

Please attach an additional sheet if necessary

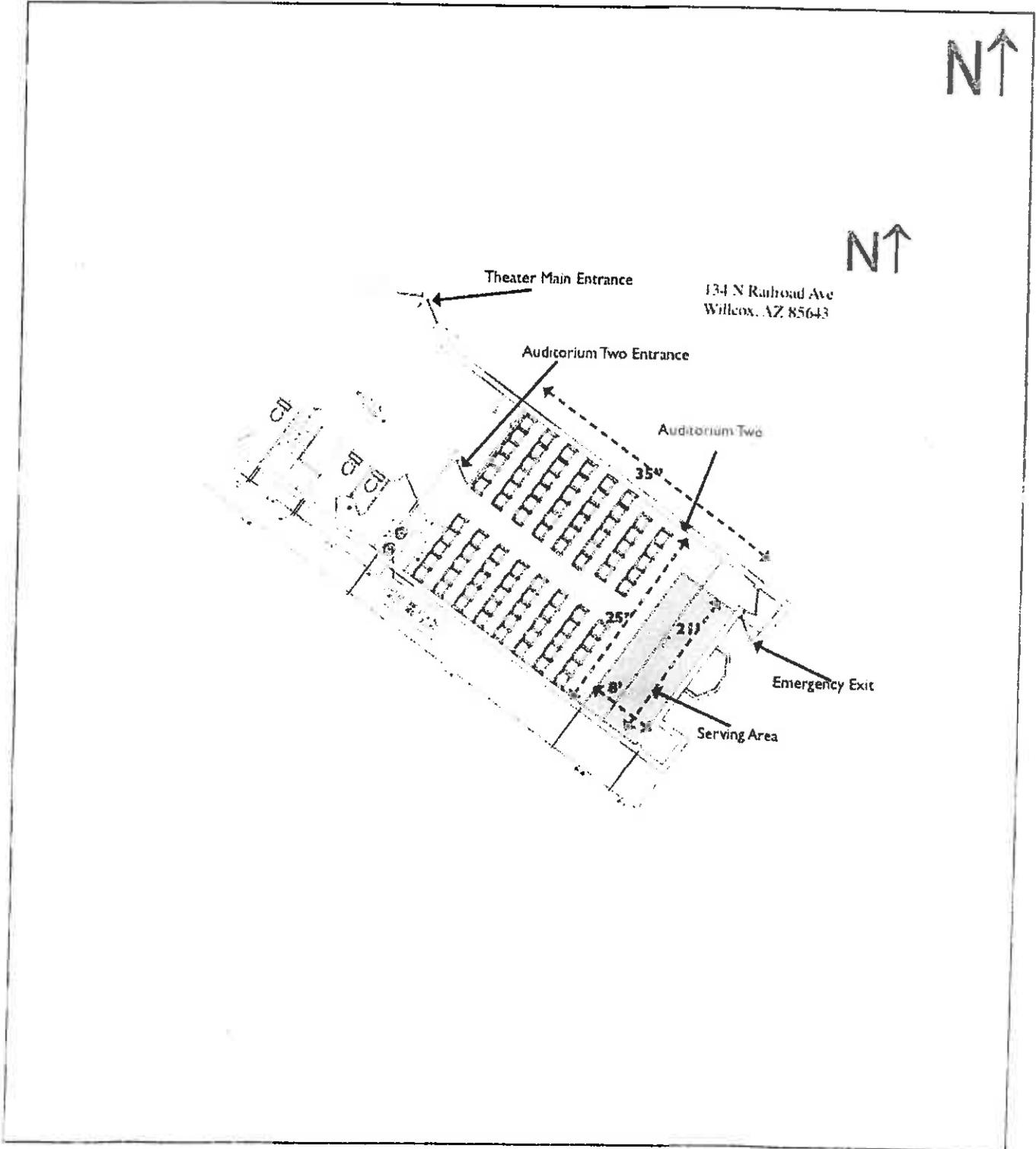
SECTION 3 Site Owner Information:

1. Site owner name: WILLCOX HISTORIC THEATER PRESERVATION, INC. Daytime Phone #: (520) 766-3334
First Last
2. Site owner mailing address: 134 N. RAILROAD AVE. WILLCOX AZ 85643
street address city state zip code
3. Email Address: WILLCOXTHEATER@gmail.com

SECTION 4 to complete this application, all questions must be answered:

1. Have you received permission for use of the site for the sale/consumption of liquor from the site owner named in Section 3? Yes No
2. Will the liquor you sell/serve be products only manufacture/produced at your licensed premises names in Section 1? Yes No
3. List the number of Fair/Festival licenses you have been issued in the current calendar year 7
4. List the number of days you have held a licensed Fair/Festival in the current calendar year 10
5. What security and control measures will you take to prevent violations of state liquor laws at this event?
0 # of Police Officers on Site Fencing Yes No
2 # of Security Personnel on Site Barriers Yes No
6. I am familiar with and have read statutes for Arizona's fair/festival privileges, requirements and penalties? (Farm Winery A.R.S. § 4-203.03, Craft Distillery A.R.S. § 4-205.11, either being held at a Special Event A.R.S. § 4-203.02) Yes No
7. I have taken responsible steps to ensure individuals operating the fair/festival licensed premises and employees who serve, sell or furnish liquor at this fair/festival have knowledge of Arizona liquor laws? (P.19-1332) Yes No

Section 5 licensed premises diagram. The licensed premises for your fair/festival is the area you are authorized to sell, dispense or serve alcoholic beverages under the provisions of your license identified in Section 1, line #2 of this application. Use this page to draw a diagram of your special event licensed premise. Please include dimensions of the premises, serving areas, fencing, barricades, or other control measures and security positions.



Section 6 This sections to be completed only by the applicant named in section # 1

I, MARK WALTER BERES declare that I am the APPLICANT filing this application as listed in
(print full name)
Section 8. I have read the application and the contents and all statements are true, correct and Complete.

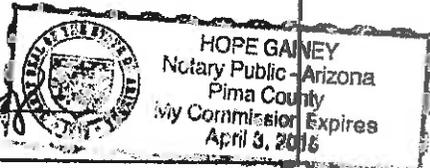
X Mark Walter Beres PRESIDENT/CEO 10/1/2014 5209542935
(signature) Title/Position Date Phone #

The foregoing instrument was acknowledge before me this 1ST OCTOBER 2014
Day Month Year

State ARIZONA County of PIMA

My Commission Expires on: 4/3/2015
Date

Hope Gainer
Signature of Notary Public



The local governing body (city, town or municipality where the fair/festival will take place) may require additional applications to be completed and submitted. Please check with local government as to how far in advance they require these applications to be submitted. Additional licensing fees may also be required before approval may be granted.

Section 7 Local Governing Body Approval Section

I, _____ recommend APPROVAL DISAPPROVAL
(government official) (Title)

on behalf of _____
(City, Town, County) Signature Date Phone #

FOR DEPARTMENT OF LIQUOR USE ONLY

APPROVAL DISAPPROVAL BY: _____ DATE: _____

CITY OF WILLCOX
Request for Council Action

Agenda Item: 10
Tab Number: 4

Meeting Date:
October 16, 2014

Action:
 Resolution
 Ordinance
 Other

Subject: Street closure
for the Willcox
Chamber of Commerce
and Agriculture
Christmas Lighted
Parade

To: Mayor and City Council

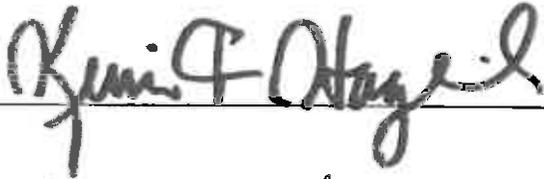
From: Kevin T. Hagerich, Public Works Director

Discussion: The Willcox Chamber of Commerce and Agriculture is requesting a street closure for the Christmas Lighted Parade on December 6, 2014 from 5:00 pm until 8:00 pm. The street closure will start at Haskell and Railroad Ave.(including all cross streets) ending at Maley and Railroad Ave.

Recommendation: Staff recommends that the Mayor and Council grant permission for the street closure.

Fiscal Impact: \$200.00

Submitted by:



Approved by:



Street Closure Request Form

Name of Applicant

Willcox Chamber of Commerce & AG

Address

1500 N Circle 5 Rd

Date of Request

8/7/2014

Phone Number

520-354-2272

Event or Event Sponsor for Street Closure

Christmas lighted parade

Date(s) Requested for Street Closure

6 December, 2014

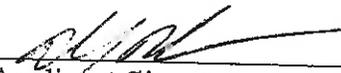
Times for Street Closure

5pm - 8pm

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

Railroad Ave from Stewart to Maley

The applicant understands that a certificate of liability insurance for \$1,000,000 naming the City of Willcox as additionally insured must be supplied with this application in order for the request to be fully executed and processed. Additionally, the City of Willcox requests that all adjacent property owners be notified of the intent to close the street and offered an opportunity to make comments to the Mayor and City Council. Comments may be submitted to the City Clerk prior to the council meeting or may be stated in the public meeting.


Applicant Signature

8/7/2014
Date

Received By

Date

PETITION TO CLOSE RAILROAD AVENUE

ON 6 Dec, 2014
DATE

FROM 5 pm TO 8 pm
START TIME END TIME

FOR THE PURPOSE OF Lighted parade
EVENT

REX ALLEN MUSEUM, OK TO CLOSE Don. H. Jones

WILLCOX HISTORIC THEATER, OK TO CLOSE Fory Cloward

RODNEY'S, OK TO CLOSE Bob C. M.

FLYING LEAP, OK TO CLOSE Reverte Surface for Mark Beres

OLD WEST MERCANTILE, OK TO CLOSE Bo Stewart

FRIENDS OF MARTY ROBBINS, OK TO CLOSE Juanita Buckley

KEELING SCHAEFER, OK TO CLOSE Reg Keeling per email dated 7/25/14

GALLERY 94, OK TO CLOSE Chaco Lopez



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
01/01/2014

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER 520-226-4944 888-908-4982 Huachuca Mountain Insurance Company P O Box 2976 Sierra Vista, AZ 85636	CONTACT NAME: Robin Steward PHONE (A/C No. Ext): 520-226-4944 FAX (A/C. No): 888-908-4982 E-MAIL ADDRESS: huachucamtn@gmail.com PRODUCER CUSTOMER ID #:
INSURED Willcox Chamber of Commerce & Agriculture 1500 N Circle I Rd Willcox, AZ 85643	INSURER(S) AFFORDING COVERAGE INSURER A: The Hartford Casualty Insurance Company INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR (WVD)	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY CLAIMS-MADE <input type="checkbox"/> OCCUR <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	59SBARU2242	01/01/14	01/01/15	EACH OCCURRENCE \$ 2,000,000.00 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000.00 MED EXP (Any one person) \$ 10,000.00 PERSONAL & ADV INJURY \$ 2,000,000.00 GENERAL AGGREGATE \$ 4,000,000.00 PRODUCTS - COMP/OP AGG \$ 4,000,000.00
	GENL AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC					
	AUTOMOBILE LIABILITY ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$ \$
	UMBRELLA LIAB EXCESS LIAB DEDUCTIBLE RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$ \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N/A				WC STATUTORY LIMITS OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

CERTIFICATE HOLDER City of Willcox 101 S Railroad Ave. Suite B Willcox, AZ 85643	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
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CITY OF WILLCOX
Request for Council Action

Agenda Item: 11
Tab Number: 5

Meeting Date:
October 16, 2014

Action:
 Resolution
 Ordinance
 Other

Subject:
Modified Willcox Unified
School District SRO IGA

To: Mayor and City Council

From: Glenn Childers, Director

Discussion: The City of Willcox (City) and the Willcox Unified School District (WUSD) have worked together for years to provide a School Safety Program. The City and WUSD share the cost of the salary and benefits to provide a School Resource Officer (SRO).

Both WUSD and the City benefit from the duties performed by the SRO, who is responsible for ensuring the safety and security of the students and staff at all three WUSD schools during regular school hours, special events and activities held on and off school campuses. The SRO investigates alleged criminal acts on school campuses and takes the appropriate enforcement action, providing a safe, positive learning environment. The SRO is the immediate first responder to threats or emergencies on school property, and acts as the liaison between the Willcox Police Department and WUSD. With the SRO position, the heavy call load generated by WUSD does not have to be covered by the on-duty officer, who is responsible for the entire Willcox community.

The IGA that was approved by City Council on September 4 has been modified by the school district's attorney. Therefore the new IGA will need to be reviewed and passed again by City Council.

Recommendation: To approve the modified Intergovernmental Agreement with the Willcox Unified School District.

Fiscal Impact: \$46,132

Submitted by: 

Approved by: 

RESOLUTION NO. 2014-19

A RESOLUTION OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA, APPROVING AND ADOPTING THE INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN THE CITY OF WILLCOX [CITY] AND THE WILLCOX UNIFIED SCHOOL DISTRICT #13 [SCHOOL] FOR THE PURPOSE OF IMPLEMENTING A SCHOOL SAFETY PROGRAM

WHEREAS, the CITY is authorized pursuant to A.R.S. § 9-240(B) (12), to establish and regulate the police of the town, to appoint watchmen and policemen, to remove them and to prescribe their powers and duties; and

WHEREAS, the CITY and the SCHOOL are vested with the authority to enter into Intergovernmental Agreements pursuant to A.R.S. §§ 11-951; 11-952; 15-154; 15-155 and 15-342(13); and

WHEREAS, the CITY, and the SCHOOL have entered into Agreements for the SCHOOL SAFETY PROGRAM in past years; and

WHEREAS, the CITY and the SCHOOL have agreed to share the cost of funding the SCHOOL SAFETY PROGRAM for the SRO; and

WHEREAS, the CITY has determined that continuing the SCHOOL SAFETY PROGRAM is in the best interest of the CITY and its residents.

WHEREAS, the SCHOOL requests changes to the IGA passed by the CITY in Resolution 2014-16.

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

Section 1: Resolution 2014-16 is rescinded.

Section 2: The CITY approves and adopts the School Safety Program IGA, presented herewith as Exhibit "A", with the SCHOOL for the period of July 1, 2014 to June 30, 2015.

Section 2: The Mayor is authorized and empowered to execute this resolution.

Section 3: The City Manager is authorized to execute and implement the provisions of the Agreement on behalf of the CITY.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLCOX, ARIZONA, this 16th day of October, 2014.

APPROVED/EXECUTED:

ROBERT A. IRVIN, MAYOR

ATTEST:

VIRGINIA A. MEFFORD, City Clerk

APPROVED AS TO FORM:

ANN P. ROBERTS, City Attorney

RESOLUTION NO: 2014-16

EXHIBIT A

**INTERGOVERNMENTAL AGREEMENT
BETWEEN
WILLCOX UNIFIED SCHOOL DISTRICT #13,
AND
CITY OF WILLCOX, COCHISE COUNTY, ARIZONA**

This is an Intergovernmental Agreement, hereinafter referred to as "IGA", between the City of Willcox, hereinafter referred to as "CITY," and Willcox Unified School District #13, hereinafter referred to as "SCHOOL," subject to the following terms and conditions:

1. **Purpose.**

The purpose of this IGA is to foster a safe school environment on SCHOOL premises and at SCHOOL sponsored activities by having a School Resource Officer ("SRO") assigned to SCHOOL premises in accordance with this Agreement and the IGA designating the Willcox Department of Public Safety ["WDPS"] as the "Law Enforcement Unit" for the SCHOOL.

2. **Authority.**

The City of Willcox, through the WDPS, is empowered to establish and regulate the police of the City pursuant to A.R.S. § 9-240(12) and the CITY is vested with all powers of incorporated cities and towns as set forth in Title 9.

The CITY and the SCHOOL may enter into intergovernmental agreements with one another pursuant A.R.S. §§ 11-952 et seq.; 15-141; 15-341; and 15-342.

The SCHOOL is permitted pursuant to 20 U.S.C § 1232(g) and C.F.R. § 99.8 of the Family Educational Rights and Privacy Act ("FERPA") to designate a unit of commissioned officers as the District's "law enforcement unit" to (1) enforce applicable laws and refer matters to law enforcement authorities with appropriate jurisdiction, and (2) maintain the physical security and safety of the District.

3. **Term and Renewal.**

This IGA shall be effective from July 1, 2014 and continue through June 30, 2015. The IGA shall not be effective until the IGA has been executed by all the parties and reviewed by their respective legal counsel pursuant to A.R.S. § 11-952(D). This Agreement may be extended for additional one-year terms by appropriate action of the parties.

4. **Duties of the SCHOOL.**

- A. Provide reasonable office and/or classroom space, office equipment, including furniture, telephone, computer, internet access, and usual utilities.
- B. Provide office supplies including pencils, pens, stapler, tape dispenser, etc.

than as required in the performance of the officer's duties as described herein.

- B. There shall be no disclosure of personally identifiable information from any student's education records except in compliance with A.R.S. § 15-141 and the Family Education Rights and Privacy Act ("FERPA") and regulations adopted pursuant to that Act, the Individuals with Disabilities Education Act ("IDEA") and regulations adopted thereunder, and applicable School Board policies as to the disclosure of personally identifiable information from students education records.
- C. By signing this IGA, the CITY and the WDPS certify that any personally identifiable information from any student's educational record which is disclosed to one of their officers, agents or employees will not be disclosed to any other party, unless in accord with FERPA, IDEA and regulations adopted thereunder, without the prior consent of the parent or, if the student is 18 years of age or older, the student. In addition, information may be disclosed to the SRO pursuant to 34 CFR § 99.31(a)(5)(i)(A-B) which provides for reporting or disclosure to state and local officials to whom such information is specifically allowed to be reported or disclosed pursuant to a State statute, provided that the reporting or disclosure allowed by the statute concerns the juvenile justice system and such system's ability to effectively serve, prior to adjudication, the student whose records are released, and further provided that the state statute was either (A) adopted prior to November 19, 1974; or (B) if adopted after 1974, the officials and authorities to whom such information is disclosed certify in writing to the SCHOOL that the information will not be disclosed to any other party, except as provided under State law, without the prior written consent of the parent of the student.

8. **Termination and Disposition of Property Upon Termination.**

- A. **Termination.** This IGA may be terminated for any reason and by either party upon providing a thirty day (30) written notice to all parties. Notice of termination must be in writing and delivered personally to the designated representative or sent by certified mail. If any party has reason to suspect that any aspect of activities undertaken pursuant to this IGA presents a risk to the health or safety of students or is contrary to mission or operations of such party, that party may request a meeting to be convened between the three entities within 48 hours with said meeting to be promptly confirmed in writing. In such circumstances, the SCHOOL may request that any SRO assigned to the SCHOOL be prohibited from coming on to the SCHOOL premises or attending SCHOOL sponsored activities or contacting SCHOOL students or employees, and if the SCHOOL makes such a request, the SRO shall be withdrawn in accord with the request and another SRO, in consultation with the SCHOOL, may be assigned on a temporary basis for up to two weeks while the parties attempt to resolve any outstanding issues. If the parties cannot agree upon a resolution within an additional sixteen (16) day period, during which the CITY will use its best efforts to provide services acceptable to the SCHOOL to the extent that it has staff available to do so, the IGA shall automatically terminate at the conclusion of the period, and no party shall have any further obligation to any other party except (a) to return all property purchased by funds disbursed by the SCHOOL pursuant to this IGA to the SCHOOL, (b) to return any property belonging to any other party; and (c) to maintain the confidentiality of records in accord with applicable state and federal

16. Compliance with Non-Discrimination Laws.

All parties shall comply with applicable provisions of state and federal employment laws, rules, regulations and executive orders including Title VII of the Civil Rights Act of 1964, as amended, by the Age Discrimination in Employment Act, and State Executive Orders 2009-09, 2003-22 and 93-20, which mandate that all persons, regardless of race, color, religion, sex (including sexual orientation), age, national origin, veteran's status or political affiliation, shall have equal access to employment and educational opportunities. The parties shall also comply with the Rehabilitation Act of 1973, as amended, which prohibits discrimination in the employment or advancement in employment or in education of qualified persons because of physical or mental disability, including genetic code and the Americans with Disabilities Act.

17. Conflict of Interest.

The parties acknowledge that this IGA is subject to cancellation provisions pursuant to A.R.S. § 38-511, the provisions of which are incorporated herein and made a part thereof.

18. Workers' Compensation.

An employee of either party shall be deemed to be an "employee" of both public agencies while performing pursuant to this IGA, for purposes of A.R.S. § 23-1022 and the Arizona Workers' Compensation laws. The primary employer shall be solely liable for any workers' compensation benefits that may accrue. Each party shall post a notice pursuant to the provisions of A.R.S. § 23-906 in substantially the following form:

"All employees are hereby further notified that they may be required to work under the jurisdiction or control or within the jurisdictional boundaries of another public agency pursuant to an intergovernmental agreement or contract, and under such circumstances they are deemed by the laws of Arizona to be employees of both public agencies for the purposes of workers' compensation."

19. Employee Work Eligibility.

By entering into this IGA, each party warrants compliance with A.R.S. § 41-4401, A.R.S § 23-214(A), the Federal Immigration and Nationality Act (FINA), and all other Federal immigration laws and regulations. Either Party may request verification of compliance from any contractor or subcontractor performing work under this contract.

20. Review by Legal Counsel.

Pursuant to A.R.S. § 11-952(D), an attorney for each Party must review this IGA and determine that it is within the statutory powers and authority granted to the Party.

21. Authority of the Parties.

The persons executing this IGA on behalf of the parties hereby represent and guarantee that they have been authorized to do so, on behalf of themselves and the entity

INTERGOVERNMENTAL AGREEMENT DETERMINATION

RE: SCHOOL SAFETY PROGRAM [SRO] AGREEMENT BETWEEN THE CITY OF WILLCOX AND WILLCOX UNIFIED SCHOOL DISTRICT #13

This Agreement has been reviewed pursuant to A.R.S. § 11-952 by the undersigned City Attorney who has determined that it is in appropriate form and is within the powers and authority granted to the City of Willcox, Cochise County, Arizona.

Approved as to form this 16th day of October, 2014.

By: _____
Ann P. Roberts, City Attorney

In accordance with A.R.S. § 11-952 this Agreement has been reviewed by the undersigned that has determined that this agreement is in appropriate form and within the powers and authority granted to the Willcox Unified School District #13.

Approved as to form this 25th day of ~~October~~ ^{September}, 2014.

By: Landyce B. Purdee
Udall Shumway, P.L.C., attorney for
Willcox Unified School District

CITY OF WILLCOX
Request for Council Action

Agenda Item: 12
Tab Number: 6

Meeting Date:
October 16, 2014

Action:
 Resolution
 Ordinance
 Other

Subject:
125 North Railview Avenue
zoning

To: Mayor and City Council

From: Ted Soltis, City Manager

Discussion: The owners of 125 North Railview Avenue, when trying to sell their home, experienced difficulty with a lender's appraiser. The appraiser listed the "highest and best use" for the property as commercial. Since the loan being pursued was to purchase a residence, the loan was denied.

At the time that the structures on Railview Avenue were built, and presently, the property is zoned HP-1 (Historical Preservation) with any uses permitted in H-1 (Highway Service), CC-1 (Central Commercial), and GC (General Commercial). Residences are allowed in HP-1 as follows:

- Chapter 15.56, H-1 Highway Service Zone, 17.56.020.G. Caretakers' dwelling. Defined as "a dwelling which is occupied by an individual or family whose function it is to watch or take care of a business or industry which is located on the same premises as the dwelling."
- Chapter 17.60, CC-1 Central Commercial Zone, 17.60.020.Y. "Dwellings, when located above the ground floor, provided the ground floor is designed and used exclusively for a commercial purpose, are permitted in the zone."
- Chapter 17.68, GC-1 General Commercial Zone, 17.68.020.P. Bona fide caretakers' dwellings.

On August 24, 2005, at a Planning and Zoning Commission meeting, prior to the building of the structures on Railview Avenue, a discussion took place about creating a new zone. Meeting minutes indicate "the creation of a new zone could allow for homes to be built in these areas." A motion was made "to recommend staff propose the zoning proposal to the Historic Preservation Commission for their approval."

On September 28, 2005, the Planning and Zoning Commission approved the following motion: "Insert into 17.52.060 to allow uses permitted in the R-2 zoning on the east side of the railroad tracks within the HP-1 zone."

There are no further records to indicate that either the required Citizen Review Process or the Public Hearing took place. Likewise, there is no record that the matter ever went before Council.

Recommendation: If the owners feel the current zoning of their property does not meet their needs, they may submit a re-zoning application to the Planning and Zoning Commission. The City will waive the re-zoning application fee of \$500. As required by law, the Commission must then hold a Citizen

Review work session followed by a Public Hearing. After those meetings, the Commission will send the issue to Council with a recommendation for approval or denial.

Fiscal Impact: 0

Submitted by: _____

A handwritten signature in black ink, appearing to read "Paul Smith", is written over a horizontal line.

Rev 8/14