

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

Monday, May 17, 2010

7:00 p.m.

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

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

**Resolution No. 2010-54
Ordinance NS299**

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. CALL TO THE PUBLIC

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

5. DECLARATION ON CONFLICT OF INTEREST

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

6. ADOPTION OF THE AGENDA

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

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

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

8. RECESS TO EXECUTIVE SESSION, IF APPROVED

9. RECONVENE FROM EXECUTIVE SESSION

10. CONSENT AGENDA

Consent Agenda information to Council members, staff and the public by City Attorney Hector M. Figueroa. Items that are considered to be routine by the City Council will be enacted by one motion without discussion. The consent agenda is a timesaving device and Council members have received documentation on these items for their review prior to the open meeting. Any Councilmember may remove any item from the consent agenda for discussion and a separate vote as

deemed necessary. The public may view the documentation relating to the consent agenda 24 hours prior to the meeting at the City Clerk's Office, 101 S. Railroad Avenue, Suite B, Willcox, AZ from 8:30 a.m. to 4:30 p.m. or at the Elsie S. Hogan Library, 100 N. Curtis Avenue during normal working hours Monday-Saturday.

Consent Agenda items:

DISCUSSION/DECISION REGARDING PRESENTED AT THE MAY 3, 2010 COUNCIL MEETING THE AGENDA ITEMS AND MINUTES FOR THE MEETING OF APRIL 19, 2010 APPROVING AND AUTHORIZING RATIFICATION OF SAME WITH NOTICE TO THE PUBLIC OF SAID RATIFICATION TOGETHER WITH A DESCRIPTION OF THE ACTION TO BE RATIFIED, THIS IS A CLEAR STATEMENT THAT THE PUBLIC BODY PROPOSES TO RATIFY A PRIOR ACTION AND THE PUBLIC MAY OBTAIN A DETAILED WRITTEN DESCRIPTION OF THE ACTION TO BE RATIFIED AS SPECIFIED BELOW FROM THE CITY CLERK, RATIFIED AS 10A THROUGH 10F:

- 10A. THE MINUTES OF THE REGULAR MEETING HELD ON APRIL 19, 2010**
- 10B. RESOLUTION NO. 2010-36 RATIFYING, APPROVING AND AUTHORIZING A LETTER OF SUPPORT FOR THE COCHISE COUNTY ARIZONA CENTENNIAL COMMITTEE'S APPLICATIONS FOR ARIZONA CENTENNIAL 2012 LEGACY PROJECT AND EVENTS DESIGNATIONS AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.**
- 10C. RESOLUTION NO. 2010-42 APPROVING AND AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE 2010 RURAL AND VOLUNTEER FIRE ASSISTANCE GRANT PROGRAM FOR FUNDS TO BE USED FOR WILDLAND FIRE-FIGHTING TRAINING AND PURCHASING FIREFIGHTER PROTECTIVE EQUIPMENT, DIRECTING CITY OFFICIALS TO SUBMIT APPLICATION DOCUMENTS AND DECLARING AN EMERGENCY TO EXIST.**
- 10D. RESOLUTION NO. 2010-43 APPROVING AND AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE TOHONO O'DHOM NATION ("NATION") PURSUANT TO A.R.S. 5-601-02 12% GAMING DISTRIBUTION, DIRECTING CITY OFFICIALS TO SUBMIT APPLICATION DOCUMENTS AND DECLARING AN EMERGENCY TO EXIST.**
- 10E. RESOLUTION NO. 2010-46 APPROVING AND AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR A TRANSPORTATION ENHANCEMENT GRANT (TEG) FOR THE CONSTRUCTION OF SIDEWALKS AND ADA CORNER RAMPS ON ARIZONA AVENUE, AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.**
- 10F. RESOLUTION NO. 2010-47 APPROVING AND AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) FOR THE REPLACEMENT OF SIGNS IN ACCORDANCE WITH NEW MANUAL SIGN STANDARD, AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.**

Consideration, discussion and/or decision to ratify the minutes and the agenda items for the meeting of May 3, 2010, as presented.

Consent Agenda items:

- 11A. REX ALLEN DAYS PARADE STREET CLOSURE ON SATURDAY, OCTOBER 3, 2010** Tab 1
- 11B. REX ALLEN DAYS CARNIVAL AT KEILLER PARK FROM TUESDAY, SEPTEMBER 29 THROUGH MONDAY, OCTOBER 5, 2010** Tab 2
- 11C. STREET CLOSURE FROM RAILROAD AVENUE FROM GRANT STREET TO MALEY STREET, FROM MALEY STREET TO STEWART STREET, STEWART STREET FROM THE ALLEY BETWEEN HASKELL AVENUE AND RAILROAD AVENUE AND THE INTERSECTION OF RAILROAD AVENUE AND STEWART STREET FOR THE 4TH ANNUAL WILLCOX CLASSIC CAR SHOW ON SATURDAY MAY 29, 2010 6:00 A.M. THROUGH 6:00 P.M.** Tab 3

- 11D. RESOLUTION NO. 2010-53 APPROVING AND ADOPTING THE DESIGNATION OF ALTERNATE LOCATIONS FOR REGULAR, SPECIAL COUNCIL MEETINGS AND WORK SESSIONS AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST. Tab 4
- 11E. DISCUSSION/DECISION REGARDING THE MINUTES OF THE WORK SESSION MEETINGS HELD ON APRIL 5, 2010 Tab 5
- (11E concludes the Consent Agenda items for May 17, 2010.)
12. DISCUSSION/DECISION REGARDING REQUEST FROM REX ALLEN DAYS (RAD) FOR WAIVER OF FEES AT QUAIL DRIVE SPORTS PARK RODEO GROUNDS ON SEPTEMBER 30, 2010 THROUGH OCTOBER 3, 2010 Tab 6
Consideration, discussion and/or decision regarding the request from RAD for waiver of fees at Quail Drive Sports Park Rodeo Grounds on September 30, 2010 through October 3, 2010.
13. DISCUSSION/DECISION REGARDING THE REQUEST FROM REX ALLEN DAYS INC. FOR A SPECIAL EVENTS LIQUOR LICENSE AT QUAIL PARK ARENA ON OCTOBER 2 AND 3, 2010 DURING THE REX ALLEN DAYS RODEO Tab 7
Consideration, discussion and/or decision regarding the request from RAD Inc., for a Special Events Liquor License at Quail Park Arena on October 2 & 3, 2010 during the RAD Rodeo.
14. DISCUSSION/DECISION REGARDING REQUEST INDIVIDUAL PERMITS WAIVED FOR ALL VENDORS AT KEILLER PARK DURING REX ALLEN DAYS BEGINNING THURSDAY, SEPTEMBER 30, 2010 THROUGH SUNDAY, OCTOBER 3, 2010 Tab 8
Consideration, discussion and/or decision regarding the request that the individual permits waived for all vendors at Keiller Park during RAD beginning Thursday, September 30, 2010 through Sunday, October 3, 2010.
15. DISCUSSION/DECISION REGARDING RAILROAD TELEPHONE BOOTH DONATION Tab 9
Consideration, discussion and/or decision regarding Railroad Telephone Booth Donation.
16. DISCUSSION/DECISION REGARDING FUNDING REQUESTED FOR THE COCHISE COUNTY ARIZONA CENTENNIAL COMMITTEE DISPLAY Tab 10
Consideration, discussion/decision regarding funding requested for the Cochise County Arizona Centennial Committee Display.
17. DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-49 APPROVING AND ADOPTING THE LEASE AGREEMENT BETWEEN THE CITY OF WILLCOX ["LANDLORD"] AND CLEAR CHANNEL OUTDOOR, INC., A DELAWARE CORPORATION ["TENANT"] FOR THE PURPOSE OF LEASING CITY OWNED PROPERTY FOR A BILLBOARD SPACE, AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND THE LEASE AGREEMENT AND DECLARING AN EMERGENCY TO EXIST. Tab 11
Consideration, discussion and/or decision regarding Resolution No. 2010-49, as stated, relating to the Lease Agreement with Clear Channel Outdoor, Inc. for the purpose of leasing City owned property for a Billboard Space.
18. DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-50 APPROVING AND ADOPTING THE LEASE AGREEMENT BETWEEN THE CITY OF WILLCOX ["LANDLORD"] AND CLEAR CHANNEL OUTDOOR, INC., A DELAWARE CORPORATION ["TENANT"] FOR THE PURPOSE OF LEASING CITY OWNED PROPERTY FOR A BILLBOARD SPACE, AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND THE LEASE AGREEMENT AND DECLARING AN EMERGENCY TO EXIST. Tab 12
Consideration, discussion and/or decision regarding Resolution No. 2010-50, as stated, relating to the Lease Agreement between the City and Clear Channel Outdoor, Inc. for the purpose of leasing City owned property for a Billboard Space.
19. DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-51 APPROVING AND ADOPTING THE SERVICE AGREEMENT WITH SMARTSCHOOLS, INC., AN ARIZONA CORPORATION D/B/A SMARTWORKSPUS ["PROVIDER"] FOR CONTRACT EMPLOYEE LEASING SERVICES AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION, THE AGREEMENT AND DECLARING AN EMERGENCY TO EXIST. Tab 13

Consideration, discussion and/or decision regarding Resolution No. 2010-51, as stated, relating to Service Agreement with Smartschools, Inc. for Contract Employee Leasing Services.

20. DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-52 APPROVING AND ADOPTING THE AMENDMENT TO THE SERVICE AGREEMENT WITH SMARTSCHOOLS, INC., AN ARIZONA CORPORATION D/B/A SMARTWORKSPPLUS ["PROVIDER"] FOR THE PURPOSE OF PLACING THE CITY MANAGER AS A CONTRACT PROVIDER EMPLOYEE WITH THE CITY AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION, THE AGREEMENT AND DECLARING AN EMERGENCY TO EXIST Tab 14

Consideration, discussion and/or decision regarding Resolution No. 2010-52, as stated, relating to Amendment to the Service Agreement with Smartschools, Inc. for the purpose of placing the City Manager as a Contract Provider Employee with the City.

21. REPORTS BY THE CITY MANAGER PAT McCOURT Tab 15

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

- **Report on Use of Personal Cell Phone** -Pat McCourt, City Manager, as requested the following personnel have City issued Cell Phones.
- **Sale of City Property**-Pat McCourt, City Manager, advertised in the local newspaper, City bulletin boards, web site, several public places, and City newsletter of the Sale of City Property. Bid packets can be obtained from the City Clerk's office, Development Services office and on the web. All bids are due Friday, May 28, 2010 at 3:00 p.m. in the Office of the City Clerk.
- **City Manager Out-of-State**-Pat McCourt, City Manager will be out-of-state from May 20th to June 1st
- **Council Packets on web**-Pat McCourt, City Manager, staff plans to have the council packets on the City's web site available to staff and the public effective the first meeting in July 2010.
- **Report on Informational Fair**-Pat McCourt, City Manager reports on the Informational Fair held on Wednesday, May 5, 2010.
- **Report on Electronic Recycling**-Dave Bonner, PS&W Director-electronic recycling was held on Saturday, May 15th.
- **Proposition 100 Election May 18, 2010** - Pat McCourt, City Manager, the County-wide Proposition 100 Election will be held on May 18, 2010 here in the City Council Chambers, 300 W. Rex Allen Drive. Polls Open at 6:00 a.m. until 7:00 p.m.
- **Run For The Wall**-Chief Jake Weaver- will be held on Thursday, May 20, 2010. Lunch and ceremony Elk's Lodge, 247 E. Stewart Street, accepting donations Pat Stark 520.384.2131.
- **Employee Benefits Meeting**-Pat McCourt, City Manager, the Employee Benefits Meeting will be held on Thursday, May 20, 2010 at 6:30 p.m., City Council Chambers (spouse is welcomed to attend).
- **CHANGE: Special Meeting on Thursday, June 3, 2010 for Swear In Ceremony**-Pat McCourt, City Manager announced that the Oath of Office for the 4-elected Council members on Thursday, June 3, 2010 at 6:00 p.m. City Council Chambers.

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

23. ADJOURN.

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

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