

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 **SPECIAL** meeting on **TUESDAY**, the **6TH** day of **JULY** 2010 at **7:00 p.m.**, in the **CITY COUNCIL CHAMBERS, 300 W. REX ALLEN DRIVE, Willcox, AZ**

Item for Consideration and Discussion are:

A.R.S. §38.431.03A(3) DISCUSSION OR CONSULTATION FOR LEGAL ADVICE WITH THE ATTORNEY OR ATTORNEYS OF THE PUBLIC BODY

Consideration and/or discussion regarding consultation for legal advice with the Attorney or Attorney's of the public body.

DATED AND POSTED this 1ST day of JULY 2010 at 2:00 P.M.

CITY OF WILLCOX, ARIZONA

Cristina G. Whelan, CMC

ISI CRISTINA G. WHELAN, CMC

CITY CLERK CRISTINA G. WHELAN, CMC

"Mine, Yours, Ours"

**CITY OF WILLCOX
EXECUTIVE SESSION**

AGENDA

NOTE DATE: TUESDAY, JULY 6, 2010

7:00 p.m.

300 W. REX ALLEN DRIVE

Willcox, Arizona

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

"Mine, Yours, Ours"

PROCLAMATION

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

TAB 2

WHEREAS, the Rex Allen Days theme for 2010 is "*Cowboys Honor Those Who Support Our Freedom & Liberty*", and

WHEREAS, the Rex Allen Days, Inc., are proudly sponsoring their 59th Annual Rex Allen Days Festival with the Cowboy Hall of Fame Recognition and Dinner, Parade, Rodeo, Concerts, Country Fair, Rex Allen Arizona Cowboy Museum events, and the 30th Annual Turtle Race at Keiller Park starting September 30th through October 3rd 2010; and

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

NOW, THEREFORE, BE IT RESOLVED THAT I, Gerald W. Lindsey, Mayor of the City of Willcox, Cochise, County, Arizona, do hereby proclaim September 30th through October 3rd, 2010 as

**** REX ALLEN DAYS ****

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

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

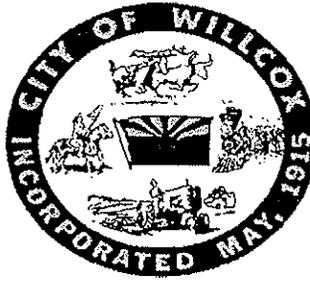
Mayor Gerald W. Lindsey

Attest:

City Clerk Cristina G. Whelan, CMC

Dated: July 6, 2010

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**NOTICE OF PUBLIC HEARING
MAYOR AND CITY COUNCIL**

In accordance with Resolution No. 370 of the City of Willcox, and Section 38-431.01 of the Arizona Revised Statutes **NOTICE IS HEREBY GIVEN** that the **MAYOR AND COUNCIL** of the City of Willcox, County of Cochise, Arizona, will hold a **PUBLIC HEARING**, during the **SPECIAL** meeting, **due to Holiday**, on **TUESDAY** the **6th** day of **JULY**, 2010 at **7:00 p.m.**, in the **CITY COUNCIL CHAMBERS, 300 W. REX ALLEN DRIVE, WILLCOX, AZ.**

Public Hearing on:

APPLICATION FOR LIQUOR LICENSE
SERIES #07 BEER & WINE BAR-INTERIM PERMIT
PROBATE/WILL ASSIGNMENT DIVORCE DECREE, INDIVIDUAL
BIG TEX BAR-B-QUE
JEFFERY LEE WILLEY
130 E. MALEY STREET
WILLCOX, AZ.

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

DATED AND POSTED this 17TH day of JUNE 2010 AT 2:30 P.M.

CITY OF WILLCOX, ARIZONA

Cristina G. Whelan, CMC

Is/Cristina G. Whelan, CMC

CITY CLERK

NO

Arizona Department of Liquor Licenses and Control

800 West Washington, 5th Floor

10 APR 30 Liqr. Dept PM12:32

Phoenix, Arizona 85007

www.azliquor.gov

602-542-5141

APPLICATION FOR LIQUOR LICENSE

TYPE OR PRINT WITH BLACK INK

Notice: Effective Nov. 1, 1997, All Owners, Agents, Partners, Stockholders, Officers, or Managers actively involved in the day to day operations of the business must attend a Department approved liquor law training course or provide proof of attendance within the last five years. See page 5 of the Liquor Licensing requirements.

SECTION 1 This application is for a:

- INTERIM PERMIT Complete Section 5
- NEW LICENSE Complete Sections 2, 3, 4, 13, 14, 15, 16
- PERSON TRANSFER (Bars & Liquor Stores ONLY) Complete Sections 2, 3, 4, 11, 13, 15, 16
- LOCATION TRANSFER (Bars and Liquor Stores ONLY) Complete Sections 2, 3, 4, 12, 13, 15, 16
- PROBATE/WILL ASSIGNMENT/DIVORCE DECREE Complete Sections 2, 3, 4, 9, 13, 16 (fee not required)
- GOVERNMENT Complete Sections 2, 3, 4, 10, 13, 15, 16

SECTION 2 Type of ownership:

- J.T.W.R.O.S. Complete Section 6
- INDIVIDUAL Complete Section 6
- PARTNERSHIP Complete Section 6
- CORPORATION Complete Section 7
- LIMITED LIABILITY CO. Complete Section 7
- CLUB Complete Section 8
- GOVERNMENT Complete Section 10
- TRUST Complete Section 6
- OTHER Explain

SECTION 3 Type of license and fees

LICENSE #: 07020059

1. Type of License: 07 Beer & Wine Bar 2. Total fees attached: \$ 124

| |
|---------------------|
| Department Use Only |
|---------------------|

APPLICATION FEE AND INTERIM PERMIT FEES (IF APPLICABLE) ARE NOT REFUNDABLE.

The fees allowed under A.R.S. 44-6852 will be charged for all dishonored checks.

SECTION 4 Applicant

1. Owner/Agent's Name: Mr. Willey Jeffery Lee (Last First Middle)

2. Corp./Partnership/L.L.C.: N/A (Exactly as it appears on Articles of Inc. or Articles of Org.)

3. Business Name: Big Tex Bar-B-Que (Exactly as it appears on the exterior of premises) B1034816

4. Principal Street Location: 130 E. Maley St Willcox AZ 85643 (Do not use PO Box Number) City County Zip

5. Business Phone: (520) 384-4423 Daytime Contact: (520) 258-0798

6. Is the business located within the incorporated limits of the above city or town? YES NO

7. Mailing Address: 130 E Maley St Willcox AZ 85643 City State Zip

8. Enter the amount paid for a bar, beer and wine, or liquor store license \$ 0 (Price of License only)

DEPARTMENT USE ONLY

Fees: Application 0 Interim Permit 100.00 Agent Change _____ Club _____ Finger Prints \$ 24.00

TOTAL OF ALL FEES 124.00

Is Arizona Statement of Citizenship & Alien Status For State Benefits complete? YES NO

Accepted by: LK Date: 6-10-10 Lic. # 07020059

SECTION 5 Interim Permit:

1. If you intend to operate business when your application is pending you will need an Interim Permit pursuant to A.R.S. 4-203.01.
2. There **MUST** be a valid license of the same type you are applying for currently issued to the location.
3. Enter the license number currently at the location. 07020059
4. Is the license currently in use? YES NO If no, how long has it been out of use? _____

ATTACH THE LICENSE CURRENTLY ISSUED AT THE LOCATION TO THIS APPLICATION.

I, Jeffery Lee Willey, declare that I am the CURRENT OWNER, AGENT, CLUB MEMBER, PARTNER, MEMBER, STOCKHOLDER, OR LICENSEE (circle the title which applies) of the stated license and location.

State of Arizona County of Cochise
 The foregoing instrument was acknowledged before me this

My commission expires on: 09-15-2014

17th day of April, 2010
 Day Month Year



Carol M. Denton
 (Signature of NOTARY PUBLIC)

SECTION 6 Individual or Partnership Owners:

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$24 PROCESSING FEE FOR EACH CARD.

1. Individual:

| Last | First | Middle | % Owned | Mailing Address | City State Zip |
|--------|---------|--------|---------|-----------------------|----------------|
| Willey | Jeffery | Lee | 100 | 211 S. Casas Drive Wx | Az 85643 |

Partnership Name: (Only the first partner listed will appear on license) _____

| General-Limited | Last | First | Middle | % Owned | Mailing Address | City State Zip |
|--------------------------|------|-------|--------|---------|-----------------|----------------|
| <input type="checkbox"/> | | | | | | |
| <input type="checkbox"/> | | | | | | |
| <input type="checkbox"/> | | | | | | |
| <input type="checkbox"/> | | | | | | |

(ATTACH ADDITIONAL SHEET IF NECESSARY)

2. Is any person, other than the above, going to share in the profits/losses of the business? YES NO
 If Yes, give name, current address and telephone number of the person(s). Use additional sheets if necessary.

| Last | First | Middle | Mailing Address | City, State, Zip | Telephone# |
|------|-------|--------|-----------------|------------------|------------|
| | | | | | |
| | | | | | |

SECTION 7 Corporation/Limited Liability Co.:

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$24 PROCESSING FEE FOR EACH CARD.

- CORPORATION **Complete questions 1, 2, 3, 5, 6, 7, and 8.**
- L.L.C. **Complete 1, 2, 4, 5, 6, 7, and 8.**

1. Name of Corporation/L.L.C.: _____
(Exactly as it appears on Articles of Incorporation or Articles of Organization)
2. Date Incorporated/Organized: _____ State where Incorporated/Organized: _____
3. AZ Corporation Commission File No.: _____ Date authorized to do business in AZ: _____
4. AZ L.L.C. File No: _____ Date authorized to do business in AZ: _____
5. Is Corp./L.L.C. Non-profit? YES NO

6. List all directors, officers and members in Corporation/L.L.C.:

| Last | First | Middle | Title | Mailing Address | City | State | Zip |
|------------------|-------|--------|-------|-----------------|------|-------|-----|
| _____ | | | | | | | |
| _____ | | | | | | | |
| _____ | | | | | | | |
| _____ | | | | | | | |

(ATTACH ADDITIONAL SHEET IF NECESSARY)

7. List stockholders who are controlling persons or who own 10% or more:

| Last | First | Middle | % Owned | Mailing Address | City | State | Zip |
|------------------|-------|--------|---------|-----------------|------|-------|-----|
| _____ | | | | | | | |
| _____ | | | | | | | |
| _____ | | | | | | | |
| _____ | | | | | | | |

(ATTACH ADDITIONAL SHEET IF NECESSARY)

8. If the corporation/L.L.C. is owned by another entity, attach a percentage of ownership chart, and a director/officer/member disclosure for the parent entity. Attach additional sheets as needed in order to disclose personal identities of all owners.

SECTION 8 Club Applicants:

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$24 PROCESSING FEE FOR EACH CARD.

1. Name of Club: _____ Date Chartered: _____
(Exactly as it appears on Club Charter or Bylaws) (Attach a copy of Club Charter or Bylaws)
2. Is club non-profit? YES NO

3. List officer and directors:

| Last | First | Middle | Title | Mailing Address | City | State | Zip |
|------------------|-------|--------|-------|-----------------|------|-------|-----|
| _____ | | | | | | | |
| _____ | | | | | | | |
| _____ | | | | | | | |
| _____ | | | | | | | |

(ATTACH ADDITIONAL SHEET IF NECESSARY)

SECTION 9 Probate, Will Assign: it or Divorce Decree of an existing Bar or Liquor Store License:

1. Current Licensee's Name: Willey JEFFREY Lee ETAL
(Exactly as it appears on license) Last First Middle
2. Assignee's Name: Willey JEFFREY Lee
Last First Middle
3. License Type: _____ License Number: 07020059 Date of Last Renewal: May 2009
4. ATTACH TO THIS APPLICATION A CERTIFIED COPY OF THE WILL, PROBATE DISTRIBUTION INSTRUMENT, OR DIVORCE DECREE THAT SPECIFICALLY DISTRIBUTES THE LIQUOR LICENSE TO THE ASSIGNEE TO THIS APPLICATION.

SECTION 10 Government: (for cities, towns, or counties only)

1. Governmental Entity: _____
2. Person/designee: _____
Last First Middle Contact Phone Number

A SEPARATE LICENSE MUST BE OBTAINED FOR EACH PREMISES FROM WHICH SPIRITUOUS LIQUOR IS SERVED.

SECTION 11 Person to Person Transfer:

Questions to be completed by CURRENT LICENSEE (Bars and Liquor Stores ONLY-Series 06,07, and 09).

1. Current Licensee's Name: _____ Entity: _____
(Exactly as it appears on license) Last First Middle (Indiv., Agent, etc.)
2. Corporation/L.L.C. Name: _____
(Exactly as it appears on license)
3. Current Business Name: _____
(Exactly as it appears on license)
4. Physical Street Location of Business: Street _____
City, State, Zip _____
5. License Type: _____ License Number: _____
6. Current Mailing Address: Street _____
(Other than business) City, State, Zip _____
7. Have all creditors, lien holders, interest holders, etc. been notified of this transfer? YES NO
8. Does the applicant intend to operate the business while this application is pending? YES NO If yes, complete Section 5 of this application, attach fee, and current license to this application.

9. I, _____, hereby authorize the department to process this application to transfer the
(print full name)
privilege of the license to the applicant, provided that all terms and conditions of sale are met. Based on the fulfillment of these conditions, I certify that the applicant now owns or will own the property rights of the license by the date of issue.

I, _____, declare that I am the CURRENT OWNER, AGENT, MEMBER, PARTNER
(print full name)
STOCKHOLDER, or LICENSEE of the stated license. I have read the above Section 11 and confirm that all statements are true, correct, and complete.

X _____
(Signature of CURRENT LICENSEE)

State of _____ County of _____
The foregoing instrument was acknowledged before me this

_____ day of _____
Day Month Year

My commission expires on: _____

(Signature of NOTARY PUBLIC)

SECTION 12 Location to Location Transfer: (Bars and Liquor Stores ONLY)

APPLICANTS CANNOT OPERATE UNDER A LOCATION TRANSFER UNTIL IT IS APPROVED BY THE STATE.

1. Current Business: Name _____
(Exactly as it appears on license) Address _____
2. New Business: Name _____
(Physical Street Location) Address _____
3. License Type: _____ License Number: _____
4. What date do you plan to move? _____ What date do you plan to open? _____

SECTION 13 Questions for all in-state applicants excluding those applying for government, hotel/motel, and restaurant licenses (series 5, 11, and 12):

A.R.S. § 4-207 (A) and (B) state that no retailer's license shall be issued for any premises which are at the time the license application is received by the director, within three hundred (300) horizontal feet of a church, within three hundred (300) horizontal feet of a public or private school building with kindergarten programs or grades one (1) through (12) or within three hundred (300) horizontal feet of a fenced recreational area adjacent to such school building. The above paragraph DOES NOT apply to:

- a) Restaurant license (§ 4-205.02)
- b) Hotel/motel license (§ 4-205.01)
- c) Government license (§ 4-205.03)
- d) Fenced playing area of a golf course (§ 4-207 (B)(5))

1. Distance to nearest school: 2466 ft. Name of school Willcox Elementary School
Address 501 W Delos St Willcox Az 85643
City, State, Zip
2. Distance to nearest church: 766 ft. Name of church United Methodist Church
Address 124 S. CURTIS ST Willcox, AZ 85643
City, State, Zip
3. I am the: Lessee Sublessee Owner Purchaser (of premises)
4. If the premises is leased give lessors: Name _____
Address _____
City, State, Zip
- 4a. Monthly rental/lease rate \$ _____ What is the remaining length of the lease ___ yrs. ___ mos.
- 4b. What is the penalty if the lease is not fulfilled? \$ _____ or other _____
(give details - attach additional sheet if necessary)
5. What is the total business indebtedness for this license/location excluding the lease? \$ 95000.-
Please list debtors below if applicable.

| Last | First | Middle | Amount Owed | Mailing Address | City State | Zip |
|--------------|-------|--------|-------------|-----------------|--------------|--------|
| WESTERN BANK | | | 95000.- | 204 E 4th St | Loedsbury NH | 088045 |
| | | | | | | |
| | | | | | | |
| | | | | | | |

(ATTACH ADDITIONAL SHEET IF NECESSARY)

6. What type of business will this license be used for (be specific)? RESTAURANT

SECTION 13 - continued

7. Has a license or a transfer license for the premises on this application been denied by the state within the past one (1) year?

YES NO If yes, attach explanation.

*10 APR 30 Lic. Dept PM12:32

8. Does any spirituous liquor manufacturer, wholesaler, or employee have any interest in your business? YES NO

9. Is the premises currently licensed with a liquor license? YES NO If yes, give license number and licensee's name:

License # 07020059 (exactly as it appears on license) Name Willey Jeffery Lee Et

SECTION 14 Restaurant or hotel/motel license applicants:

1. Is there an existing restaurant or hotel/motel liquor license at the proposed location? YES NO
If yes, give the name of licensee, Agent or a company name:

_____ and license #: _____
Last First Middle

2. If the answer to Question 1 is YES, you may qualify for an Interim Permit to operate while your application is pending; consult A.R.S. § 4-203.01; and complete SECTION 5 of this application.

3. All restaurant and hotel/motel applicants must complete a Restaurant Operation Plan (Form LIC0114) provided by the Department of Liquor Licenses and Control.

4. As stated in A.R.S. § 4-205.02.G.2, a restaurant is an establishment which derives at least 40 percent of its gross revenue from the sale of food. Gross revenue is the revenue derived from all sales of food and spirituous liquor on the licensed premises. By applying for this hotel/motel restaurant license, I certify that I understand that I must maintain a minimum of 40 percent food sales based on these definitions and have included the Restaurant Hotel/Motel Records Required for Audit (form LIC 1013) with this application.

applicant's signature

As stated in A.R.S § 4-205.02 (B), I understand it is my responsibility to contact the Department of Liquor Licenses and Control to schedule an inspection when all tables and chairs are on site, kitchen equipment, and, if applicable, patio barriers are in place on the licensed premises. With the exception of the patio barriers, these items are not required to be properly installed for this inspection. Failure to schedule an inspection will delay issuance of the license. If you are not ready for your inspection 90 days after filing your application, please request an extension in writing, specify why the extension is necessary, and the new inspection date you are requesting. To schedule your site inspection visit www.azliquor.gov and click on the "Information" tab.

applicants initials

SECTION 15 Diagram of Premises: (Blueprints not accepted, diagram must be on this form)

1. Check ALL boxes that apply to your business:

- Entrances/Exits
- Liquor storage areas
- Patio: Contiguous
- Service windows
- Drive-in windows
- Non Contiguous

2. Is your licensed premises currently closed due to construction, renovation, or redesign? YES NO
If yes, what is your estimated opening date? _____

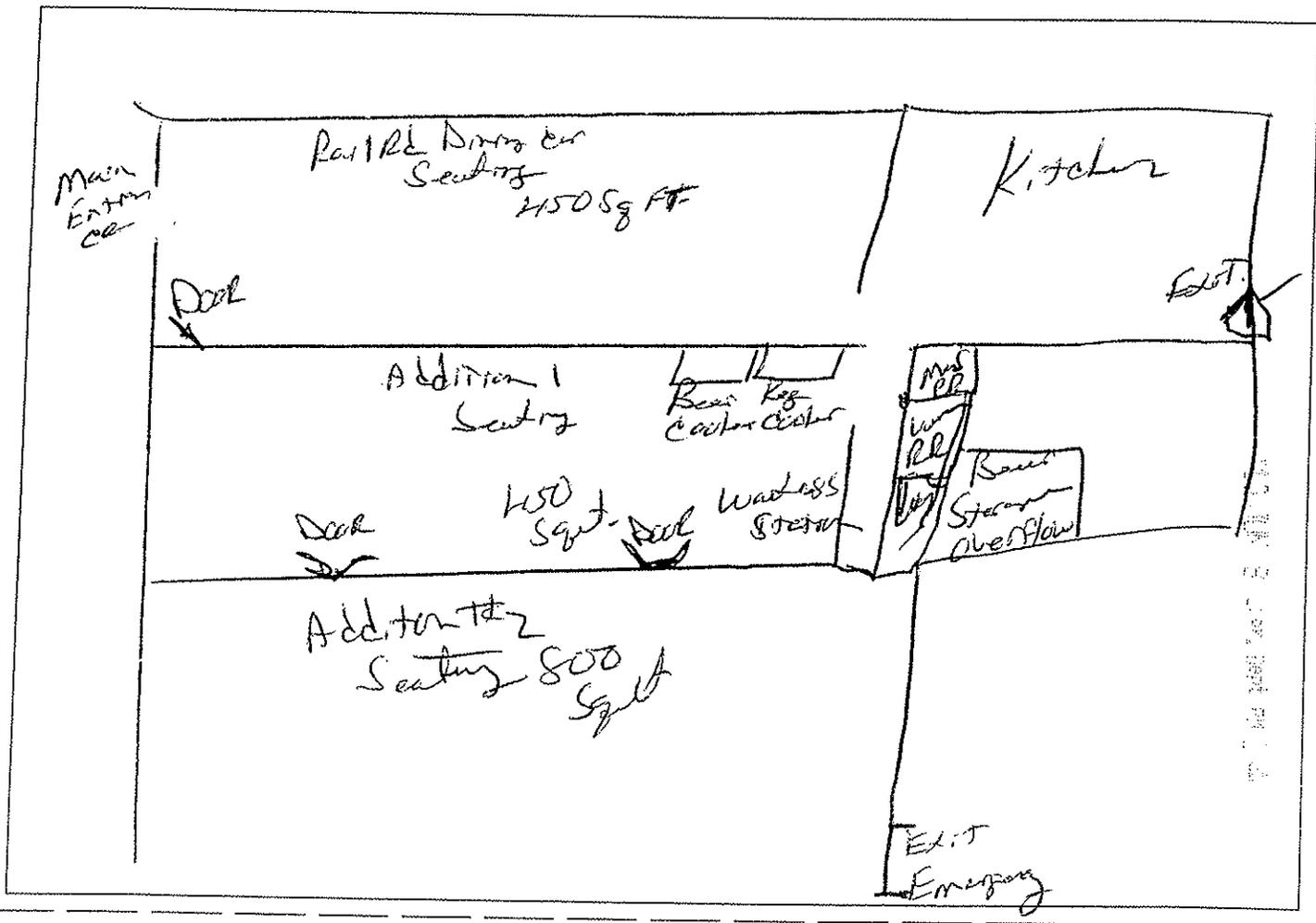
month/day/year

- 3. Restaurants and hotel/motel applicants are required to draw a detailed floor plan of the kitchen and dining areas including the locations of all kitchen equipment and dining furniture. Diagram paper is provided on page 7.
- 4. The diagram (a detailed floor plan) you provide is required to disclose only the area(s) where spirituous liquor is to be sold, served, consumed, dispensed, possessed, or stored on the premises unless it is a restaurant (see #3 above).
- 5. Provide the square footage or outside dimensions of the licensed premises. Please do not include non-licensed premises, such as parking lots, living quarters, etc.

As stated in A.R.S. § 4-207.01(B), I understand it is my responsibility to notify the Department of Liquor Licenses and Control when there are changes to boundaries, entrances, exits, added or deleted doors, windows or service windows, or increase or decrease to the square footage after submitting this initial drawing.

applicants initials

4. In this diagram please show only the area where spirituous liquor is to be sold, served, consumed, dispensed, possessed or stored. It must show all entrances, exits, interior walls, bars, bar stools, hi-top tables, dining tables, dining chairs, the kitchen, dance floor, stage, and game room. Do not include parking lots, living quarters, etc. When completing diagram, North is up. If a legible copy of a rendering or drawing of your diagram of premises is attached to this application, please write the words "diagram attached" in box provided below.



SECTION 16 Signature Block

I, Jeffery Lee Willey, hereby declare that I am the OWNER/AGENT filing this application as stated in Section 4, Question 1. I have read this application and verify all statements to be true, correct and complete.

X [Signature]
 (signature of applicant listed in Section 4, Question 1)

State of Arizona County of Cochise



The foregoing instrument was acknowledged before me this 17th of April, 2010
 Day Month Year

My commission expires on: 03-15-2014
 Day Month Year

Carol M. Denton
 signature of NOTARY PUBLIC

CLERK OF SUPERIOR COURT
CAROL M. DENTON
Notary Public - State of Arizona
COCHISE COUNTY
My Comm. Expires Mar. 12, 2014

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix, AZ 85007-2934
www.azliquor.gov
(602) 542-5141

*10 APR 30 Ligr. Dept PM12:32

QUESTIONNAIRE

Attention all Local Governing Bodies: Social Security and Birthdate Information is Confidential. This information may be given to local law enforcement agencies for the purpose of background checks only but must be blocked to be unreadable prior to posting or any public view.

Read carefully. This instrument is a sworn document. Type or print with BLACK INK.
An extensive investigation of your background will be conducted. False or incomplete answers could result in criminal prosecution and the denial or subsequent revocation of a license or permit.

TO BE COMPLETED BY EACH CONTROLLING PERSON, AGENT, OR MANAGER. EACH PERSON COMPLETING THIS FORM MUST SUBMIT AN "APPLICANT" TYPE FINGERPRINT CARD WHICH MAY BE OBTAINED AT DLLC. FINGERPRINTING MUST BE DONE BY A BONA FIDE LAW ENFORCEMENT AGENCY OR A FINGERPRINTING SERVICE APPROVED BY DLLC. THE DEPARTMENT DOES NOT PROVIDE THIS SERVICE.

Effective 10/01/07 there is a \$24.00 processing fee for each fingerprint card submitted.

The fees allowed by A.R.S. § 44-6852 will be charged for all dishonored checks.

Liquor License #

07020059

(If the location is currently licensed)

1. Check appropriate box →

| | |
|---|--|
| <input checked="" type="checkbox"/> Controlling Person (Complete Questions 1-19) Controlling Person or Agent must complete #21 for a Manager | <input type="checkbox"/> Agent <input type="checkbox"/> Manager (Only) (Complete All Questions <u>except</u> # 14, 14a & 21) Controlling Person or Agent must complete # 21 |
|---|--|

2. Name: Willey Jeffery Lee Date of Birth: _____
Last First Middle (NOT a Public Record)

3. Social Security Number: _____ s License # _____ State: AZ
(NOT a public record) (NOT a public record)

4. Place of Birth: Wharton TX USA Height: 6'2 Weight: 290 Eyes: BE Hair: Blond
City State Country (not county)

5. Marital Status Single Married Divorced Widowed Daytime Contact Phone: 520-253-0798

6. Name of Current or Most Recent Spouse: Idalia R. Willey Date of Birth: _____
(List all for last 5 years - Use additional sheet if necessary) Last First Middle Maiden (NOT a public record)

7. You are a bona fide resident of what state? AZ If Arizona, date of residency: April 1977

8. Telephone number to contact you during business hours for any questions regarding this document. 520-384-4423

9. If you have been an Arizona resident for less than three (3) months, submit a copy of your Arizona driver's license or voter registration card.

10. Name of Licensed Premises: Big Tex Bar BQ Phone: 520-384-4423

11. Physical Location of Licensed Premises Address: 130 E. Mabley Wilcox G Cochise 85643
Street Address (Do not use PO Box #) City County Zip

12. List your employment or type of business during the past five (5) years. If unemployed part of the time, list those dates. List most recent 1st.

| FROM Month/Year | TO Month/Year | DESCRIBE POSITION OR BUSINESS | EMPLOYER'S NAME OR NAME OF BUSINESS (street address, city, state & zip) |
|------------------|----------------|-------------------------------|---|
| <u>June 1998</u> | <u>CURRENT</u> | <u>Owner</u> | <u>Big Tex Bar BQ 130 E. Mabley Wx AZ 85643</u> |
| | | | |

ATTACH ADDITIONAL SHEET IF NECESSARY FOR EITHER SECTION ↓

13. Indicate your residence address for the last five (5) years:

| FROM Month/Year | TO Month/Year | Rent or Own | Residential Street Address If rented, attach additional sheet with name, address and phone number of landlord | City | State | Zip |
|-----------------|----------------|-------------|---|---------------|-----------|--------------|
| <u>Nov 08</u> | <u>CURRENT</u> | <u>Rent</u> | <u>211 S. Casas Lindas Wx AZ 85643</u> | <u>Wilcox</u> | <u>AZ</u> | <u>85643</u> |
| <u>Nov 04</u> | <u>Past</u> | <u>Own</u> | <u>770 S Bisbee Ave Wilcox AZ 85643</u> | <u>Wilcox</u> | <u>AZ</u> | <u>85643</u> |
| | | | | | | |

If you checked the Manager box on the front of this form skip to # 15

14. As a Controlling Person or Agent, will you be physically present and operating the licensed premises?
If you answered YES, how many hrs/day? 9, and **answer #14a below**. If NO, skip to #15. YES NO
- 14a. Have you attended a DLLC-approved Liquor Law Training Course within the past 5 years? (Must provide proof)
If the answer to # 14a is "NO", course must be completed before issuance of a new license or approval on an existing license. YES NO
15. Have you been convicted, fined, ordered to deposit bail, imprisoned, placed on probation or parole, had to post bond or had sentence suspended for any violation of ANY law or ordinance within the past ten (10) years (include only traffic violations that were alcohol and/or drug related)? YES NO
16. Are there ANY administrative law citations, compliance actions or consents, criminal arrest, indictments or summonses PENDING against you or ANY entity in which you are now involved? YES NO
17. Have you or any entity in which you have held ownership, been an officer, member, director or manager EVER had a business, professional or liquor application or license rejected, denied, revoked, suspended or fined in this or any other state? YES NO
18. Has anyone EVER filed suit or obtained a judgment against you, the subject of which involved fraud or misrepresentation? YES NO
19. Are you NOW or have you EVER held ownership, been a controlling person, been an officer, member, director or manager on any other liquor license in this or any other state? YES NO

If any answer to Questions 15 through 19 is "YES" YOU MUST attach a signed statement. Give complete details including dates, agencies involved, and dispositions.
SUBSTANTIVE CHANGES TO THIS APPLICATION WILL NOT BE ACCEPTED

20. I, Jeffery Lee Willey, hereby declare that I am the APPLICANT/REPRESENTATIVE
(print full name of Applicant)
 filing this questionnaire. I have read this questionnaire and all statements are true, correct and complete.

X Jeffery Willey State of Arizona County of Cochise
(Signature of Applicant)

OFFICIAL SEAL
CAROL M. DENTON
 Notary Public - State of Arizona
 COCHISE COUNTY
 My Comm. Expires Mar. 15, 2014

The foregoing instrument was acknowledged before me this 27th day of April, 2010
Month Year

Carol M Denton
(Signature of NOTARY PUBLIC)

My commission expires on: 03-15-2014
Day Month Year

COMPLETE THIS SECTION ONLY IF YOU ARE A CONTROLLING PERSON OR AGENT APPROVING A MANAGER'S APPLICATION

21. The applicant hereby authorizes the person named on this questionnaire to act as manager for the named liquor license. The manager named must be at least 21 years of age.

State of _____ County of _____

The foregoing instrument was acknowledged before me this _____ day of _____, _____
Month Year

X _____
Signature of Controlling Person or Agent (circle one)

(Signature of NOTARY PUBLIC)

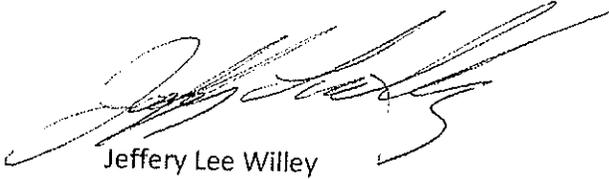
Print Name _____

My commission expires on: _____
Day Month Year

I, Jeffery Lee Willey, hold a Arizona Liquor Licenses Under the name of Willey Jeffery Lee ETAL, dated April 18,2006. I held this in partnership with my ex-wife idalia Willey, which was awarded to me by the attached divorce decree.

*10 APR 30 Ligr. Dept AM12:32

Liquor License 07020059



Jeffery Lee Willey

04/27/2010

10 APR 30 Ligr. Dept AM12:32



ARIZONA STATEMENT OF CITIZENSHIP AND ALIEN STATUS FOR STATE PUBLIC BENEFITS

Professional License and Commercial License Department of Liquor Licenses and Control

Liquor License #: 07020059

Ownership Name: Jeffery Lee Willey (Willey Jeffery Lee ETAL) (as listed on the current liquor license application or renewal application)

Title IV of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (the "Act"), 8 U.S.C. § 1621, provides that, with certain exceptions, only United States citizens, United States non-citizen nationals, non-exempt "qualified aliens" (and sometimes only particular categories of qualified aliens), nonimmigrants, and certain aliens paroled into the United States are eligible to receive state or local public benefits. With certain exceptions, a professional license and commercial license issued by a State agency is a State public benefit.

Arizona Revised Statutes § 1-501 requires, in general, that a person applying for a license must submit documentation to the licensing agency that satisfactorily demonstrates that the applicant is lawfully present in the United States.

Directions: All applicants must complete Sections I, II, and IV. Applicants who are not U.S. citizens or nationals must also complete Section III. Submit this completed form and copy of one or more documents that evidence your citizenship or alien status with your application for license or renewal.

SECTION I - APPLICANT INFORMATION

APPLICANT'S NAME (Print or type) Jeffery Lee Willey DATE 6-1-2010

TYPE OF APPLICATION (check one) [] INITIAL APPLICATION [X] RENEWAL

TYPE OF LICENSE Bar - Beer And wine

SECTION II - CITIZENSHIP OR NATIONAL STATUS DECLARATION

Directions: Attach a legible copy of the front, and the back (if any), of a document from the attached List A or other document that demonstrates U.S. citizenship or nationality. Name of document provided: Passport

A. Are you a citizen or national of the United States? (check one) [X] Yes [] No

B. If the answer is "Yes," where were you born? List city, state (or equivalent), and country. City Wharton State (or equivalent) Texas Country or Territory U.S.A.

If you are a citizen or national of the United States, go to Section IV. If you are not a citizen or national of the United States, please complete Sections III and IV.

SECTION III — ALIEN STATUS DECLARATION

Directions: To be completed by applicants who are not citizens or nationals of the United States. Please indicate alien status by checking the appropriate box. Attach a legible copy of the front and the back (if any), of a document from the attached List B or other document that evidences your status. A.R.S. § 1-501. Name of document provided:

“Qualified Alien” Status (8 U.S.C. §§ 1621(a)(1), -1641(b) and (c))

- 1. An alien lawfully admitted for permanent residence under the Immigration and Nationality Act (INA).
- 2. An alien who is granted asylum under Section 208 of the INA.
- 3. A refugee admitted to the United States under Section 207 of the INA
- 4. An alien paroled into the United States for at least one year under Section 212(d)(5) of the INA.
- 5. An alien whose deportation is being withheld under Section 243(h) of the INA.
- 6. An alien granted conditional entry under Section 203(a)(7) of the INA as in effect prior to April 1, 1980.
- 7. An alien who is a Cuban and Haitian entrant (as defined in section 501(e) of the Refugee Education Assistance Act of 1980).
- 8. An alien who is, or whose child or child’s parent is a “battered alien” or an alien subjected to extreme cruelty in the United States.

Nonimmigrant Status (8 U.S.C. § 1621(a)(2))

- 9. A nonimmigrant under the Immigration and Nationality Act [8 U.S.C. § 1101 et seq.] Nonimmigrants are persons who have temporary status for a specific purpose. See 8 U.S.C. § 1101(a)(15).

Alien Paroled into the United States For Less Than One Year (8 U.S.C. § 1621(a)(3))

- 10. An alien paroled into the United States for less than one year under Section 212(d)(5) of the INA

Other Persons (8 U.S.C. § 1621(c)(2)(A) and (C))

- 11. A nonimmigrant whose visa for entry is related to employment in the United States, or
- 12. A citizen of a freely associated state, if section 141 of the applicable compact of free association approved in Public Law 99-239 or 99-658 (or a successor provision) is in effect [Freely Associated States include the Republic of the Marshall Islands, Republic of Palau and the Federate States of Micronesia, 48 U.S.C. § 1901 et seq.];
- 13. A foreign national not physically present in the United States.

Otherwise Lawfully Present (A.R.S. § 1-501)

- 14. A person not described in categories 1–13 who is otherwise lawfully present in the United States. PLEASE NOTE: The federal Personal Responsibility and Work Opportunity Reconciliation Act may make persons who fall into this category ineligible for licensure. See 8 U.S.C. § 1621(a).

SECTION IV — DECLARATION

All applicants must complete this section. I declare under penalty of perjury under the laws of the state of Arizona that the answers I have given are true and correct to the best of my knowledge.


APPLICANT'S SIGNATURE

6-1-2010
TODAY'S DATE

Attachment: Lists A and B Evidence of U.S. Citizenship, U.S National Status, or Alien Status,

DLLC 1/15/09

AG 11/08/07 - 81662

Attachment to Form 1 Applicant Statement

EVIDENCE OF U.S. CITIZENSHIP, U.S NATIONAL STATUS, OR ALIEN STATUS

LIST A: U.S. CITIZEN OR U.S. NATIONAL

Note: In this List, the term "Service" refers to the U.S. Citizenship and Immigration Service, formerly, the U.S. Immigration and Naturalization Service (INS).

[Source: Proposed Rules, Verification of Eligibility for Public Benefits, 8 CFR § 104.23; 63 FR 41662-01 August 4, 1998); and Interim Guidance of Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 ("Interim Guidance"), 62 FR 61344 (Nov. 17, 1997), Attachment 4]

Evidence showing U.S. citizen or U.S. national status includes the following:

a. Primary Evidence:

- (1) A birth certificate showing birth in one of the 50 states, the District of Columbia, Puerto Rico (on or after January 13, 1941), Guam, the U.S. Virgin Islands (on or after January 17, 1917), American Samoa, or the Northern Mariana Islands (on or after November 4, 1986, Northern Mariana Islands local time) (unless the applicant was born to foreign diplomats residing in such a jurisdiction);
- (2) United States passport;
- (3) Report of birth abroad of a U.S. citizen (FS-240) (issued by the Department of State to U.S. citizens);
- (4) Certificate of Birth (FS-545) (issued by a foreign service post) or Certification of Report of Birth (DS-1350), copies of which are available from the Department of State;
- (5) Form N-561, Certificate of Citizenship;
- (6) Form I-197, United States Citizen Identification Card (issued by the Service until April 7, 1983 to U.S. citizens living near the Canadian or Mexican border who needed it for frequent border crossings) (formerly Form I-179, last issued in February 1974);
- (7) Form I-873 (or prior versions), Northern Marianas Card (issued by the Service to a collectively naturalized U.S. citizen who was born in the Northern Mariana Islands before November 3, 1986);
- (8) Statement provided by a U.S. consular official certifying that the individual is a U.S. citizen (given to an individual born outside the United States who derives citizenship through a parent but does not have an FS-240, FS-545, or DS-1350); or
- (9) Form I-872 (or prior versions), American Indian Card with a classification code "KIC" and a statement on the back identifying the bearer as a U.S. citizen (issued by the Service to U.S. citizen members of the Texas Band of Kickapoos living near the U.S./Mexican border).

[Source: Interim Guidance of Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 ("Interim Guidance"), 62 FR 61344 (Nov. 17, 1997), Attachment 4]

b. Secondary Evidence

If the applicant cannot present one of the documents listed in (a) above, the following may be relied upon to establish U.S. citizenship or U.S. national status:

- (1) Religious record recorded in one of the 50 states, the District of Columbia, Puerto Rico (on or after January 13, 1941), Guam, the U.S. Virgin Islands (on or after January 17, 1917), American Samoa, or the Northern Mariana Islands (on or after November 4, 1986, Northern Mariana Islands local time) (unless the applicant was born to foreign diplomats residing in such a jurisdiction) within three 3 months after birth showing that

the birth occurred in such jurisdiction and the date of birth or the individual's age at the time the record was made;

- (2) Evidence of civil service employment by the U.S. government before June 1, 1976;
- (3) Early school records (preferably from the first school) showing the date of admission to the school, the applicant's date and U.S. place of birth, and the name(s) and place(s) of birth of the applicant's parent(s);
- (4) Census record showing name, U.S. nationality or a U.S. place of birth, and applicant's date of birth or age;
- (5) Adoption finalization papers showing the applicant's name and place of birth in one of the 50 states, the District of Columbia, Puerto Rico (on or after January 13, 1941), Guam, the U.S. Virgin Islands (on or after January 17, 1917), American Samoa, or the Northern Mariana Islands (on or after November 4, 1986, Northern Mariana Islands local time) (unless the applicant was born to foreign diplomats residing in such a jurisdiction), or, when the adoption is not finalized and the state or other U.S. jurisdiction listed above will not release a birth certificate prior to final adoption, a statement from a State-or jurisdiction-approved adoption agency showing the applicant's name and place of birth in one of such jurisdictions, and stating that the source of the information is an original birth certificate;
- (6) Any other document that establishes a U.S. place of birth or otherwise indicates U.S. nationality (e.g., a contemporaneous hospital record of birth in that hospital in one of the 50 states, the District of Columbia, Puerto Rico (on or after January 13, 1941), Guam, the U.S. Virgin Islands (on or after January 17, 1917), American Samoa, or the Northern Mariana Islands (on or after November 4, 1986, Northern Mariana Islands local time) (unless the applicant was born to foreign diplomats residing in such a jurisdiction));

c. Collective Naturalization

If the applicant cannot present one of the documents listed in (a) or (b) above, the following will establish U.S. citizenship for collectively naturalized individuals:

Puerto Rico:

- Evidence of birth in Puerto Rico on or after April 11, 1899 and the applicant's statement that he or she was residing in the U.S., a U.S. possession or Puerto Rico on January 13, 1941; or
- Evidence that the applicant was a Puerto Rican citizen and the applicant's statement that he or she was residing in Puerto Rico on March 1, 1917 and that he or she did not take an oath of allegiance to Spain.

U.S. Virgin Islands:

- Evidence of birth in the U.S. Virgin Islands, and the applicant's statement of residence in the U.S., a U.S. possession or the U.S. Virgin Islands on February 25, 1927;
- The applicant's statement indicating resident in the U.S. Virgin Islands as a Danish citizen on January 17, 1917 and residence in the U.S., a U.S. possession or the U.S. Virgin Islands on February 25, 1927, and that he or she did not make a declaration to maintain Danish citizenship; or
- Evidence of birth in the U.S. Virgin Islands and the applicant's statement indicating residence in the U.S., a U.S. possession or territory or the Canal Zone on June 28, 1932.

Northern Mariana Islands (NMI) (formerly part of the Trust Territory of the Pacific Islands (TTPI)):

- Evidence of birth in the NMI, TTPI citizenship and residence in the NMI, the U.S., or a U.S. territory or possession on November 3, 1986 (NMI local time) and the applicant's statement that he or she did not owe allegiance to a foreign state on November 4, 1986 (NMI local time);
- Evidence of TTPI citizenship, continuous residence in the NMI since before November 3, 1981 (NMI local time), voter registration prior to January 1, 1975 and the applicant's statement that he or she did not owe allegiance to a foreign state on November 4, 1986 (NMI local time); or
- Evidence of continuous domicile in the NMI since before January 1, 1974 and the applicant's statement that he or she did not owe allegiance to a foreign state on November 4, 1986 (NMI local time). Note: If a person entered the NMI as a nonimmigrant and lived in the NMI since January 1, 1974, this does not constitute continuous domicile and the individual is not a U.S. citizen

d. Derivative Citizenship

If the applicant cannot present one of the documents listed in a or b above, the following may be used to make a determination of derivative U.S. citizenship:

Applicant born abroad to two U.S. citizen parents: Evidence of the U.S. citizenship of the parents and the relationship of the applicant to the parents, and evidence that at least one parent resided in the U.S. or an outlying possession prior to the applicant's birth.

Applicant born abroad to a U.S. citizen parent and a U.S. non-citizen national parent: Evidence that one parent is a U.S. citizen and that the other is a U.S. non-citizen national, evidence of the relationship of the applicant

to the U.S. citizen parent, and evidence that the U.S. citizen parent resided in the U.S., a U.S. possession, American Samoa or Swain's Island for a period of at least one year prior to the applicant's birth.

Applicant born out of wedlock abroad to a U.S. citizen mother: - Evidence of the U.S. citizenship of the mother, evidence of the relationship to the applicant and, for births on or before December 24, 1952, evidence that the mother resided in the U.S. prior to the applicant's birth or, for births after December 24, 1952, evidence that the mother had resided, prior to the child's birth, in the U.S. or a U.S. possession for a period of one year.

Applicant born in the Canal Zone or the Republic of Panama:

- A birth certificate showing birth in the Canal Zone on or after February 26, 1904 and before October 1, 1979 and evidence that one parent was a U.S. citizen at the time of the applicant's birth; or
- A birth certificate showing birth in the Republic of Panama on or after February 26, 1904 and before October 1, 1979 and evidence that at least one parent was a U.S. citizen and employed by the U.S. government or the Panama Railroad Company or its successor in title.

In all other situations in which an applicant claims to have a U.S. citizen parent and an alien parent, or claims to fall within one of the above categories, but is unable to present the listed documentation:

- If the applicant is in the U.S., the applicant should contact the local U.S. Citizenship and Immigration Service office for determination of U.S. citizenship;
- If the applicant is outside the U.S., the applicant should contact the State Department for a U.S. citizenship determination.

e. **Adoption of Foreign-Born Child by U.S. Citizen**

- If the birth certificate shows a foreign place of birth and the applicant cannot be determined to be a naturalized citizen under any of the above criteria, obtain other evidence of U.S. citizenship;
- Because foreign-born adopted children do not automatically acquire U.S. citizenship by virtue of adoption by U.S. citizens, the applicant should contact the local U.S. Citizenship and Immigration Service office for a determination of U.S. citizenship, if the applicant provides no evidence of U.S. citizenship.

f. **U.S. Citizenship By Marriage**

A woman acquired U.S. citizenship through marriage to a U.S. citizen before September 22, 1922. Provide evidence of U.S. citizenship of the husband, and evidence showing the marriage occurred before September 22, 1922.

Note: If the husband was an alien at the time of the marriage, and became naturalized before September 22, 1922, the wife also acquired naturalized citizenship. If the marriage terminated, the wife maintained her U.S. citizenship if she was residing in the U.S. at that time and continued to reside in the U.S.

LIST B: QUALIFIED ALIENS, NONIMMIGRANTS, AND ALIENS PAROLED INTO U.S. FOR LESS THAN ONE YEAR

The documents listed below that are registration documents are indicated with an asterisk ("*").

a. **"Qualified Aliens"**

Evidence of "Qualified Alien" status includes the following:

Alien Lawfully Admitted for Permanent Residence

- *Form I-551 (Alien Registration Receipt Card, commonly known as a "green card"); or
- Unexpired Temporary I-551 stamp in foreign passport or on *I Form I-94.

Asylee

- * Form I-94 annotated with stamp showing grant of asylum under section 208 of the INA;
- *Form I-688B (Employment Authorization Card) annotated "274a.12(a)(5)";
- * Form I-766 (Employment Authorization Document) annotated "A5";
- Grant letter from the Asylum Office of the U.S. Citizenship and Immigration Service; or
- Order of an immigration judge granting asylum.

Refugee

- * Form I-94 annotated with stamp showing admission under § 207 of the INA;
- * Form I-688B (Employment Authorization Card) annotated "274a.12(a)(3)"; or
- * Form I-766 (Employment Authorization Document) annotated "A3"

Alien Paroled Into the U.S. for a Least One Year

- * Form I-94 with stamp showing admission for at least one year under section 212(d)(5) of the INA. (Applicant cannot aggregate periods of admission for less than one year to meet the one-year requirement.)

Alien Whose Deportation or Removal Was Withheld

- * Form I-688B (Employment Authorization Card) annotated "274a.12(a)(10)";
- * Form I-766 (Employment Authorization Document) annotated "A10"; or
- Order from an immigration judge showing deportation withheld under §243(h) of the INA as in effect prior to April 1, 1997, or removal withheld under § 241(b)(3) of the INA.

Alien Granted Conditional Entry

- * Form I-94 with stamp showing admission under §203(a)(7) of the INA;
- * Form I-688B (Employment Authorization Card) annotated "274a.12(a)(3)"; or
- * Form I-766 (Employment Authorization Document) annotated "A3."

Cuban/Haitian Entrant

- * Form I-551 (Alien Registration Receipt Card, commonly known as a "green card") with the code CU6, CU7, or CH6;
- Unexpired temporary I-551 stamp in foreign passport or on * Form I-94 with the code CU6 or CU7; or
- Form I-94 with stamp showing parole as "Cuba/Haitian Entrant" under Section 212(d)(5) of the INA.

Alien Who Has Been Declared a Battered Alien or Alien Subjected to Extreme Cruelty

- U.S. Citizenship and Immigration Service petition and supporting documentation

b. Nonimmigrant

Evidence of "Nonimmigrant" status includes the following:

- * Form I-94 with stamp showing authorized admission as nonimmigrant

c. Alien Paroled into U.S. for Less than One Year

Evidence includes:

- * Form I-94 with stamp showing admission for less than one year under section 212(d)(5) of the INA

**THE WORK SESSION MINUTES OF THE MAYOR AND CITY
COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 15TH DAY OF MARCH 2010**

CALL TO ORDER-Mayor Gerald W. Lindsey called the regular meeting to order on Monday, March 15, 2010 at 6:00 p.m.

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

TAB 4

PRESENT

Mayor Gerald W. Lindsey
Vice Mayor Larry Schultz
Councilman Elwood A. Johnson
Councilman Jimmy L. Norris
Councilwoman Monika Cronberg
Councilman Stephen Klump
Councilman Christopher Donahue

STAFF

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

PLEDGE OF ALLEGIANCE TO THE FLAG- Mayor Lindsey.

DECLARATION ON CONFLICT OF INTEREST-There was no response from the Mayor and Council members or staff.

ADOPTION OF THE AGENDA-It was moved and seconded to adopt the agenda as presented. **CARRIED.**

DISCUSSION BUDGET PRESENTATION ON CONTRACTING CITY PERSONNEL SERVICES

City Manager McCourt stated that due to his interest in these programs Ms. Sherry Van Allen, Human Resources Generalist, is the contact person and will make the presentation this evening. Ms. Van Allen explained the programs relating to Volunteer Phased Retirement. This concept was first introduced to the school systems in Arizona. These programs allow an eligible Arizona State Retirement (ASRS) employee the benefit of retirement while continuing to work under a contract, and each contract must be approved by the Mayor and Council, and at a lower percentage of their original wages. Usually this is a reduction in a negotiated salary based on job title and experience level and staff recommendation to these programs, from 20% to 30% of their original salary. Example: an employee paid \$25/hour would be rehired at \$20 (80%) a savings of \$5/hour or \$10,400 per year. This is a completely voluntary program available only to ASRS employees who have earned their 80 points and are eligible for normal retirement benefits. (80 points = Age plus Years of Service). Of the two providers staff has checked their references, talked with Human Resource Department and Finance all seemed satisfied with this concept.

Due to budget restraints in all the State this allows the City, if the eligible employee volunteers to participate, to save as high as 30% of that employee's original salary and their benefits. The City would retain the same knowledge and service currently provided by that person. The retiring employee is rewarded for dedicating their lives to their job and shows the employee we appreciate their loyalty and dedication which we do not want to lose. Accepting of this plan allows the City to implement a succession plan and begin the necessary training to replace key positions. Also the retiree and the successor are comfortable that information has been properly passed on. The retiree leaves without guilt or remorse and successor can face their new job responsibilities with confidence. The succession plan is a win-win for everyone. This training could be paid from through the savings on the original employee's basic salary.

Ms. Van Allen explained Cost Savings to City example: Current Employee Salary \$50,000; Contracted back at 80% is \$40,000; Savings to City is \$10,000 plus Benefits, therefore, approximate savings to City is \$18,757.80. The Basic Cost for an employee making 50K to the City is: Base Wage \$50,000; FICA \$3,825; Fed Unemployment \$112; Workers Comp. \$245; ASRS \$4,700; and Single Medical \$5,100 Total cost to City is \$63,982.00. A Contracted Services Employee at 80% Salary whose contracted salary is \$40,000; the breakdown is: FICA \$3,060; Federal unemployment \$112; Arizona Unemployment \$256.20; Workers Comp \$196; Administration Fee (4%) \$1,600; ASRS Contribution -0- (zero) Medical Single -0- (zero) Total Contracted costs \$45,224.20 and the approximate savings to City is \$18,757.80.

The current employee that qualifies for this phased retirement program has the potential to gross more money per month than they do actively working for the City. They would draw ASRS retirement and be re-hired under a service agreement and the combination of wages and retirement in most cases gives the employee more gross earnings. Example with an employee with

**THE WORK SESSION MINUTES OF THE MAYOR AND CITY
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HELD ON THIS 15TH DAY OF MARCH 2010**

ASRS pension (30 years & \$50K wage) they would received approximately \$34,500 from ASRS; contracted pay at 80% is \$40,000; FICA @ 7.65% (\$3,060); Payment of Insurance-COBRA (\$3,300) total \$33,500 plus the \$34,500 from ASRS the employee total Contract & ASRS is \$68,440.00. Volunteer participation in a phased retirement plan will allow the employee to retain that social part of their life and gives them the reward for years of services they gave to the City.

Financial consulting is offered by the programs to eligible employees and also ASRS determines if this is a good time for them to pursue this venue. The representative from the program will meet with employee to go over all the numbers to ensure that they are making the best choice for their particular situation. Once the program is accepted the participant can begin at anytime through out the year. If the employee is 5 months from hitting a significant mark in ASRS that will increase their retirement pension they may choose to wait until they have reached that mark to gin the contracting process.

This is a voluntary program, employee is allowed to sign a contract with the service provider for a year or less or more if the employee and employer agree to renew. If the contract is not going to be renewed the employee is given a thirty day written notice.

Employees' eligible the City is looking at large retirement payouts on vacation and sick leave upon retirement. The payouts are whether or not the program is used. The payout could be optional and negotiable when the eligible employee expresses interest in returning as a contracted employee. All eligible positions must have a recommendation from staff to be eligible for this type of program and all contracts would have to be approved by the Mayor and Council.

Councilman Johnson wants staff to prepare a mock payout of an individual on what spending and/or savings. Ms. Graham stated we still need to pay that package out. Savings about 20% on pay and 4% fee and does not understand how the City would be paying more. 20% salary and 9% ASRS savings and argument heard is double dipping. Person retiring is drawing from their retirement ledger are no longer growing with ASRS and stops that argument. Mayor Lindsey concern as far as control of employee when they do come back to work in the City since they are working for someone else. Ms. Graham explained the City would continue to act as employer and it is less secure for the employee because they can be given notice and gone in 30 days or remedy the problem. Ms. Van Allen added the retiring employee would still abide by our policy manual and rules and Ms. Graham said they still have vacation and sick days. Councilman Johnson asked what the feedback staff has received. Ms. Van Allen replied of the four (4) eligible two (2) are interested and two (2) are not at this time. They do not have to jump in now they can wait. Other cities contacted that they found more participation as the eligible employees watch what has happened.

Ms. Graham said Yuma looked at this program as succession planning and in Safford there is a lady planning on staying 10 years. She has her 30 points and she can draw more money and City saves. Councilman Johnson asked if employee goes on retirement and starts drawing on ASRS and asked if early withdrawal penalty and higher tax and Ms. Graham replied not as long as a regular payment and not in a lump sum. Employee save on State taxes on annuity because smaller portions, therefore, less tax. They offer financial consultations to everyone beforehand. Few years down the road there will be a number of employees eligible. Mr. Dave Bonner on the payout at the time of the retirement is when that payout ends and if someone continues working continue to build vacation and sick leave and likely higher sum later. If the employees were to get raises that would add to that amount. Mayor Lindsey asked if they would continue to accrue vacation and sick leave at same rate. Ms. Van Allen explained that is negotiated in contract. Once employee on contracted employment it is their responsibility and not the City's. The City can negotiate the rate to either keep it as is or decrease the hours they can accrue. ESI program is "use it or lose it." Smartworks accrue over longer period. Councilman Johnson asked what if City employees are given a raise and Ms. Graham replied the contract is set for that year. Mayor Lindsey asked what the fringe benefits would be once they come back. We still pay FICA unemployment, workers comp, no medical, and no contribution to ASRS. Those are the two (2) main areas of savings to the City in addition to salary. Councilman Norris asked if the employee is working for another company how do we pay for FICA and Ms. Graham replied that is part of the price of 80% salary, 4% fee and half FICA to the contractor. Employee would no longer be on the City's payroll. Mayor Lindsey said that the contract would be negotiated before the person retires. Councilman Johnson said staff would recommend individual to this program and the Mayor and Council approves each and every contract.

**THE WORK SESSION MINUTES OF THE MAYOR AND CITY
COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 15TH DAY OF MARCH 2010**

Councilman Klump asked if employee is gone could they come back to work for the City. Ms. Graham replied ASRS allows them after a 12 month break they can come back as regular employee. Mayor Lindsey if we had employee that has been away for a year and not necessarily on this program can they come back to work for City and would that employee come back to ASRS. Ms. Van Allen replied it would be at half the rate because still receiving full ASRS check. Employee could come back as contracted employee or Arizona State Retirement. City Attorney Figueroa added they can come back to work for the City which is what happened with the City Manager of South Tucson. After retired he waited the allowable period and came back and the employee and City does not pay as much contribution to ASRS but still full retirement from ASRS.

The City Attorney's concern was on legislation heard and from all indications they are not much hope that it will pass. Also, third party companies that want to collect Sales Tax and Legislatures wants to preclude anyone other than Arizona Department of Revenue to collect. Mr. Figueroa reviewed the City Code as amended and City Manager is appointed position and there is no statute that precludes the Mayor and Council from doing this program if they want to do it and if the employee wants to. The City Clerk is statutory position. There is some things innumerate by Statute other than statue that established the position. Responsible for issuing licenses, and about 20 others under statute responsible for and unless something to preclude her from doing it and it is voluntary and it would be up to Christy Whelan if she wants to participate. She is in no way or fashion to be forced to participate and he has told her personally because first thing people think is she is being phased out. And it does not mean she is being phased out. Did review the City Code, Statutes, and did have some concerns initially and after did some research it is strictly up to Mayor and Council if they want to do that. In one point somebody did put in City Attorney position and if had full time would do that but that is statutory decision. Mayor Lindsey asked if Court could be included and Mr. Figueroa said no since both contracted employees

Mr. William "Bill" Holloway stated ESI wrote the law in 1998 and they have covered their bases very well. Only thing different he heard tonight is discussion was school employees lose their tenure and on 30 days they can be gone. They can be gone by School District or contractor and there is no recourse: you are gone. This program gives the employer a highly motivated employee that doesn't want to fail. The City would be saving more than the school district because they continue to pay the health insurance. It was a win-win for the School and for him too.

Mayor Lindsey would like to see this brought back to the Council for a vote and would like to see a copy of a contract or a completed contract on a hypothetical person on the way it would work out. Ms. Graham also said staff can look at different alternatives because we can write the contract how we want to and bring those to Council. Councilwoman Cronberg asked if this were not something we were looking at are we still looking at Contingency payouts on sick leave and vacation pay so that we are not taking huge hits all at once would that still be in thought process and discussion on effected employees. Ms. Graham replied staff is still looking to budget some positions that are potentially able to retire this year just so that we have a cushion and it is something we do every year as part of our audit we have to allow for that. Councilwoman Cronberg said School District seemed looked at several years in advance

ADJOURN

There being no further business before the Mayor and Council, Mayor Lindsey adjourned the meeting at 6:43 p.m.

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the work session meeting of the City Council of the City of Willcox held on the 15th day of March 2010. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 29th day of March 2010

City Clerk Cristina G. Whelan, CMC

**THE WORK SESSION MINUTES OF THE MAYOR AND CITY
COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 15TH DAY OF MARCH 2010**

PASSED, APPROVED AND ADOPTED this ____ day of _____ 2010.

MAYOR GERALD W. LINDSEY

ATTEST:

City Clerk Cristina G. Whelan, CMC

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 5TH DAY OF APRIL 2010**

CALL TO ORDER-Mayor Gerald W. Lindsey called the regular meeting to order at 7:00 p.m. on Monday, April 5, 2010.

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

PRESENT

Mayor Gerald W. Lindsey
Vice Mayor Larry N. Schultz
Councilman Elwood A. Johnson
Councilman Jimmy L. Norris
Councilwoman Monika Cronberg
Councilman Stephen Klump
Councilman Christopher Donahue

STAFF

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

PLEDGE OF ALLEGIANCE TO THE FLAG-Mayor Lindsey

CALL TO THE PUBLIC-Ms. Vikki McBee addressed the Mayor and Council regarding the Airport. She received misinformation that the Airport was on the agenda tonight. Spent 33 years as Air Traffic Controller and more important to the Airport issue is that she has degree in Airport Management. Ms. McBee did internship bigger than Willcox and part of management team at Tinker Air Force Base which is about the size of Davis-Monthan. Looked at Airport and talked to people and a few at the County and ended up with more questions. When she first looked at the Airport thought running 10,000 ops/year and it is closer to 7,000 and it does not seem to be generating any money. They do not charge landing fees, and there are no tie-down fees. It is an FAA Certified Airport which is a good thing and understands that only for 2-years have they gotten \$850,000 that Willcox was supposed to get. And she can not find anyone at County where the \$150,000 went. Apparently goes into one pot and no evidence that it went to Willcox. Thinks probably there was some grant money that went to Willcox to fix the taxi way and half of the taxi way is still un-repaired. The cross wind runway is not in operation and the way the wind blows in Willcox doesn't make for safe landing sometimes. It has a nice 6,000' runway and using it for back taxing. As an Air Field Manager that is not a good thing. Putting unnecessary wear and tear on runway that eventually is going to have to be repaired and it is not cheap. GPS approach is good which requires almost no maintenance. Drainage system that was put in years ago and apparently working well and in good condition which means the runway has never been under water and that is good. A month ago when she visited the Airport they did not have runway lights and that is not a good thing. Maybe they have been repaired but as of about 3-weeks ago they were not. Does not know how the field gets along without runway lights. Apparently there are not many night opts. Ms. McBee can not find anybody who does the maintenance on the rotating beam. When light goes out or quits rotating somebody has to fix it. Also she understands County only pays \$4,000/year for insurance and asked what they are getting for \$4,000/year, liability maybe and if that is the case that is a problem and something needs to be done about that. The thing that concerns her most as Airfield Manager is the FFA Certification of that air field. That certification can be taken away, although has been told by a of couple people that won't happen. In reality it can happen and it is not a pretty thing. FFA comes in takes certification and take their money with it. The only thing they say is 're-apply when you can comply' and what are you going to do. You have to start process all over again and you have no money coming in from FAA. Maintenance on the airfield has to be fixed and does not see where money is coming from to fix it. Ms. McBee thinks there is potential for that Airport to bring in some money and does not think that will happen until maybe 15-20 years until money is brought in and asked if the City has the money to maintain it 15-20 years. Asked does the City have the money to maintain it for until some money brought in. Has not seen the budget and maybe the City do.. If betting or counting on grant money you are betting on the cow. Just because received grant money for 15 years does not mean you will get it next year. She does not think counting on grant money to maintain that airport is going to work. At the very least she wouldn't want Willcox to take over that Airport until the County has given us a breakdown on where that money went, how much it costs to maintain that field and fix what they are supposed to fix. It is not cheap to fix a taxi way or a run way. Ms. McBee wants to see some answers to those questions before the Mayor and Council vote taking over something that the County she thinks wants to unload. She thinks County wants to unload it because it is a money pit. Thank You.

DECLARATION ON CONFLICT OF INTEREST- Councilman Norris declared Conflict of Interest on agenda items numbered 28 and 31 relating to the City Attorney who is his personal lawyer. Councilwoman Cronberg recluse from agenda items numbered 11, 12 and 13 relating to the waiver of fess for the Elementary School Science Fair and the Wine Festival items.

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND
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ADOPTION OF THE AGENDA

MOTION: Vice Mayor Schultz moved to adopt the agenda as presented.

SECONDED: Councilwoman Cronberg seconded the motion. **CARRIED.**

PUBLIC HEARINGS, PETITIONS AND COMMUNICATIONS

Proclamation: The Mayor read and proclaimed April as *Fair Housing Month*

Public Hearing: The Mayor announced the Mayor and Council will hold a public hearing on Monday, April 5, 2010 at 7:00 p.m., City Council Chambers, 300 W. Rex Allen Drive, regarding New Liquor License, RRS, LLC, Ricardo Romero-El Rancho 2 at 308 S. Haskell Avenue, Willcox, AZ.

All members of the public are invited to attend. For those persons wishing to comment and are unable to attend written comments will be accepted in the Office of the City Clerk until 4:00 p.m. the day of the public hearing.

Mayor Lindsey opened the public hearing regarding New Liquor License at 7:12 p.m. The Mayor asked if anyone would like to comment on this item. Again he asked any comments. Hearing none Mayor Lindsey closed the public hearing at 7:13 p.m.

DISCUSSION/DECISION REGARDING THE MINUTES OF THE WORK SESSION MEETING HELD ON MARCH 15, 2010 AND THE REGULAR MEETINGS HELD ON MARCH 1, AND 15, 2010

MOTION: Councilwoman Cronberg moved to adopt the minutes of the work session meeting held on March 15, 2010 and the regular meetings held on March 1, and 15, 2010.

SECONDED: Councilman Johnson seconded the motion. **DISCUSSION:** Mayor Lindsey on the work session minutes correct "regular meeting" to "work session" on the March 15. And on 03-01-2010 regular minutes Councilman Donahue declared conflict on Northern Cochise Community "Hospital not Center." **CARRIED.**

DISCUSSION/DECISION REGARDING REQUEST FOR A NEW LIQUOR LICENSE BY RRS, LLC. RICARDO ROMERO-EL RANCHERO 2, AT 308 S. HASKELL AVENUE

MOTION: Councilman Johnson moved to approve the request for a new liquor license by RRS, LLC, Ricardo Romero-El Rancho 2, at 308 S. Haskell Avenue.

SECONDED: Councilwoman Cronberg seconded the motion. **CARRIED.**

DISCUSSION/DECISION TO RATIFY THE APPROVAL FOR CARNIVAL AT KEILLER PARK HELD ON MARCH 29 THROUGH APRIL 5, 2010

MOTION: Councilman Johnson moved to ratify the approval for Carnival at Keiller Park held on March 29-April 5, 2010.

SECONDED: Council members Norris, Cronberg and Klump seconded the motion. **DISCUSSION:** City Manager McCourt explained that Section in Municipal Code states Circus or Carnival must be approved by the Mayor and Council. Staff felt because it was being held in a frequently held location thought it would be acceptable. If they had wanted it elsewhere staff would not have gone forward with it. **CARRIED.**

DISCUSSION/DECISION REGARDING WAIVER OF FEES FOR THE ELEMENTARY SCHOOL SCIENCE FAIR

MOTION: Councilman Johnson moved to approve the waiver of fees for the Elementary School Science Fair.

SECONDED: Vice Mayor Schultz seconded the motion. **VOTE: Ayes-**Mayor Lindsey, Vice Mayor Schultz, Council members Johnson, Norris, Klump and Donahue. **Nays-None. Abstained:** Councilwoman Cronberg. **CARRIED 6-0-1.**

DISCUSSION/DECISION REGARDING THE WILLCOX WINE COUNTRY COMMITTEE/ROD KEELING REQUEST TO WAIVE REQUIREMENT FOR ALL VENDORS TO HAVE INDIVIDUAL PERMITS

MOTION: Councilman Johnson moved to approve the request from the Willcox Wine Country Committee/Rod Keeling to waive requirement for all vendors to have individual permits.

SECONDED: Vice Mayor Schultz seconded the motion. **VOTE: Ayes-**Mayor Lindsey, Vice Mayor Schultz, Council members Johnson, Norris, Klump and Donahue. **Nays-None. Abstained:** Councilwoman Cronberg. **CARRIED 6-0-1.**

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DISCUSSION/DECISION REGARDING REQUEST FOR SPECIAL EVENTS WINE FESTIVAL-ROD KEELING AND WAIVER FOR GLASS AND BOTTLES IN RAILROAD PARK

MOTION: Councilman Johnson moved to approve the special events Wine Festival as requested by Mr. Keeling and waiver for glass and bottles in Railroad Park.

SECONDED: Councilman Norris seconded the motion. **VOTE:** Ayes-Mayor Lindsey, Vice Mayor Schultz, Council members Johnson, Norris, Klump and Donahue. **Nays-None. Abstained:** Councilwoman Cronberg. **CARRIED 6-0-1.**

DISCUSSION/DECISION REGARDING CAPITAL PURCHASE OF FIRE HOSE TO REPLACE OLDER OUTDATED HOSE, AND MEET NFPA STANDARDS

MOTION: Councilman Johnson moved to approve the Capital Purchase of Fire Hose to replace older outdated Hose, and meet NFPA Standards.

SECONDED: Councilman Donahue seconded the motion. **DISCUSSION:** City Manager McCourt explained as per recommendation from staff from Frontier Emergency Products and Councilman Johnson asked if budgeted item and staff replied in the affirmative. **CARRIED.**

DISCUSSION/DECISION REGARDING PARTICIPATION IN THE NEWLY ELECTED OFFICIALS TRAINING ON JUNE 4-5, 2010

MOTION: Councilman Johnson moved to approve that the newly elected officials attend the Newly Elected Officials Training on June 4-5, 2010.

SECONDED: Councilwoman Cronberg seconded the motion. **CARRIED.**

DISCUSSION/DECISION REGARDING THE DRINKING FOUNTAIN FOR RAILROAD PARK IMPROVEMENTS

City Manager McCourt explained staff needs assistance because of the broad range of fountains available. Public Services & Works Director Dave Bonner explained originally estimated \$1,000 and does not cover freeze resistant nature, or historical nature will increase cost. There are a couple of different types, steel, aluminum and concrete type similar to what we have at Keiller Park, although those are not frost resistant. EJ cost to connect asked if place already existing or additional cost. Mr. Bonner explained the site is adjacent to hose at the north end of the Park. It is at the termination of the sidewalk and to the east. Councilman Johnson asked if some fountains are handicapped accessible and Mr. Bonner replied those are available at an additional cost. Councilman Johnson asked if one with water spigot to turn on and off. Mr. Bonner said they are available at additional cost and they do need to be ADA accessible. Vice Mayor Schultz asked which one he preferred. Mr. Bonner replied the most appealing is 2002 SM green (emerald) color which is similar to the color of the light poles at Railroad Park. These are powder color. Cost with freeze protected is \$3,565 and includes ADA accessibility. Councilwoman Cronberg asked how much of the grant monies are still available. Mr. Bonner replied \$73,000 and only spent monies for the electrical materials done for the Holidays. Councilman Norris thinks staff knows more than he does. Mr. Bonner explained there is an air value to keep from freezing which the fountains at Keiller Park do not have. Councilman Johnson asked if one year warranty and Council response was in the affirmative.

MOTION: Councilman Donahue moved to approve the drinking fountain for Railroad Park Improvements to MDF in the amount of \$3,565 with description 2002 SM Historical Fountain.

SECONDED: Councilman Johnson seconded the motion. **DISCUSSION:** Councilwoman Cronberg requested that the color consideration should be "in keeping with general character of the Park." **CARRIED.**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-27 FOR THE PURPOSE OF APPROVING THE APPOINTMENT OF TREVOR J. WARD TO THE JUDICIAL POSITION OF CITY MAGISTRATE AND JUVENILE HEARING OFFICER, APPROVING THE JUDICIAL SERVICES AGREEMENT AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION, THE JUDICIAL SERVICES AGREEMENT AND DECLARING AN EMERGENCY TO EXIST

MOTION: Councilman Johnson moved to adopt Resolution NO. 2010-27, as presented, relating to the appointment of Trevor J. Ward Judicial position of City Magistrate and Juvenile Hearing Officer.

SECONDED: Councilman Donahue seconded the motion. **DISCUSSION:** Councilman Johnson asked if this is something normally approved closer to June. City Manager McCourt replied we did last year and there is no reason to wait. City Attorney Hector Figueroa said we also needed to have solid figures to have during budget process instead of having to ratify afterwards. **CARRIED.**

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DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-28 APPROVING AND ADOPTING THE MEMORANDUM OF UNDERSTANDING ("MOU") BETWEEN THE WILLCOX DEPARTMENT OF PUBLIC SAFETY ("WDPS") AND THE ARIZONA DEPARTMENT OF PUBLIC SAFETY ("ADPS") FOR THE ARIZONA INTERAGENCY RADIO SYSTEM STATE PLAN, AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.

MOTION: Councilman Johnson moved to adopt Resolution No. 2010-28, as presented relating to the MOU between the WDPS and ADPS for the Arizona Interagency Radio System State Plan.

SECONDED: Councilwoman Cronberg seconded the motion. **DISCUSSION:** Chief Weaver explained authorize state license mutual aid by ADPS license allows WDPS in case incident arise have authorization to use state agency. **CARRIED.**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-29 APPROVING AND AWARDED THE BID CONTRACT TO EMPLOYEE SOLUTIONS GROUP ("ESG") PURSUANT TO THE RFP BID FOR SPECIFIC EMPLOYEE INSURANCE BENEFITS PLAN AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.

MOTION: Councilman Johnson moved to adopt Resolution NO. 2010-29, as presented, relating to awarding the bid contract to ESG.

SECONDED: Councilwoman Cronberg seconded the motion. **CARRIED.**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-30 FOR THE PURPOSE OF APPROVING AND ADOPTING THE REVISION TO SECTION 516 [CELLULAR (CELL) PHONE USAGE] OF THE WILLCOX EMPLOYEE HANDBOOK, ESTABLISHING THE EFFECTIVE DATE AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.

(After a pause the City Attorney Figueroa reminded the Council members they should have motion and a second before discussion.)

MOTION: Mayor Lindsey moved to adopt Resolution No. 2010-30, as stated relating to Approving and Adopting the Revision to Section 516 [Cellular (Cell) Phone Usage].

SECONDED: Council members Cronberg and Donahue seconded the motion. **DISCUSSION:** City Manager McCourt explained in the staff report discusses what trying to do. It exists in Section 516 of the Employee Handbook and numbered each paragraph each section and updated to allow for new technology, and included exception public safety use of cell phone and not broadcast on radio. Also included not just talking on cell and can't do text messaging; Section 516.5 makes it reflect reality. Before policy stated turn off cell when enter work place and failure to do that result disciplinary. In reality telling them to call them on business line instead of personal cell and want to discourage that. Now saying has to get away from work station to use cell phone and around customers. Need to get permission from supervisor that you are expecting a call on the cell phone. Abuse will result discipline up to and including termination.

Councilman Johnson stated he takes it "there is a problem with cell phone abuse and time we address it." City Manager McCourt replied in the negative and explained time to update and texting he thinks is not permissible in City vehicle.  Exclusion was made for Blue Tooth and hand held and staff thought the exclusion statement was appropriate for Public Safety because it does not exist currently. Section 516.5 reflects the reality of what goes on in the world. Councilman Johnson thinks Public Safety is accurate and correct on that and asked if employee has a CDL they can not use phone, text or blue tooth while driving.

Councilman Norris stated personal cell phones should not be used at all in the work place. He stopped it at his work place because it was getting out of hand. Councilman Johnson thinks 21st Century going to get worse with text and she them doing it. He thinks the policy should be as written. Councilman Norris said if using cell phone for personal use then they are not doing their job. Mayor Lindsey thinks having a little of that with some City employees and also using City cell for personal use.

Mr. McCourt reminded Council that he has explicit provision in his contract that he could use City cell for some personal calls at set number of hours during the month.

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Councilwoman Cronberg stated she takes her personal cell phone to work and usually set at quiet mode. If a call comes in and if needs to address that call she does separate herself from work and takes care of it. She does not know that we need to write things so tightly that we make people look for other avenues. Councilwoman Cronberg is wondering at some of this do we need to act is all of the bold text here added to the current policy. The City Manager explained the bold underlined is where there is a change to the policy. Referring to Section 516.5 Councilwoman Cronberg asked how many employees that have a City phone with blue tooth and head set. The City Manager replied he does not know. The Councilwoman said if they have personal cell phone and have a blue tooth and she asked are we opening that door if you are in your vehicle and have a blue tooth not a problem. Thinks by writing some things we open other doors and not sure how finite we need to be in these policies. After review this what is going to be next on the list that we need to do. Thinks we can write ourselves into too many comers and worried about that. Councilman Johnson asked what would be cost to the City for purchase of a blue tooth for each employee that drives a City vehicle or will it be checked out and use the same one. Councilwoman Cronberg thinks we need to have something that allows people to conduct themselves as professionals and accommodating what needs to be done for the City.

Councilman Donahue concern is the problem run into is that only a portion of the City's employees are in office environment and the other are out in trucks, on the streets and away from supervision. If we can't trust them with a cell phone he is not really sure if "we should turn them loose." It is going to be an unenforceable policy because is the person at lunch they don't know. Can Human Resource department manage this he is not sure. He has been managing people for 20 years and to him 516.5 to him is unenforceable. Either it is allowed at work or not allowed because it is to vague and too grey.

Councilman Klump asked if they don't approve this tonight then it goes back to Section 516.5 there that personal phones turned off and left outside of the work place. City Manager McCourt replied that is correct and asked them to consider leaving Section 516.5 in current wording and would like to get the Public Safety exception in and make sure there is no texting. Section 516.2 we can take out blue tooth. Councilwoman Cronberg thinks that's too much. If added the exception to Public Safety and this that is already incorporated and Section 516.2 additional information we are opening it up to those exceptions beyond public safety. The Councilwoman would rather people in city vehicles taking care of city business. Thinks it is implied in there and does not want us to write things in such finite way that all we are doing is looking for what people are doing and where messing up and not really practical. If that means not approving as is or state a new motion or rewrite it and bring it back.

MOTION: Mayor Lindsey moved to table this item for further review.

SECONDED: Councilwoman Cronberg seconded the motion. **VOTE:** Ayes-Mayor Lindsey, Vice Mayor Schultz, Council members Johnson, Norris, Cronberg and Donahue. **Nays-**Councilman Klump. **CARRIED 6-1.**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-31 APPROVING AND ADOPTING THE ELSIE S. HOGAN COMMUNITY LIBRARY ["LIBRARY"] REVISED INTERNET/ WIRELESS/ COMPUTER USE POLICY AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.

MOTION: Councilman Johnson moved to adopt Resolution NO. 2010-31, as presented, relating to Approving and Adopting the Library Revised Internet/Wireless/Computer Use Policy.

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

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-32 APPROVING AND ADOPTING THE ELSIE S. HOGAN COMMUNITY LIBRARY ["LIBRARY"] MEETING ROOM POLICY AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.

MOTION: Councilman Johnson moved to adopt Resolution No. 2010-32, as presented relating to the Library Meeting Room Policy.

SECONDED: Councilman Donahue seconded the motion. **DISCUSSION:** Councilman Johnson stated he did not see what the holding capacity for the room was including chairs and persons. Library Director Tom Miner replied approximately 50 and Councilman Johnson asked about keys if they coincide with the rest of the building door keys and Mr. Miner replied in the affirmative. Councilwoman Cronberg stated the policy was very thorough and commends him, his staff and Advisory Board on good work. **CARRIED.**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-33 AUTHORIZING AND APPROVING THE AWARD OF CONTRACT TO HINTON BURDICK HALL & SPILKER, PPLC ["HINTON BURDICK"] FOR AUDIT SERVICES FOR FY2009-

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2010 ANNUAL AUDITED FINANCIAL STATEMENTS AND SINGLE AUDIT [IF REQUIRED] AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST

MOTION: Councilman Johnson moved to adopt Resolution No. 2010-33, as presented relating to award contract to Hinton Burdick for Audit Services for FY2009-2010.

SECONDED: Councilwoman Cronberg seconded the motion. **CARRIED.**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-34 APPROVING AND ADOPTING THE AMENDED COURT CONSOLIDATION AGREEMENT BETWEEN THE CITY OF WILLCOX ["CITY"] AND COCHISE COUNTY ["COUNTY"] FOR FY 2010- 2011, AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND THE AGREEMENT AND DECLARING AN EMERGENCY TO EXIST.

MOTION: Councilman Johnson moved to adopt Resolution No. 2010-34, as presented relating to the Amended Court Consolidated Agreement.

SECONDED: Councilwoman Cronberg seconded the motion. **CARRIED.**

DISCUSSION/DIRECTION ON APPLICATION TO WIFA FOR FUNDING FINAL ENGINEERING AND DESIGN FOR WWTP

City Manager McCourt reported this item is from discussion on the Waste Water Treatment Plant (WWTP) and improvements that are necessary. Staff has been working with Water Infrastructure Finance Authority (WIFA) to see about funding the necessary improvements. One Preliminary Engineering study was done and now doing second study and analyzing alternative solutions. It has been suggested funding in cycles and that City if it wants to see about securing detailed Engineer Design done we can apply in this current funding cycle. What is being proposed is interest only loan and at current rate under 1%. What would occur when it comes to actually funding the improvement and the cost of engineering would be built into project and come out of this particular loan? Mr. McCourt asked if the Mayor and Council want staff to pursue seeking funding. Staff does not know engineering or design costs at this time. The application gets the paperwork moving and we can move forward when those decisions are made. It is a loan.

Councilman Johnson asked if this would affect our bond rating. Mr. McCourt replied it will affect our rating and ultimately will be secured by rates in sewer. Councilman Johnson asked if USDA would loan us money or grant. Mr. McCourt explained we do not have construction funding lined up and it looks like USDA if secured could be a combination of loan and grant. Councilman Johnson also asked if USDA funding in jeopardy over the next couple of years with Federal monies and City Manager replied they have indicated it is not.

Councilman Norris asked if staff is looking at other options besides a lagoon type system. City Manager McCourt replied at this time study being done by Tetra Tech and we will be reviewing 5-alternatives. And staff is reviewing those 5-alternatives. They all have pros and cons and all have different outputs too while the effluent coming out. Once we have that information it will be brought back to Mayor and Council to review and for decision.

Councilman Johnson stated he thinks this is a necessity and need to move forward with it. The WWTP is in dire need. Directed staff to bring back resolution to the Council and maybe some questions can be answered next time. Councilman Norris asked if this funding could be used for any one of the 5-alternatives. City Manager McCourt replied it has not been decided and this funding can be used after decision made on the alternative the City wants to pursue. Councilwoman Cronberg asked what is identified as the source of the repayment fund. City Manager replied sewer fees.

Mayor Lindsey asked where are we at with the current grant used to start the Engineering. Public Services & Works Director Dave Bonner replied that Tetra Tech expected to have report at next meeting. Also help in answering questions. Exercise done last week on non-monetary type of issue related to each one of those alternatives i.e. best water quality of these 5-options is the oxidation ditch. Staff looked at Benson's Plant which is 7-years old and able to produce quality water, permits for B and able to produce quality water and B was adequate to be used on golf course. Councilman Johnson asked Mr. Bonner if he followed up with information from Councilman Norris. Mr. Bonner replied that is part of the package plan for consideration. Councilman Johnson said it was priced higher. Mr. Bonner said total cost \$12,488,000 and the capital cost \$1,747,000.00. Councilman Norris said that is different from what he was told. Mayor Lindsey said he thinks we need to move forward and wished better if grant than

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having to borrow. City Manager Mc Court stated resolution to move forward will be brought on the Council and the application for this loan at the next meeting April 19th.

REPORTS BY THE CITY MANAGER PAT McCOURT

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

- **Request approval travel to Chattanooga, TN**-Pat McCourt, City Manager, request approval to travel to Chattanooga, TN and will be gone from the City beginning April 28-May 2, 2010.
- **Report on Generator**-Pat McCourt, City Manager, after further review this generator purchase has been cancelled. Staff detected error on bid and cancelled and started over again.
- **Set date and time for Joint Work Session**-Pat McCourt, City Manager, set date and time for a Joint Work Session with Planning & Zoning Commission regarding revisions to Title 17 and the Infill Incentive Program. Suggested Thursday evenings on every other week because working on budgets. Wednesday is church night and we could go to off Mondays but we already have work session meetings on those. Councilwoman Cronberg stated she would rather meetings held on Mondays at regular meeting times. Councilman Johnson asked if we could wait until after April 15th. City Manager McCourt stated if acceptable then staff will coordinate for Monday meetings and start the schedule for budget meetings. Mayor Lindsey wants meeting on the 26th and Mr. McCourt stated more extensive budget meetings or a couple hours. City Attorney Figueroa stated meetings here twice a month and his meetings on opposite Mondays he has to be in South Tucson. Mayor Lindsey asked the Council members for direction. Councilman Klump stated Mondays are fine for him and if have part of budget meeting before regular meeting. Suggested if work session could be held at 6:00 p.m. and staff will contact P&Z and start those after the 15th.
- **Report LTAF**-Pat McCourt, report on LTAF Funds for Streets (unless discussed in Budget Work Session earlier)
- **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.
- **Report on City Hall Sign Improvements**-Pat McCourt, City Manager report on City Hall sign improvements.
- **Report on the Public Safety Complex Sign Bids**-Pat McCourt, City Manager report the results of the Public Safety Complex Sign Bids. The old sign has been removed on Maley.
- **Report on Fremont Street Improvements**-Pat McCourt, City Manager report on the Fremont Street Improvements. It was terrible and fixed drainage, gutters, patch and put down cold mix and we are not done yet. Need to do chip seal.

COMMENTS NOT FOR DISCUSSION FROM MAYOR AND COUNCIL MEMBERS.

Councilman Johnson has located a new business in town and had individual ask him to bring a billboard sign and it is in the back of the room.

Mayor Lindsey stated he is happy to have Kempton Motors operating in our community.

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

MOTION: Councilman Johnson moved to enter into an Executive Session pursuant to ARS 38-431.03A(1), as stated, relating to City Attorney Contract.

SECONDED: Councilman Donahue seconded the motion. **VOTE: Ayes-**Mayor Lindsey, Vice Mayor Schultz, Council members Johnson, Cronberg, Klump and Donahue. **Nays-0-; DECLARED CONFLICT:** Councilman Norris **CARRIED 6-0-1.**

RECESS TO EXECUTIVE SESSION IF APPROVED-TIME: 8:11 p.m. (Councilman Norris left at this time.)

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 5TH DAY OF APRIL 2010**

RECONVENE FROM EXECUTIVE SESSION- TIME: 8:50 p.m.

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-35 FOR THE PURPOSE OF APPROVING AND ADOPTING THE LEGAL SERVICES CONTRACT WITH HECTOR M. FIGUEROA, DBA HECTOR M. FIGUEROA & ASSOCIATES ("CONTRACTOR") TO PROVIDE CITY ATTORNEY LEGAL SERVICES AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.

MOTION: Councilman Klump moved to adopt Resolution No. 2010-35, as amended, relating to the City Attorney Contract.

SECONDED: Councilman Johnson seconded the motion. **DISCUSSION:** City Attorney Figueroa will amend resolution and agreement. **VOTE: Ayes** –Mayor Lindsey, Vice Mayor Schultz, Council members Johnson, Cronberg, Klump and Donahue.

Nays: -0- . DECLARED CONFLICT AND ABSENT: Councilman Norris. **CARRIED 6-1**

ADJOURN

There being no further business before the Mayor and Council, Mayor Lindsey adjourned the meeting at 8:52 p.m.

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of the City of Willcox held on the 5th day of April 2010. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 19th day of May 2010

City Clerk Cristina G. Whelan, CMC

PASSED, APPROVED AND ADOPTED this ____ day of _____ 2010.

MAYOR

ATTEST:

City Clerk Cristina G. Whelan, CMC

**CITY OF WILLCOX
REQUEST FOR COUNCIL ACTION**

Agenda Item 11B
Tab Number 5
Date: 7/6/10

| <u>Date Submitted:</u> | <u>Action:</u> | <u>Subject:</u> |
|------------------------|---|---|
| June 29, 2010 | <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Formal | UPDATE AUTHORIZED SIGNATORIES FOR CITY OF WILLCOX FINANCIAL ACCOUNTS |

TO: MAYOR AND COUNCIL
FROM: Finance Director Ruth Graham

DISCUSSION:

By Resolution No. 2009-08 dated January 20, 2009, the Mayor and Council designated the authorized signatories for the City financial accounts and corporate records as the Mayor Gerald W. Lindsey, Vice-Mayor Larry Schultz, City Manager Patrick McCourt, Finance Director Ruth Graham, and City Clerk Cristina Whelan.

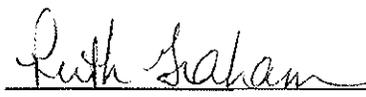
On June 7, 2010, the Mayor and Council elected Councilwoman Monika Cronberg as Vice-Mayor. It will be necessary to update the signature cards for the City's financial accounts to reflect the change.

RECOMMENDATION:

To approve the following signatories on the City of Willcox financial accounts: Mayor Gerald W. Lindsey, Vice-Mayor Monika Cronberg, City Manager Patrick McCourt, Finance Director Ruth Graham, and City Clerk Cristina Whelan.

FINANCIAL IMPACT: None.

Submitted by:



Ruth Graham, Finance Director

Approved by:



Pat McCourt, City Manager

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RESOLUTION NO. 2010-65

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, STATE OF ARIZONA, DESIGNATING AUTHORIZED SIGNATORIES FOR THE CITY OF WILLCOX FINANCIAL ACCOUNTS, PROPERTIES, AFFAIRS, BOOKS AND CORPORATE RECORDS OF THE CITY AND DECLARING AN EMERGENCY TO EXIST

WHEREAS, pursuant to A.R.S. § 9-240, the Mayor and Council shall have the control and power over the affairs, finances and property of the corporation and to appropriate money to provide for the payment of its debts and expenses; and

WHEREAS, only authorized signatories shall affix her/his/their signature on City checks drawn for debts or expenses and/or on City documents, contracts, resolutions and ordinances for the City of Willcox financial accounts, properties, affairs, books and corporate records to carry-out the duties and financial responsibilities of the City; and

WHEREAS, the Mayor and Council have the authority to designate signatories to affix their signature as may be required and desire to designate the Mayor, Vice-Mayor, City Manager, Finance Director and City Clerk, respectively, all of which are familiar with the financial accounts, properties, affairs, books and corporate records of the City; and

WHEREAS, the Mayor and Council have determined that it is in the best interest of the citizens of the City to formally designate duly qualified signatories whose signatures shall constitute authorized genuine official signatures of said City officers.

WHEREAS, it is necessary for the preservation of the peace, health, and safety of the City of Willcox, that an emergency be declared to exist to assure timely action required of authorized signatories and that this Resolution be effective immediately upon its passage and adoption.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Willcox, Cochise County, Arizona, that the City formally designates and authorizes the following signatories to affix their signatures on any and all bank signature cards, checks, bank records and other documents as may be required and provided for in this Resolution:

Mayor, Gerald W. Lindsey
Vice-Mayor, Monika Cronberg
City Manager, Patrick McCourt
Finance Director, Ruth E. Graham
City Clerk, Cristina G. Whelan

BE IT FURTHER RESOLVED by the Mayor and Council of the City of Willcox that, due to an existing emergency declared herein, the immediate effectiveness of this Resolution is necessary to preserve the peace, health, and safety of the City of Willcox, and this Resolution shall therefore be effective upon its passage and adoption.

PASSED AND ADOPTED by the Mayor and Council of the City of Willcox, Cochise County, Arizona, this _____ day of July, 2010.

APPROVED/EXECUTED

MAYOR, GERALD W. LINDSEY

ATTEST:

APPROVED AS TO FORM:

City Clerk, Cristina G. Whelan, CMC

City Attorney, Hector M. Figueroa

RESOLUTION NO. 2010-65

**CITY OF WILLCOX
Request for Council Action**

Agenda Item: 110
Tab Number: 6
Date: 7/6/2010

Date Submitted:
06/23/10
Date Requested:
07/07/10

Action:
 Resolution
 Ordinance
 Formal
 Other

Subject:
Resolution to accept
and receive funds
from the U.S. Dept.
of Housing for Senior
Center Project

To: Honorable Mayor and City Council
From: Ruth Graham, Director of Finance

Discussion:

In 2008 the City of Willcox applied for funds for a senior center through the 2009 Federal Appropriations Grant; the City's application was sponsored by Congresswoman Gabrielle Giffords. Upon approval of that application, a formal application was submitted to the Arizona Department of Housing in December of 2009. Notice was recently received from the U.S. Department of Housing and Urban Development (HUD) that the funds are approved and ready to be initiated. The City has partnered with The Northern Cochise Community Hospital (NCCH) to construct a building for use as a Senior Citizen Center. NCCH has broken ground on the project and it is in the construction phase. The acceptance of funds will allow us to move forward with our portion of the construction.

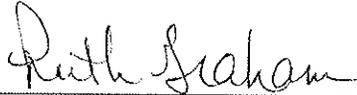
Recommendation:

Motion to accept allocated grant funds from the U.S. Department of Housing to proceed with the City's contribution toward the construction of a senior center by the Northern Cochise Community Hospital (NCCH).

Fiscal Impact:

Receipt of \$95,000, with a required City match of \$23,750 budgeted for FY11 in Community Programs, Grant Matching Funds, GL Account No. 10-403-9700.

Prepared by:


Ruth Graham, Finance Director

Approved by:


Patrick McCourt, City Manager

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RESOLUTION NO: 2010-72

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA ("CITY"), APPROVING AND ADOPTING THE SPECIAL PROJECT GRANT FROM THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS ACT, 2009 (PL 111-8) AND THE LOCAL MATCH FOR THE NCCH SENIOR CITIZEN CENTER PROJECT AND DECLARING AN EMERGENCY TO EXIST.

WHEREAS, the CITY is empowered pursuant to A.R.S. § 9-240 (A) and (B) to control the finances and property of the corporation; and

WHEREAS, the CITY is vested with all powers of incorporated towns as set forth in title 9 or other provisions of law relating to cities and towns pursuant to A.R.S. § 9-499.01, et seq.; and

WHEREAS, the CITY is empowered pursuant to A.R.S. §§ 9-240, 11-591 and 11-952 *et seq.*, to apply for grant funding and to enter into Intergovernmental Agreements with other governmental units and agencies; and

WHEREAS, the Office of Congresswoman Gabrielle Giffords requested FY 2010-2011 federal appropriations funding requests for projects in Southern Arizona that were made available pursuant to requests by local public agencies; and

WHEREAS, in December of 2009, the CITY submitted a request for funding in the amount of \$95,000 with a local match requirement to be used for the CITY's contribution for the construction of the NCCH Senior Citizen Center; and

WHEREAS, the Mayor and Council of the City of Willcox have determined that it is in the best interest of the City and its senior citizens to approve and adopt the Special Project Grant and to authorize the required CITY match of \$23,750; and

WHEREAS, the Mayor and Council desire to have this item presented at the July 6, 2010 Council Meeting; and

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

BE IT RESOLVED by the Mayor and Council of the City of Willcox, Cochise County, Arizona, that the City hereby formally approves, adopts and authorizes the Special Project Grant and local match as presented; and

BE IT FURTHER RESOLVED by the Mayor and Council that, due to an existing emergency declared herein, the immediate effectiveness of this Resolution is necessary to preserve the peace, health, and safety of the City of Willcox, Cochise County, Arizona, and this Resolution shall therefore be effective upon its passage and adoption.

PASSED AND ADOPTED by the Mayor and Council of the City of Willcox, Cochise County, Arizona this _____ day of July 2010.

APPROVED/EXECUTED:

MAYOR, GERALD W. LINDSEY

ATTEST:

APPROVED AS TO FORM:

City Clerk, Cristina G. Whelan, CMC

City Attorney, Hector M. Figueroa

RESOLUTION NO: 2010-72



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, D.C. 20410-1000

OFFICE OF COMMUNITY PLANNING
AND DEVELOPMENT

JUN - 9 2010

Mr. Patrick McCourt
City Manager
City of Willcox
101 South Railroad Avenue, Suite B
Willcox, AZ 85643

Dear Mr. McCourt:

The Department is pleased to announce approval of the following Special Project grant, as funded by the Congress in the Department of Housing and Urban Development Appropriations Act, 2009 (PL 111-8) and as described in the Committee Print of the Committee on Appropriations U.S. House of Representatives, March 2009.

Project No.: B-09-SP-AZ-0194
Project Funding: \$95,000
Recipient: City of Willcox

This letter transmits the following documents and guidance needed to activate your FY 2009 special project grant.

1. Grant Agreement. Enclosed are four copies. Please read the agreement carefully, noting any attachments which have modifications or special conditions on this grant. Please sign and date three copies with original signatures and return them as noted below. The fourth copy is for your records pending receipt of a countersigned copy.
2. Assistance Award - Form 1044. Four copies are enclosed. Please sign and date three copies with original signatures and return them as noted below. The fourth copy is for your records pending receipt of a countersigned copy.
3. Grant Award Instructions and Forms for Drawing Down Funds. HUD uses the Line of Credit Control System (LOCCS) for financial management of grant funds. This document contains important information and forms for accessing LOCCS, as well as other information concerning reporting requirements. Under this system, you identify the bank account into which you want HUD to deposit funds electronically. Then you request scheduled payments, using a voice response system.

You will be able to draw down funds once: 1) HUD executes the above documents and processes the related forms; 2) HUD issues a LOCCS User ID number and a LOCCS Voice Response System number for the LOCCS account; and 3) HUD has accepted the required certifications and environmental review, if required.

Please complete each of the following forms and return them as directed below:

- a) the three signed originals of the Grant Agreement;
- b) the three signed originals of the Assistance Award (HUD Form 1044);
- c) the Direct Deposit Form (SF 1199) completed by you and your financial institution;
- d) evidence of the ABA number for your depository account, such as a VOIDED blank check, a deposit slip or similar documentation; and
- e) the notarized LOCCS Access Authorization Form (HUD form 27054).

Items a) through d) should be sent to the Grant Officer for this Grant, Joanne Omega , Room 7146, U.S. Dept. of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410. Item d), the LOCCS Access Authorization Form, should be sent directly to the address in bold at the top of the form. If you or your staff has any questions about these documents and procedures, please contact Joanne Omega at 202-402-4661, fax (202)-708-7543, or Joanne.Omega@hud.gov.

The Department looks forward to working with you toward a successful completion of this project.

Sincerely,



Robert Duncan
Associate Deputy Assistant Secretary
for Economic Development

Enclosures

Assistance Award/Amendment

**U.S. Department of Housing
and Urban Development**
Office of Administration

| | | | | | | | | | | | | | | | | | | | |
|--|--|--|--------------------------------------|-------------|------------------|-------------|------------------|--|-------------------------|-------------|---------------------------|---|--|-----------------------------|--|---------------------------|-------------|------------------|-------------|
| 1. Assistance Instrument <input type="checkbox"/> Cooperative Agreement <input checked="" type="checkbox"/> Grant | | 2. Type of Action <input checked="" type="checkbox"/> Award <input type="checkbox"/> Amendment | | | | | | | | | | | | | | | | | |
| 3. Instrument Number B-09-SP-AZ-0194 | 4. Amendment Number | 5. Effective Date of this Action | 6. Control Number | | | | | | | | | | | | | | | | |
| 7. Name and Address of Recipient City of Willcox 101 South Railroad Avenue, Suite B Willcox, AZ 85643 EIN: 86-6000270 | | 8. HUD Administering Office CPD, EDI Special Project Division 451 7th Street, SW, Rm 7146 Washington, DC 20410-7000 | | | | | | | | | | | | | | | | | |
| 10. Recipient Project Manager Patrick McCourt | | 8a. Name of Administrator Joanne Omega | 8b. Telephone Number 202-402-4661 | | | | | | | | | | | | | | | | |
| 11. Assistance Arrangement <input type="checkbox"/> Cost Reimbursement <input type="checkbox"/> Cost Sharing <input checked="" type="checkbox"/> Fixed Price | 12. Payment Method <input type="checkbox"/> Treasury Check Reimbursement <input type="checkbox"/> Advance Check <input checked="" type="checkbox"/> Automated Clearinghouse | 13. HUD Payment Office Chief Financial Officer | | | | | | | | | | | | | | | | | |
| 14. Assistance Amount | 15. HUD Accounting and Appropriation Data | | 15b. Reservation Number EID 09 | | | | | | | | | | | | | | | | |
| <table border="1"> <tr><td>Previous HUD Amount</td><td></td></tr> <tr><td>HUD Amount this Action</td><td>\$95,000.00</td></tr> <tr><td>Total HUD Amount</td><td>\$95,000.00</td></tr> <tr><td>Recipient Amount</td><td></td></tr> <tr><td>Total Instrument Amount</td><td>\$95,000.00</td></tr> </table> | Previous HUD Amount | | HUD Amount this Action | \$95,000.00 | Total HUD Amount | \$95,000.00 | Recipient Amount | | Total Instrument Amount | \$95,000.00 | 15a. Appropriation Number | <table border="1"> <tr><td>Amount Previously Obligated</td><td></td></tr> <tr><td>Obligation by this Action</td><td>\$95,000.00</td></tr> <tr><td>Total Obligation</td><td>\$95,000.00</td></tr> </table> | | Amount Previously Obligated | | Obligation by this Action | \$95,000.00 | Total Obligation | \$95,000.00 |
| Previous HUD Amount | | | | | | | | | | | | | | | | | | | |
| HUD Amount this Action | \$95,000.00 | | | | | | | | | | | | | | | | | | |
| Total HUD Amount | \$95,000.00 | | | | | | | | | | | | | | | | | | |
| Recipient Amount | | | | | | | | | | | | | | | | | | | |
| Total Instrument Amount | \$95,000.00 | | | | | | | | | | | | | | | | | | |
| Amount Previously Obligated | | | | | | | | | | | | | | | | | | | |
| Obligation by this Action | \$95,000.00 | | | | | | | | | | | | | | | | | | |
| Total Obligation | \$95,000.00 | | | | | | | | | | | | | | | | | | |

16. Description
City of Willcox, AZ for construction of a senior citizen center

This Award consists of the following items which are appended to and hereby made part of this Award:

(A) Cover Page - HUD 1044
(B) Grant Agreement

Special Conditions:

Please contact Ernest Molins - HUD Area Environmental Officer at 415-489-6731, Ernest.Molins@hud.gov concerning environmental review. NO FUNDS may be committed to the project or drawn down prior to environmental release of funds approval.

| | |
|---|---|
| 17. <input checked="" type="checkbox"/> Recipient is required to sign and return three (3) copies of this document to the HUD Administering Office. | 18. <input type="checkbox"/> Recipient is not required to sign this document. |
| 19. Recipient (By Name): Mr. Patrick McCourt Signature & Title: City Manager Date: | 20. HUD (By Name): Robert Duncan Signature and Title: ADAS for Economic Development Date: |

Previous Editions are Obsolete

HUD NOTIFICATION
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410

FIELD OFFICE: Headquarters

ACTION: Announce FY 2009 Special Project Grant B-09-SP-AZ-0194.

DESCRIPTION: A funding approval letter has been approved for an EDI Special Project Grant to City of Willcox, AZ as identified in the 111-8 (the Department of Housing and Urban Development Appropriations Act, 2009) and a listing of specific Economic Development Initiative Special Projects in the Committee Print of the Committee on Appropriations U.S. House of Representatives, March 2009.

| RECIPIENT | CONGRESSIONAL DISTRICT | AMOUNT |
|------------------|-----------------------------------|---------------|
| City of Willcox | 8 | \$95,000 |

PROJECT HIGHLIGHTS:

This FY 2009 Special Project grant will be used City of Willcox, AZ for construction of a senior citizen center.

RECIPIENT CONTACT: Patrick McCourt 520-766-4201

HUD - HQ CONTACT: Joanne Omega 202-402-4661

| CONGRESSIONAL DELEGATION | PARTY |
|----------------------------------|--------------|
| Senator Jon Kyl | R |
| Senator John McCain | R |
| Congresswoman Gabrielle Giffords | R |

FY 2009 EDI-SPECIAL PROJECT NO. B-09-SP-AZ-0194

GRANT AGREEMENT

This Grant Agreement between the Department of Housing and Urban Development (HUD) and City of Willcox (the Grantee) is made pursuant to the authority of Public Law 111-8 (Department of Housing and Urban Development Appropriations Act, 2009) and a listing of certain specific Economic Development Initiative Special Projects specified in the Committee Print of the Committee on Appropriations U.S. House of Representatives, March 2009. The Grantee's application, as may be amended by the provisions of this Grant Agreement, is hereby incorporated into this Agreement.

In reliance upon and in consideration of the mutual representations and obligations hereunder, HUD and the Grantee agree as follows:

Subject to the provisions of the Grant Agreement, HUD will make grant funds in the amount of \$95,000 available to the Grantee.

The Grantee agrees to abide by the following:

ARTICLE I. HUD Requirements.

The Grantee agrees to comply with the following requirements for which HUD has enforcement responsibility.

A. The grant funds will only be used for activities described in the application, which is incorporated by reference and made part of this Agreement as may be modified by Article VII (A) of this Grant Agreement.

B. EQUAL OPPORTUNITY REQUIREMENTS

The grant funds must be made available in accordance with the following:

1. For projects involving housing, the requirements of the Fair Housing Act (42 U.S.C. 3601-20) and implementing regulations at 24 CFR Part 100; Executive Order 11063 (Equal Opportunity in Housing) and implementing regulations at 24 CFR Part 107.
2. The requirements of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) (Nondiscrimination in Federally Assisted Programs) and implementing regulations issued at 24 CFR Part 1.
3. The prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101-07) and implementing regulations at 24 CFR Part 146, and the prohibitions against discrimination against handicapped individuals under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 CFR Part 8.

4. The requirements of 24 CFR 5.105(a) regarding equal opportunity as well as the requirements of Executive Order 11246 (Equal Employment Opportunity) and the implementing regulations issued at 41 CFR Chapter 60.
5. For those grants funding construction covered by 24 CFR 135, the requirements of section 3 of the Housing and Urban Development Act of 1968, (12 U.S.C. 1701u) which requires that economic opportunities generated by certain HUD financial assistance shall, to the greatest extent feasible, be given to low- and very low-income persons and to businesses that provide economic opportunities for these persons.
6. The requirements of Executive Orders 11625 and 12432 (concerning Minority Business Enterprise), and 12138 concerning Women's Business Enterprise). Consistent with HUD's responsibilities under these Orders, the Grantee must make efforts to encourage the use of minority and women's business enterprises in connection with grant funded activities. See 24 CFR Part 85.36(e), which describes actions to be taken by the Grantee to assure that minority business enterprises and women business enterprises are used when possible in the procurement of property and services.
7. Where applicable, Grantee shall maintain records of its efforts to comply with the requirements cited in Paragraphs 5 and 6 above.

C. ENVIRONMENTAL REVIEW REQUIREMENTS.

1. If the Grantee is a unit of general local government, a State, an Indian Tribe, or an Alaskan Native Village, the Grantee agrees to assume all of the responsibilities for environmental review and decision- making and actions, as specified and required in regulations issued by the Secretary pursuant to the Multifamily Housing Property Disposition Reform Act of 1994 and published in 24 CFR Part 58.
2. If the Grantee is a housing authority, redevelopment agency, academic institution, hospital, or other non-profit organization, the Grantee shall request the unit of general local government, Indian Tribe, or Alaskan Native Village, within which the project is located and which exercises land use responsibility, to assume all of the responsibilities for environmental review and decision-making as specified in paragraph C.1 above, and the Grantee shall carry out all of the responsibilities of a recipient under 24 CFR Part 58.

- D. Administrative requirements of OMB Circular A-133 "Audits of States, Local governments and Non-Profit Organizations."
- E. For State and Local Governments, the Administrative requirements of 24 CFR Part 85, including the procurement requirements of 24 CFR Part 85.36, and the requirements of OMB Circular A-87 regarding Cost Principles for State and Local Governments. For Non-Profits, the Administrative requirements of 24 CFR Part 84, including the procurement requirements of 24 CFR Part 84.40, and OMB Circular A-122 regarding Cost Principles for Non-Profit Institutions. For Institutions of Higher Education the applicable OMB Circular regarding Cost Principles is A-21.
- F. The regulations at 24 CFR Part 87, related to lobbying, including the requirement that the Grantee obtain certifications and disclosures from all covered persons.
- G. The regulations at 24 CFR Part 21, regarding requirements for Drug- Free Workplace.
- H. The Uniform Relocation Act as implemented by regulations at 49 CFR Part 24.
- I. The Grantee will comply with all accessibility requirements under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 CFR Part 8, where applicable.
- J. The regulations at 24 CFR Part 35, where applicable, regarding Lead-Based Paint Poisoning Prevention in Certain Residential Structures.
- K. The regulations at 24 CFR Part 5.109, where applicable, regarding Equal Participation of Religious Organizations in HUD Programs and Activities.

ARTICLE II. Conditions Precedent to Draw Down.

The Grantee may not draw down grant funds until the following actions have taken place:

- A. The Grantee has received and approved any certifications and disclosures required by 24 CFR 87.100 concerning lobbying.
- B. Any other conditions listed in Article VII (C) of this Grant Agreement.

ARTICLE III. Draw Downs.

- A. A request by the Grantee to draw down grant funds under the Voice Response Access system or any other payment system constitutes a representation by the Grantee that it and all participating parties are complying with the terms of this Grant Agreement.

- B. The Grantee will be paid on an advance basis provided that the Grantee minimizes the time elapsing between transfer of the grant funds and disbursement for project purposes and otherwise follows the requirements of 24 CFR Part 85 or Part 84 and Treasury Circular 1075 (31 CFR Part 205).
- C. Before the Grant Agreement is signed, the Grantee may incur cost for activities which are exempt from environmental review under 24 CFR Part 58 and may charge the costs to the grant.

ARTICLE IV. Progress Reports.

- A. The Grantee shall submit to the Grant Officer a progress report every six months after the effective date of the Grant Agreement. Progress reports shall consist of (1) a narrative of work accomplished during the reporting period and (2) a completed Financial Status Report - Form 269 A.

HUD may require additional information or increased frequency of reporting as described in Article VII (C).

- B. The performance reports must contain the information required under 24 CFR Part 85.40(b) (2) or 24 CFR Part 84.51(a), as applicable including a comparison of actual accomplishment to the objectives indicated in the approved application, the reasons for slippage if established objectives were not met, and additional pertinent information including explanation of significant cost overruns.
- C. No grant drawdowns will be approved for projects with overdue progress reports.

ARTICLE V. Project Close-out.

- A. The grantee shall submit to the Grant Officer a written request to close-out the grant 30 days after the grantee has drawn down all funds and completed the activities described in the application, as may be amended. The final report shall consist of (1) a narrative of all work accomplished during the project period and (2) a completed Financial Status Report - Form 269 A covering the entire project period.

HUD will then send the Close-out Agreement and Close-out Certification to the Grantee. At HUD's option, the Grantee may delay initiation of project close-out until the resolution of any HUD monitoring findings. If HUD exercises this option the Grantee must promptly resolve the findings.

- B. The Grantee recognizes that the close-out process may entail a review by HUD to determine compliance with the Grant Agreement by the Grantee and all participating parties. The Grantee agrees to cooperate with any review in any way possible, including making available records requested by HUD and the project for on-site HUD inspection.

- C. The Grantee shall provide to HUD the following documentation:
1. A Certification of Project Completion.
 2. A Grant Close-out Agreement.
 3. A final financial report giving the amount and types of project costs charged to the grant (that meet the allowability and allocability requirements of OMB Circular A-122, A-87 or A-21 as applicable, including the "necessary and reasonable" standard); a certification of the costs; and the amounts and sources of other project funds.
 4. A final performance report providing a comparison of actual accomplishments with each of the project commitments and objectives in the approved application, the reasons for slippage if established objectives were not met and additional pertinent information including explanation of significant cost overruns.
- D. The Grantee agrees that the grant funds are allowable only to the extent that the project costs, meeting the standard of OMB Circular A-122, A-87 or A-21 as applicable, equal the grant amount plus other sources of project funds provided.
- E. When HUD has determined that the grant funds are allowable, the activities were completed as described by the Grant Agreement, and all Federal requirements were satisfied, HUD and the Grantee will sign the Close-out Agreement and Close-out Certificate.
- F. The Close-out Agreement will include the Grantee's Agreement to abide by any continuing federal requirements.

ARTICLE VI. Default.

A default under this Grant Agreement shall consist of using grant funds for a purpose other than as authorized by this Agreement, any noncompliance with legislative, regulatory, or other requirements applicable to the Agreement, any other material breach of this Agreement, or any material misrepresentation in the application submissions.

ARTICLE VII. Additional Provisions.

- A. Project Description. The project is as described in the application with the following changes:
- B. Changes or Clarification to the Application Related to Participating Parties:
The Administrative Agent if any:
- C. Special Conditions:
The 2009 HUD Appropriations Act provides that no funds made available under the Act may be used to support any Federal, State or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use. For purposes of this provision, public use shall not be construed to include economic development that primarily benefits private entities.

U.S. Department of Housing
and Urban Development

City of Willcox
Mr. Patrick McCourt

.....
Authorized Signature

.....
Authorized Signature

Robert Duncan
.....
Associate Deputy Assistant Secretary
for Economic Development

.....
Title

.....
Date

.....
Date

FY 2009 EDI-SPECIAL PROJECT NO. B-09-SP-AZ-0194

GRANT AGREEMENT

This Grant Agreement between the Department of Housing and Urban Development (HUD) and City of Willcox (the Grantee) is made pursuant to the authority of Public Law 111-8 (Department of Housing and Urban Development Appropriations Act, 2009) and a listing of certain specific Economic Development Initiative Special Projects specified in the Committee Print of the Committee on Appropriations U.S. House of Representatives, March 2009. The Grantee's application, as may be amended by the provisions of this Grant Agreement, is hereby incorporated into this Agreement.

In reliance upon and in consideration of the mutual representations and obligations hereunder, HUD and the Grantee agree as follows:

Subject to the provisions of the Grant Agreement, HUD will make grant funds in the amount of \$95,000 available to the Grantee.

The Grantee agrees to abide by the following:

ARTICLE I. HUD Requirements.

The Grantee agrees to comply with the following requirements for which HUD has enforcement responsibility.

A. The grant funds will only be used for activities described in the application, which is incorporated by reference and made part of this Agreement as may be modified by Article VII (A) of this Grant Agreement.

B. EQUAL OPPORTUNITY REQUIREMENTS

The grant funds must be made available in accordance with the following:

1. For projects involving housing, the requirements of the Fair Housing Act (42 U.S.C. 3601-20) and implementing regulations at 24 CFR Part 100; Executive Order 11063 (Equal Opportunity in Housing) and implementing regulations at 24 CFR Part 107.
2. The requirements of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) (Nondiscrimination in Federally Assisted Programs) and implementing regulations issued at 24 CFR Part 1.
3. The prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101-07) and implementing regulations at 24 CFR Part 146, and the prohibitions against discrimination against handicapped individuals under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 CFR Part 8.

4. The requirements of 24 CFR 5.105(a) regarding equal opportunity as well as the requirements of Executive Order 11246 (Equal Employment Opportunity) and the implementing regulations issued at 41 CFR Chapter 60.
5. For those grants funding construction covered by 24 CFR 135, the requirements of section 3 of the Housing and Urban Development Act of 1968, (12 U.S.C. 1701u) which requires that economic opportunities generated by certain HUD financial assistance shall, to the greatest extent feasible, be given to low- and very low-income persons and to businesses that provide economic opportunities for these persons.
6. The requirements of Executive Orders 11625 and 12432 (concerning Minority Business Enterprise), and 12138 concerning Women's Business Enterprise). Consistent with HUD's responsibilities under these Orders, the Grantee must make efforts to encourage the use of minority and women's business enterprises in connection with grant funded activities. See 24 CFR Part 85.36(e), which describes actions to be taken by the Grantee to assure that minority business enterprises and women business enterprises are used when possible in the procurement of property and services.
7. Where applicable, Grantee shall maintain records of its efforts to comply with the requirements cited in Paragraphs 5 and 6 above.

C. ENVIRONMENTAL REVIEW REQUIREMENTS.

1. If the Grantee is a unit of general local government, a State, an Indian Tribe, or an Alaskan Native Village, the Grantee agrees to assume all of the responsibilities for environmental review and decision-making and actions, as specified and required in regulations issued by the Secretary pursuant to the Multifamily Housing Property Disposition Reform Act of 1994 and published in 24 CFR Part 58.
2. If the Grantee is a housing authority, redevelopment agency, academic institution, hospital, or other non-profit organization, the Grantee shall request the unit of general local government, Indian Tribe, or Alaskan Native Village, within which the project is located and which exercises land use responsibility, to assume all of the responsibilities for environmental review and decision-making as specified in paragraph C.1 above, and the Grantee shall carry out all of the responsibilities of a recipient under 24 CFR Part 58.

- D. Administrative requirements of OMB Circular A-133 "Audits of States, Local governments and Non-Profit Organizations."
- E. For State and Local Governments, the Administrative requirements of 24 CFR Part 85, including the procurement requirements of 24 CFR Part 85.36, and the requirements of OMB Circular A-87 regarding Cost Principles for State and Local Governments. For Non-Profits, the Administrative requirements of 24 CFR Part 84, including the procurement requirements of 24 CFR Part 84.40, and OMB Circular A-122 regarding Cost Principles for Non-Profit Institutions. For Institutions of Higher Education the applicable OMB Circular regarding Cost Principles is A-21.
- F. The regulations at 24 CFR Part 87, related to lobbying, including the requirement that the Grantee obtain certifications and disclosures from all covered persons.
- G. The regulations at 24 CFR Part 21, regarding requirements for Drug- Free Workplace.
- H. The Uniform Relocation Act as implemented by regulations at 49 CFR Part 24.
- I. The Grantee will comply with all accessibility requirements under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 CFR Part 8, where applicable.
- J. The regulations at 24 CFR Part 35, where applicable, regarding Lead-Based Paint Poisoning Prevention in Certain Residential Structures.
- K. The regulations at 24 CFR Part 5.109, where applicable, regarding Equal Participation of Religious Organizations in HUD Programs and Activities.

ARTICLE II. Conditions Precedent to Draw Down.

The Grantee may not draw down grant funds until the following actions have taken place:

- A. The Grantee has received and approved any certifications and disclosures required by 24 CFR 87.100 concerning lobbying.
- B. Any other conditions listed in Article VII (C) of this Grant Agreement.

ARTICLE III. Draw Downs.

- A. A request by the Grantee to draw down grant funds under the Voice Response Access system or any other payment system constitutes a representation by the Grantee that it and all participating parties are complying with the terms of this Grant Agreement.

- B. The Grantee will be paid on an advance basis provided that the Grantee minimizes the time elapsing between transfer of the grant funds and disbursement for project purposes and otherwise follows the requirements of 24 CFR Part 85 or Part 84 and Treasury Circular 1075 (31 CFR Part 205).
- C. Before the Grant Agreement is signed, the Grantee may incur cost for activities which are exempt from environmental review under 24 CFR Part 58 and may charge the costs to the grant.

ARTICLE IV. Progress Reports.

- A. The Grantee shall submit to the Grant Officer a progress report every six months after the effective date of the Grant Agreement. Progress reports shall consist of (1) a narrative of work accomplished during the reporting period and (2) a completed Financial Status Report - Form 269 A.

HUD may require additional information or increased frequency of reporting as described in Article VII (C).

- B. The performance reports must contain the information required under 24 CFR Part 85.40(b) (2) or 24 CFR Part 84.51(a), as applicable including a comparison of actual accomplishment to the objectives indicated in the approved application, the reasons for slippage if established objectives were not met, and additional pertinent information including explanation of significant cost overruns.
- C. No grant drawdowns will be approved for projects with overdue progress reports.

ARTICLE V. Project Close-out.

- A. The grantee shall submit to the Grant Officer a written request to close-out the grant 30 days after the grantee has drawn down all funds and completed the activities described in the application, as may be amended. The final report shall consist of (1) a narrative of all work accomplished during the project period and (2) a completed Financial Status Report - Form 269 A covering the entire project period.

HUD will then send the Close-out Agreement and Close-out Certification to the Grantee. At HUD's option, the Grantee may delay initiation of project close-out until the resolution of any HUD monitoring findings. If HUD exercises this option the Grantee must promptly resolve the findings.

- B. The Grantee recognizes that the close-out process may entail a review by HUD to determine compliance with the Grant Agreement by the Grantee and all participating parties. The Grantee agrees to cooperate with any review in any way possible, including making available records requested by HUD and the project for on-site HUD inspection.

C. The Grantee shall provide to HUD the following documentation:

1. A Certification of Project Completion.
2. A Grant Close-out Agreement.
3. A final financial report giving the amount and types of project costs charged to the grant (that meet the allowability and allocability requirements of OMB Circular A-122, A-87 or A-21 as applicable, including the "necessary and reasonable" standard); a certification of the costs; and the amounts and sources of other project funds.
4. A final performance report providing a comparison of actual accomplishments with each of the project commitments and objectives in the approved application, the reasons for slippage if established objectives were not met and additional pertinent information including explanation of significant cost overruns.

D. The Grantee agrees that the grant funds are allowable only to the extent that the project costs, meeting the standard of OMB Circular A-122, A-87 or A-21 as applicable, equal the grant amount plus other sources of project funds provided.

E. When HUD has determined that the grant funds are allowable, the activities were completed as described by the Grant Agreement, and all Federal requirements were satisfied, HUD and the Grantee will sign the Close-out Agreement and Close-out Certificate.

F. The Close-out Agreement will include the Grantee's Agreement to abide by any continuing federal requirements.

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A default under this Grant Agreement shall consist of using grant funds for a purpose other than as authorized by this Agreement, any noncompliance with legislative, regulatory, or other requirements applicable to the Agreement, any other material breach of this Agreement, or any material misrepresentation in the application submissions.

ARTICLE VII. Additional Provisions.

A. Project Description. The project is as described in the application with the following changes:

B. Changes or Clarification to the Application Related to Participating Parties:
The Administrative Agent if any:

C. Special Conditions:

The 2009 HUD Appropriations Act provides that no funds made available under the Act may be used to support any Federal, State or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use. For purposes of this provision, public use shall not be construed to include economic development that primarily benefits private entities.

U.S. Department of Housing
and Urban Development

City of Willcox
Mr. Patrick McCourt

Authorized Signature

Authorized Signature

Robert Duncan
Associate Deputy Assistant Secretary
for Economic Development

Title

Date

Date

**CITY OF WILLCOX
REQUEST FOR COUNCIL ACTION**

Agenda Item 11D
Tab Number 2
Date: 6/22/10

| | | |
|------------------------------------|--|--|
| Date Requested: 7/6/2010 | <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Formal <input type="checkbox"/> Other | Subject: Council Ratification of Library LSTA Grant award in the amount of \$2,000. |
|------------------------------------|--|--|

TO: HONORABLE MAYOR AND COUNCIL

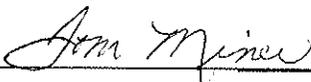
FROM: Tom Miner, Library Director

DISCUSSION: On Feb 23, 2010, the Library submitted a request to the Council for approval to submit an LSTA Grant Proposal titled Willcox History in the Making (WHIM), in the amount of \$24,762. The Council approved this request via Resolution # 2010-22 on March 1, 2010. We submitted the Grant application package on March 15, 2010. On June 9, 2010, we were notified that the State Library had awarded us only \$2,000, for the purpose of purchasing books and materials on Willcox/SW history, and for workshop speaker fees. We had to accept/reject the State Library offer **before** June 17, 2010, and if accepted, attend a mandatory Grant Award workshop on June 17. We graciously accepted the \$2,000 offer, sent Library Supervisor Sylvia Stewart (Library Grants administrator) to the workshop, and ask the City Council to ratify the acceptance of the LSTA Grant award tonight. We regret that there was insufficient time to get this on the Council's agenda for June 21, however, the deadline for action had already passed.

RECOMMENDATION: The City Council ratify the Library's acceptance of the LSTA Grant award in the amount of \$2,000.

FISCAL IMPACTS: + \$2,000.00 for Library materials and programs.

Submitted by:



Tom Miner, Library Director

Approved by:

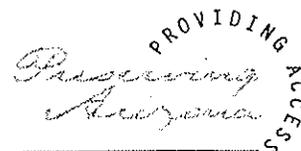


Pat McCourt, City Manager



ARIZONA STATE
LIBRARY, ARCHIVES AND PUBLIC RECORDS

GladysAnn Wells, Director



June 9, 2010

Tom Miner
Elsie S Hogan Community Library
207 W Maley St
Willcox AZ 85643

Dear Mr Miner:

I am pleased to inform you that your 2010 Library Services and Technology Act (LSTA) grant application "Willcox History in the Making" has been approved by the State Library for partial funding for the total amount of \$2,000. This partial award is to support books, materials and speaker fees. Please apply for Centennial Legacy status. See <http://www.azcentennial.gov/> for more information.

Please let us know by June 30, 2010, whether this partial award will let you effectively implement your modified project. If it will, initial the bottom of the revised budget page, and return it with your certifications. The application that you submitted, along with criteria outlined in this letter, will be the only contractual documents necessary for the implementation of your project. Federal funds can only be used as stipulated in the guidelines, application and this letter, and projects may be monitored periodically by State Library staff.

Enclosed you will find a sheet on "Managing Your LSTA Grant Award." Please refer to this sheet for information on federal regulations, requesting your grant funds, acknowledging the Arizona State Library Archives and Public Records and LSTA, and final reports.

Please note that all grant funds must be spent prior to August 1, 2011. Your final report is due by September 2, 2011.

Laura Stone, the LSTA consultant, is responsible for the distribution of funds and any ongoing administration of the grant award, including the final report. If you have any questions concerning your application or other supporting documents, please contact Laura at lstone@lib.az.us or call her at 602-926-3469 or 1-800-255-5841 statewide.

Sincerely,


GladysAnn Wells

C: Sylvia Stewart

STATE CAPITOL

1700 West Washington Street-Room 200 • Phoenix, Arizona 85007-2935 • Home Page: <http://www.lib.az.us>
Phone: (602) 926-4035 • FAX: (602) 256-7983 • E-mail: gawells@lib.az.us

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RESOLUTION NO: 2010-73

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA, RATIFYING, APPROVING AND ACCEPTING THE LIBRARY SERVICES AND TECHNOLOGY ACT (LSTA) GRANT FROM THE ARIZONA STATE LIBRARY, ARCHIVES, AND PUBLIC RECORDS AGENCY TO BE USED FOR PUBLIC LIBRARY MATERIALS AND PROGRAMS, AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT DOCUMENTS AND DECLARING AN EMERGENCY TO EXIST.

WHEREAS, the CITY is authorized pursuant to A.R.S. §§ 9-413 and 9-419 to establish a Library fund and to authorize the use of land and structures for a public library; and

WHEREAS, the CITY is empowered pursuant to A.R.S. § 9-240 (A) and (B) to control the finances and property of the corporation; and

WHEREAS, the City of Willcox Mayor and Council, on behalf of the Elsie S. Hogan Community Library ["LIBRARY"], desire to accept the LSTA Grant from the Arizona State Library, Archives, and Public Records Agency; and

WHEREAS, the City's acceptance of the grant will serve to fund LIBRARY materials and programs as may be authorized by the funding agency; and

WHEREAS, the Mayor and Council of the City of Willcox have determined that it is in the best interest of the City and its citizens to accept the LSTA Grant in the amount of \$2,000; and

WHEREAS, the Mayor and Council desire to have this item presented at the July 6, 2010 Council Meeting; and

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

BE IT RESOLVED by the Mayor and Council of the City of Willcox, Cochise County, Arizona, that the City hereby formally ratifies, approves and accepts the LSTA Grant as presented.

BE IT FURTHER RESOLVED by the Mayor and Council that, due to an existing emergency declared herein, the immediate effectiveness of this Resolution is necessary to preserve the peace, health, and safety of the City of Willcox, Cochise County, Arizona, and this Resolution shall therefore be effective upon its passage and adoption.

PASSED AND ADOPTED by the Mayor and Council of the City of Willcox, Cochise County, Arizona this _____ day of July 2010.

APPROVED/EXECUTED:

MAYOR, GERALD W. LINDSEY

ATTEST:

APPROVED AS TO FORM:

City Clerk, Cristina G. Whelan, CMC

City Attorney, Hector M. Figueroa

RESOLUTION NO: 2010-73

**CITY OF WILLCOX
REQUEST FOR COUNCIL ACTION**

Agenda Item 13
Tab Number 8

Date Submitted:
June 24, 2010
Date Requested:
July 6, 2010

Resolution
 Ordinance
 Formal
 Other

Subject: Discussion/
Direction to Staff Regarding
the Yellow Rail Car on Parcel
203-28-180C Across From
the City Hall Train Depot

TO: MAYOR AND COUNCIL
FROM: Jeff Stoddard, Supervisor of Development Services

DISCUSSION: We are asking the City Council on direction for the Mascot & Western railcar that sits across from City Hall. The constant exposure to sun and wind has taken a toll on this historic wooden rail car. We believe action must be taken now before the deterioration of the railcar exceeds the amount of money the Railroad ad-hoc committee and the City Council have allotted for the renovation repairs and construction of a new stage.

The Southern Pacific Railroad granted the City of Willcox \$75,000 of funds for renovation projects in the Willcox historic downtown area. An ad-hoc committee was formed and after several meetings they created a list of potential projects to dedicate the funds to. On the list the committee also set spending limits for each of these projects. One of these projects approved by the City Council was the renovation of the Mascot and Western railcar and adding a stage. At this time we have completed two of the listed projects. The first (Electric improvements), the fifth (Small play area), and the third item (Drinking fountain) on the project list is in process. The Mascot & Western railcar is item number four on this project list. The project list was approved by City Council on August 17, 2009. The Mascot and Western railcar item has an estimated cost of \$47,040 to complete the renovations and build a ramp and stage (this does not include the protective cover over the car and stage – staff has been looking for a grant to be matched by the railroad park money – we have not located one to date). Staff is very concerned that delaying this item until grant monies may be available will cause the costs of repair and maintenance to escalate beyond what is available.

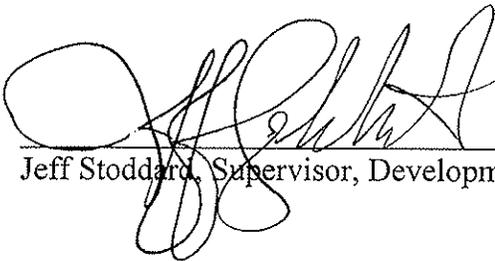
Staff will invite local residents/contractors/ businesses to donate materials, equipment, and labor to the project.

Please see the attachments; August 17, 2010 Council Meeting minutes/project list, Mascot & Western Railcar photographs.

RECOMMENDATION: It is the recommendation of the Development Services Department that the Mayor and City Council consider allowing Development Services and Public Works to start the procedures for the renovation and adding a stage to the Mascot & Western Railcar.

FISCAL IMPACT: Up to \$47,040.00 of the Railroad Park Grant Money.

Submitted by:



Jeff Stoddard, Supervisor, Development Services

Approved by:



Pat McCourt, City Manager

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 17TH DAY OF AUGUST 2009**

DISCUSSION/DECISION REGARDING RAILROAD PARK STAKEHOLDERS REQUEST FOR USE OF UNION PACIFIC DONATION ON SPECIFIC PROJECTS AND STAFF TO PURSUE GRANTS FUNDING

City Manager McCourt reported about a year and a half ago grant was received from Union Pacific for improvements of Railroad Park. It was started on and other events over took it and has been in hiatus until the City took it over. The grant does not have enough money to do all the items prioritized by the stakeholders but there is funding to complete the first 5-items. Councilman Johnson asked about Priority #1 if the City would say okay a licensed contractor is able to install electrical with all supplied needed purchased made by the City. City Manager replied he does not remember the exact costs although the money would be reserved and it would be permissible for a licensed volunteer to perform the work. Councilman Johnson said if volunteer would step forward to do it how soon could we start and get it ready for Rex Allen Days. Mr. McCourt replied stated staff would need to talk to that volunteer and get on the same wave length. Mr. Jose Pacheco, Pacheco Electric, LLC, addressed the Mayor and Council and stated he is a Licensed Electrician and would like to volunteer his services for the improvements on Railroad Park. City Manager McCourt asked Mr. Bonner to meet with him. Mr. Chuck Broeder asked if the City will be doing work on the other side of the railroad tracks which was supposed to be part of the plan. Councilman Johnson replied by reading the prioritized list in order of importance and more value on the dollar:

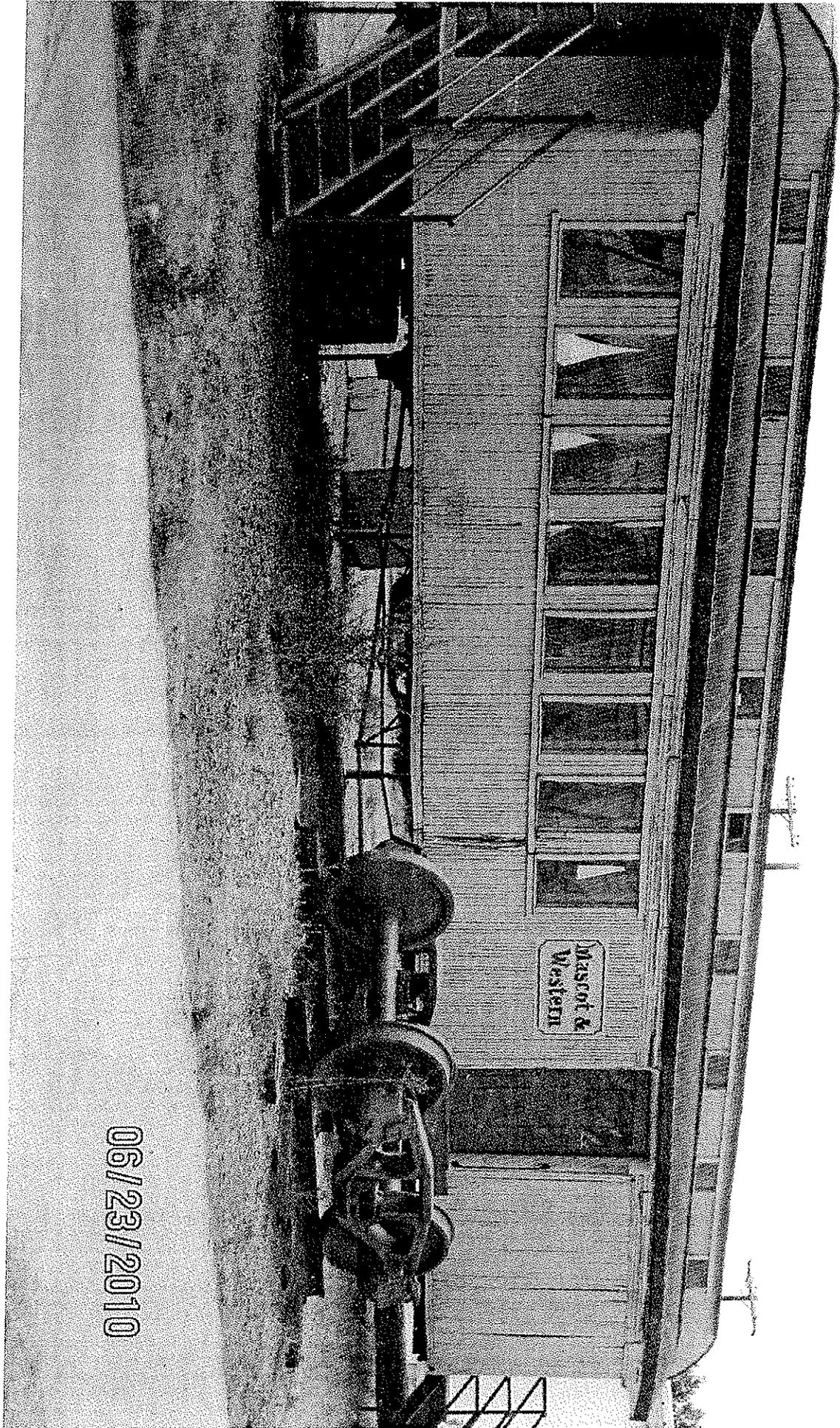
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| 1) Electrical improvements in Railroad Park, | \$ 7,196.33 |
| 2) Increase the height and repaint the Gazebo, | \$ 8,000.00 |
| 3) Placement of a drinking fountain in Railroad park, | \$ 1,000.00 |
| 4) Perform repairs to the Mascot & Western Railcar including construction of a ramp and viewing area, | \$47,040.00 |
| 5) Construct a small play area (equipment to be donated by Steven Klump), | \$ 2,000.00 |
| 6) Mascot Shade Structure to protect Railcar, | \$42,000.00 |
| 7) Duplicate fencing on east side of tracks, | \$31,500.00 |
| 8) Graveling the area on the East side of tracks. | \$ 8,000.30 |

As a member Councilman Johnson thinks when we go out to bid hopefully local contractors will volunteer just like Mr. Pacheco did. Vice Mayor Schultz wants to try to get some of these listed, including the fencing, costs cut down and the bidders see if they can reduce these costs. City Manager replied we can always bid per requirement on City Procurement Policy. Mayor Lindsey thinks the Vice Mayor wants to see "a little arm twisting" to get volunteer labor and products and thinks all concur with that and get it done as soon as possible. The Vice Mayor added he thinks a lot of people in the City would step up if given opportunity. Councilman Johnson stated for those projects over \$10,000 get bids and if bid comes in lower then we can do more with that money.

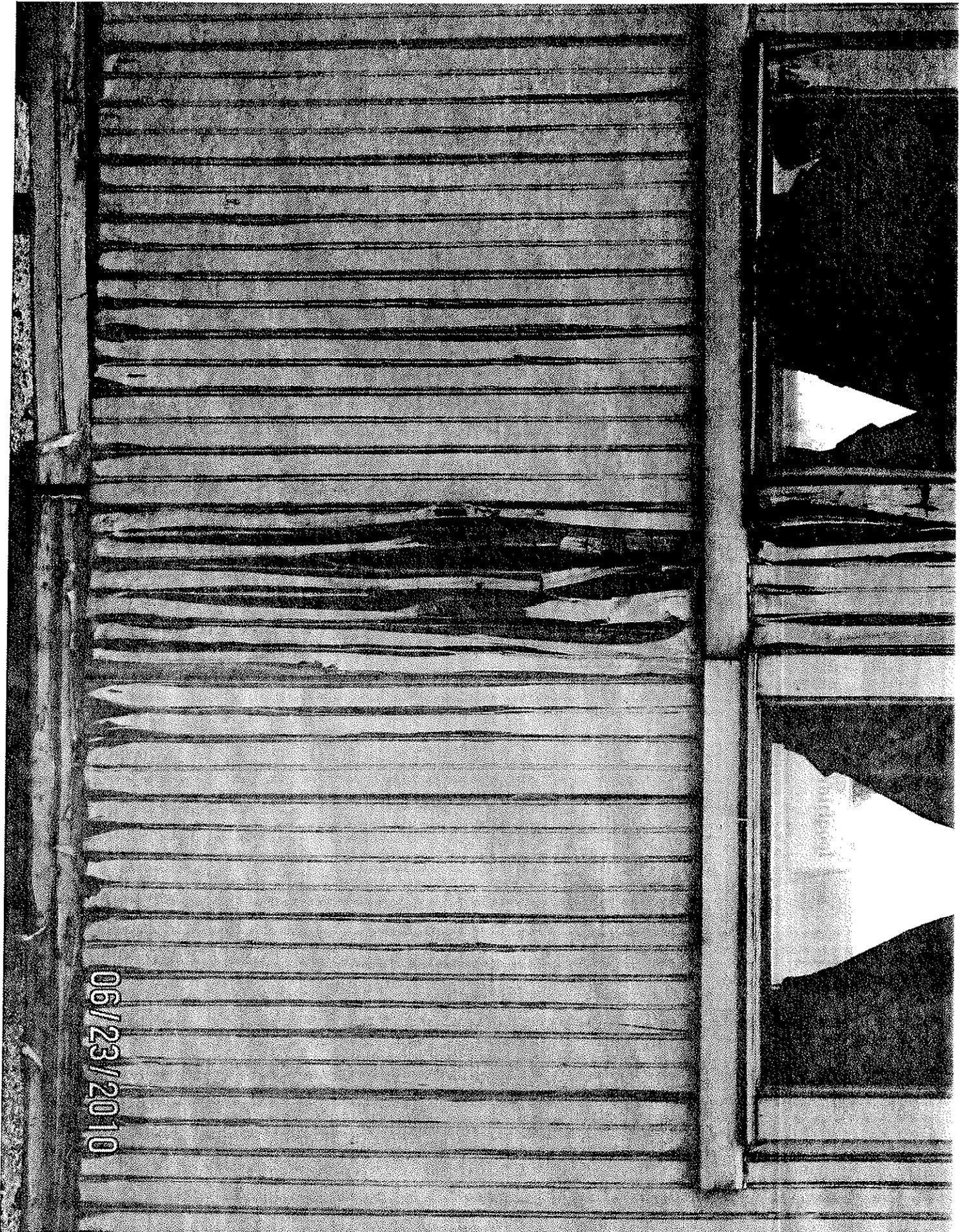
MOTION: Mayor Lindsey moved to approve first 5-items on Railroad Park Stakeholders request for use of UP donation.

SECONDED: Councilman Johnson seconded the motion. **DISCUSSION:** Councilwoman Cronberg asked for time line and City Manager McCourt replied some items we can do very quickly and others will take more time. Electrician staff can show him materials and what is proposed although we do not have detail drawings on Mascot and will have to bid on that one. On the Gazebo we know what to do to raise that. Drinking Fountain will be ordered immediately if approved. Play area we need to meet with Parks and coordinate that and Councilman Klump is providing some of the play ground equipment and decide where it is going to be placed. Ms. Delcie Schultz stated the Gazebo has Historic Railroad Park sign painted on it and asked if that is going to be painted over or put back. City Manager McCourt replied we are not planning on painting over it or changing design we are only lifting it higher. **CARRIED.**

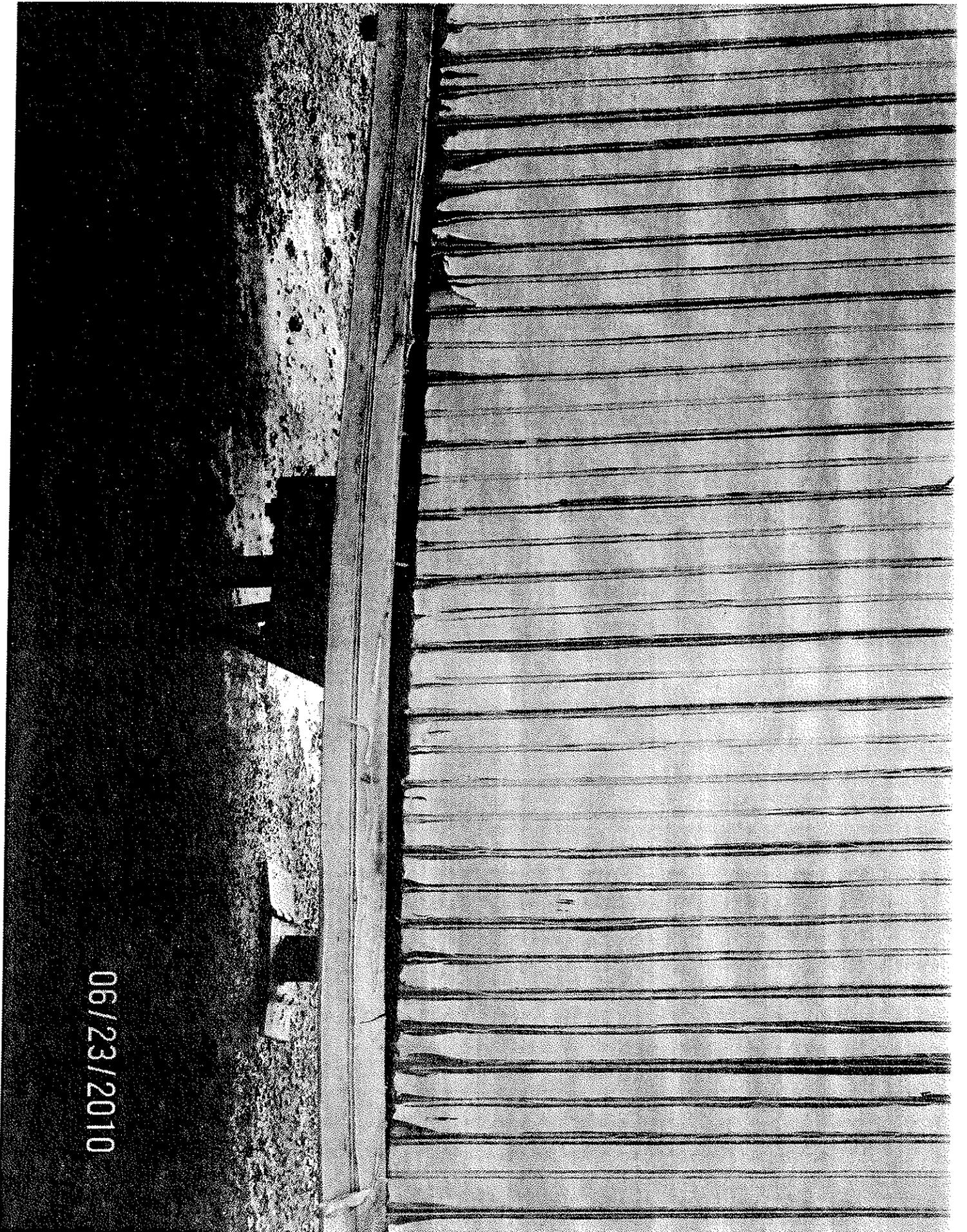
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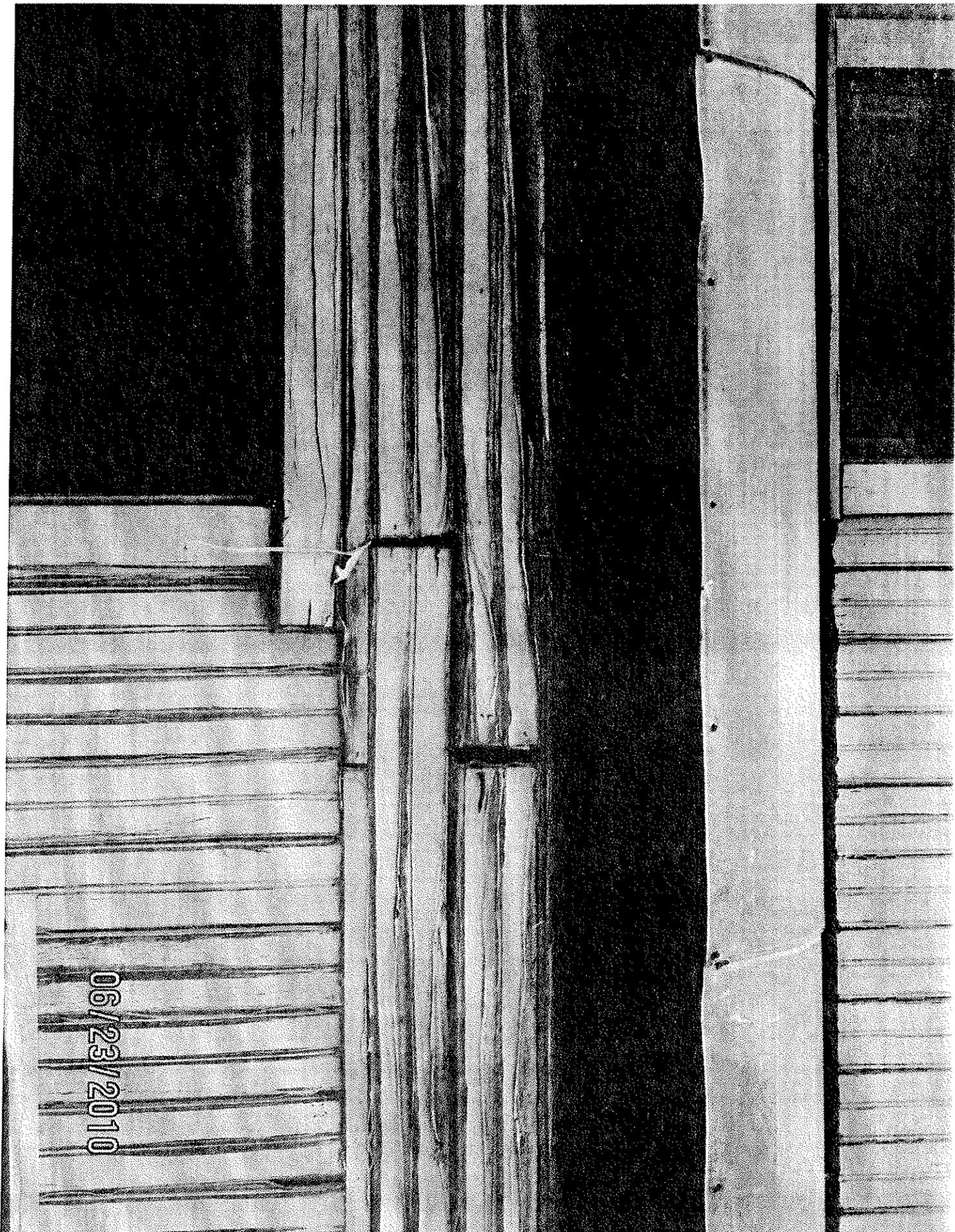
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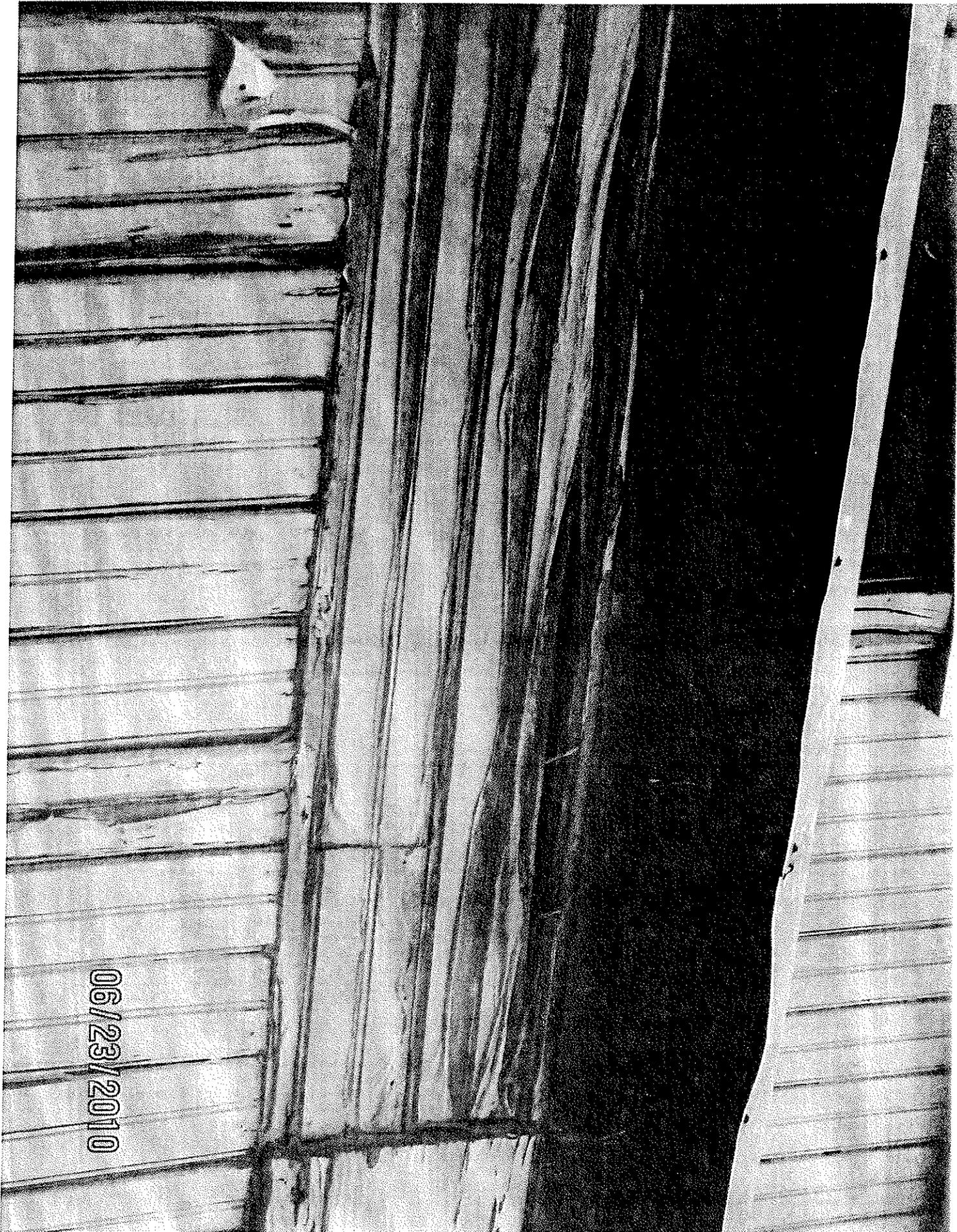


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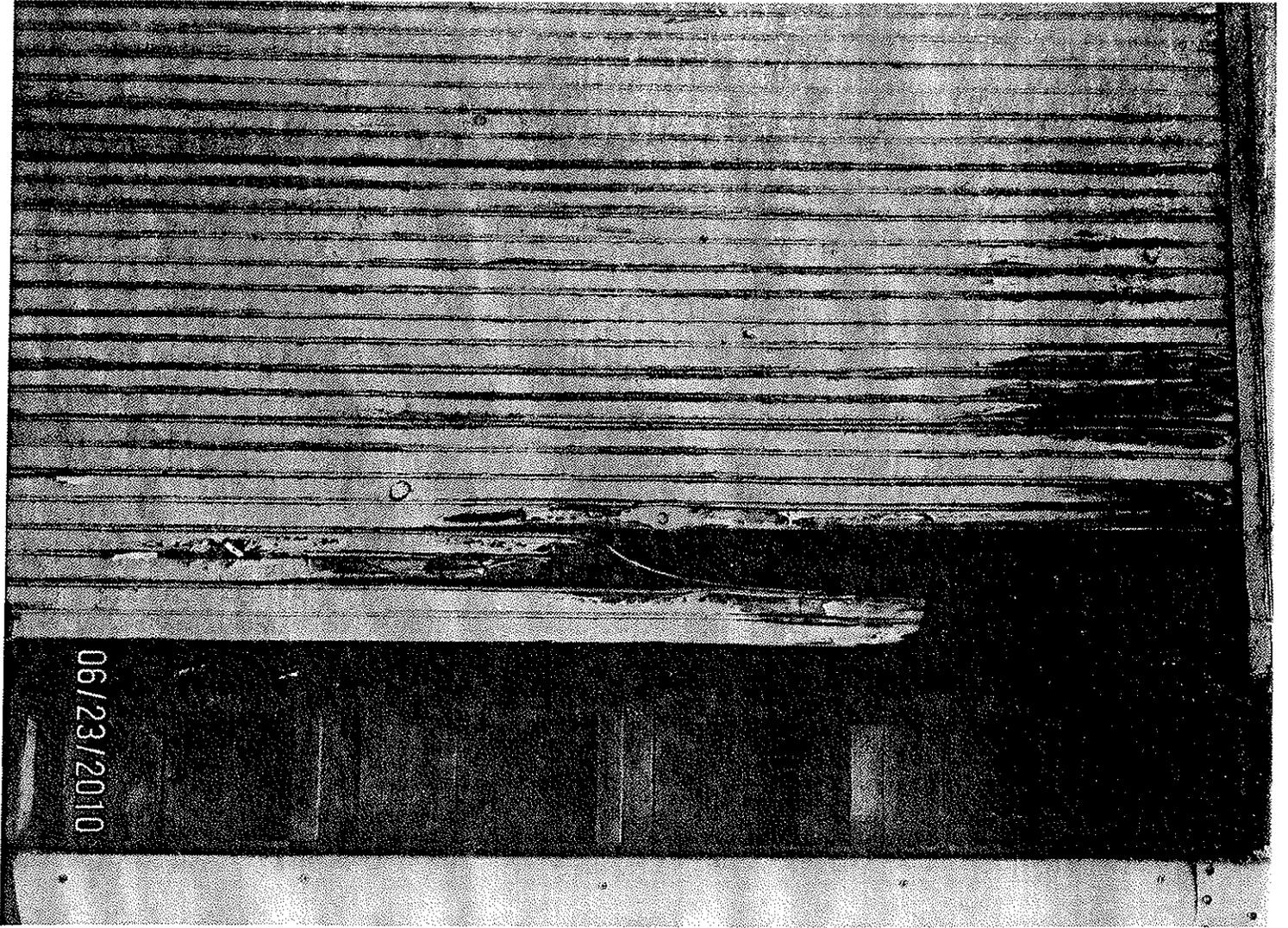
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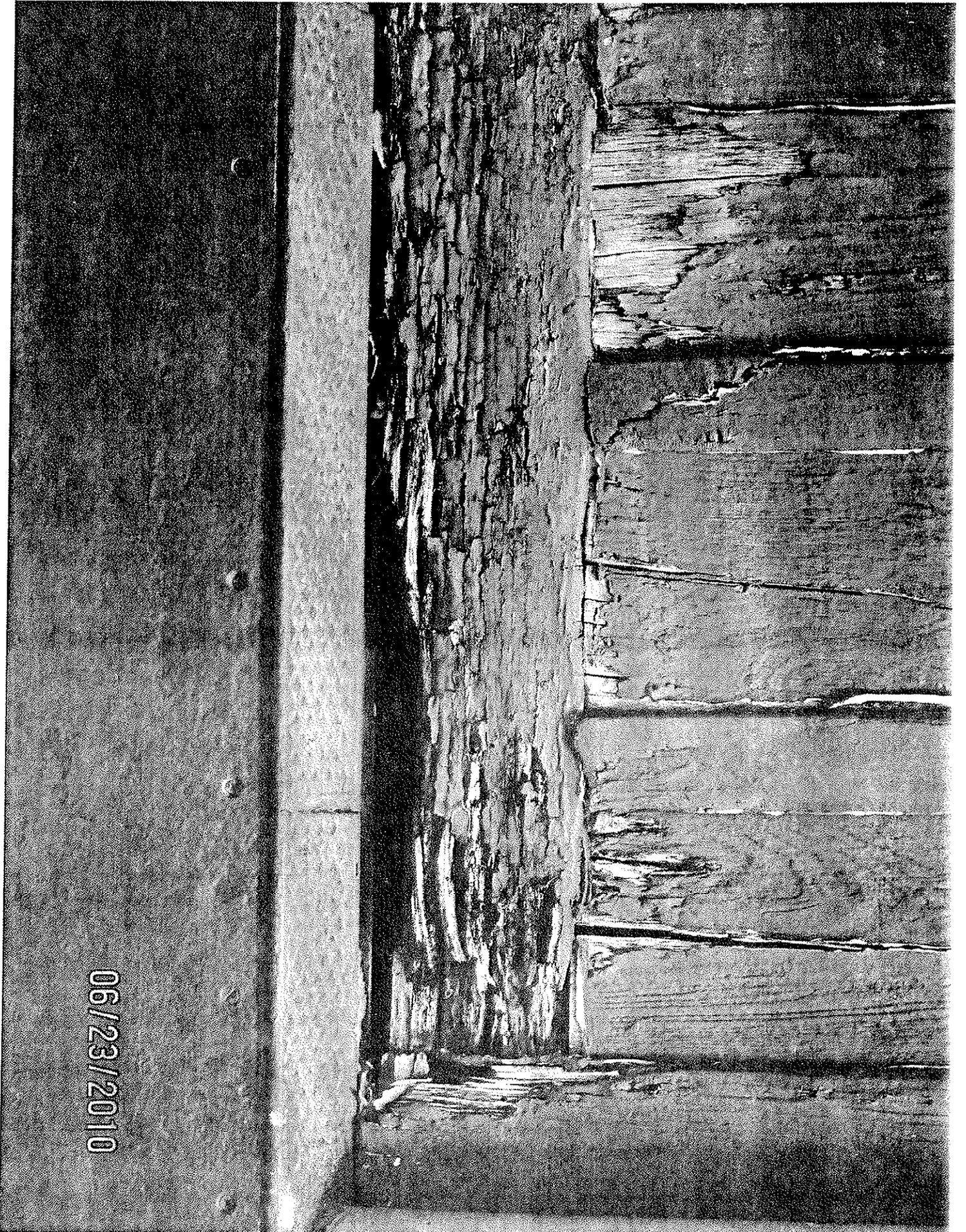


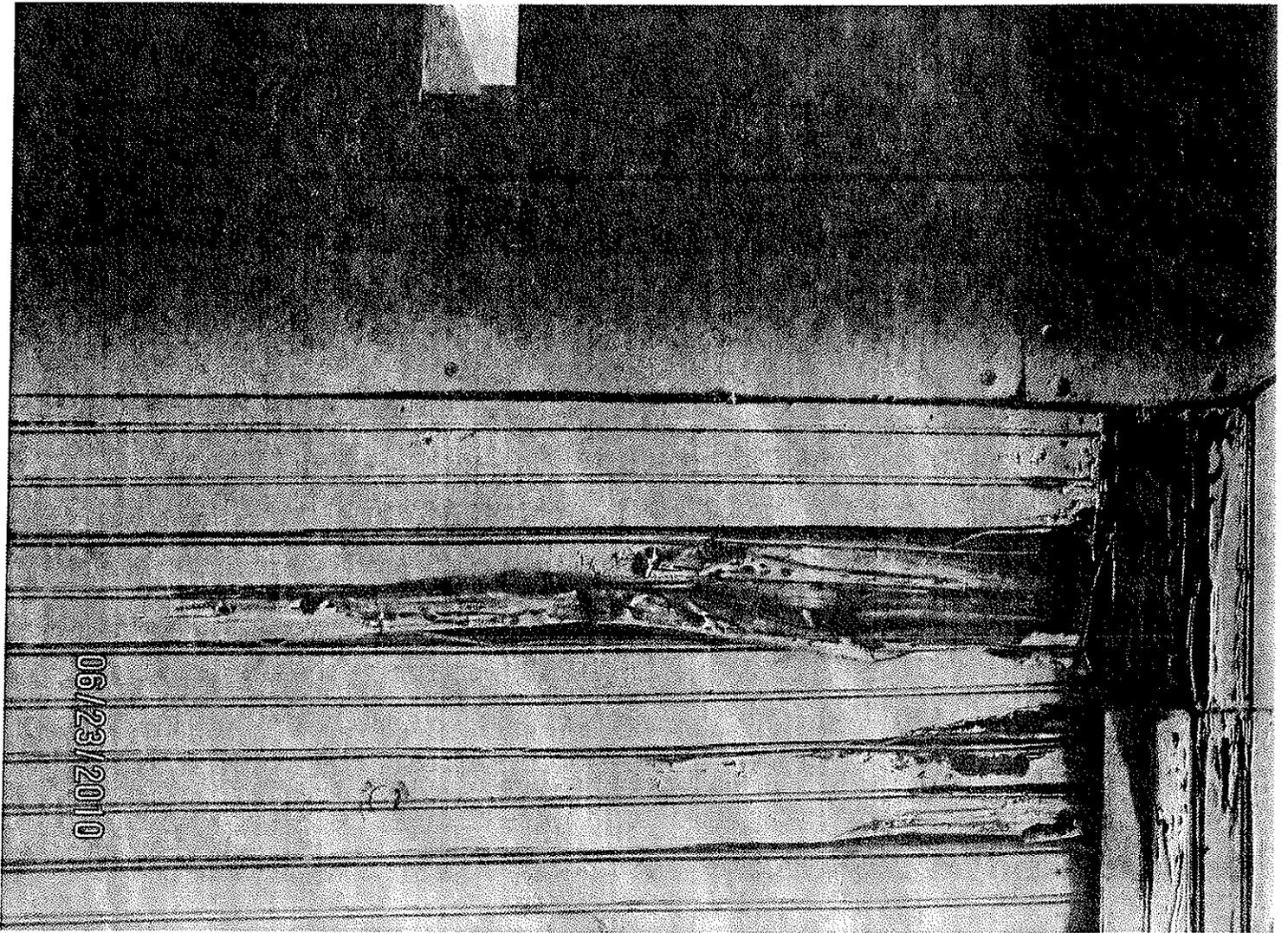


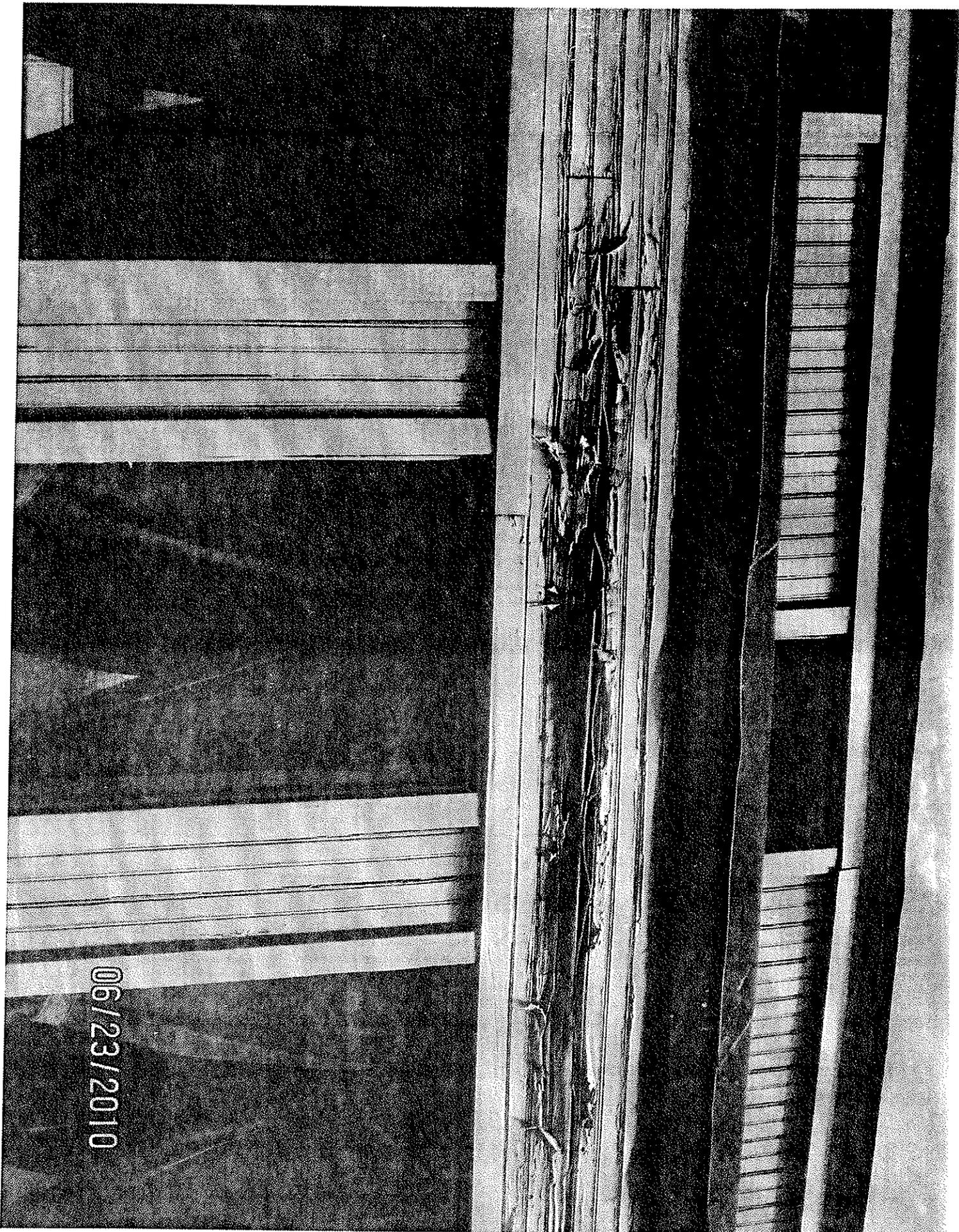
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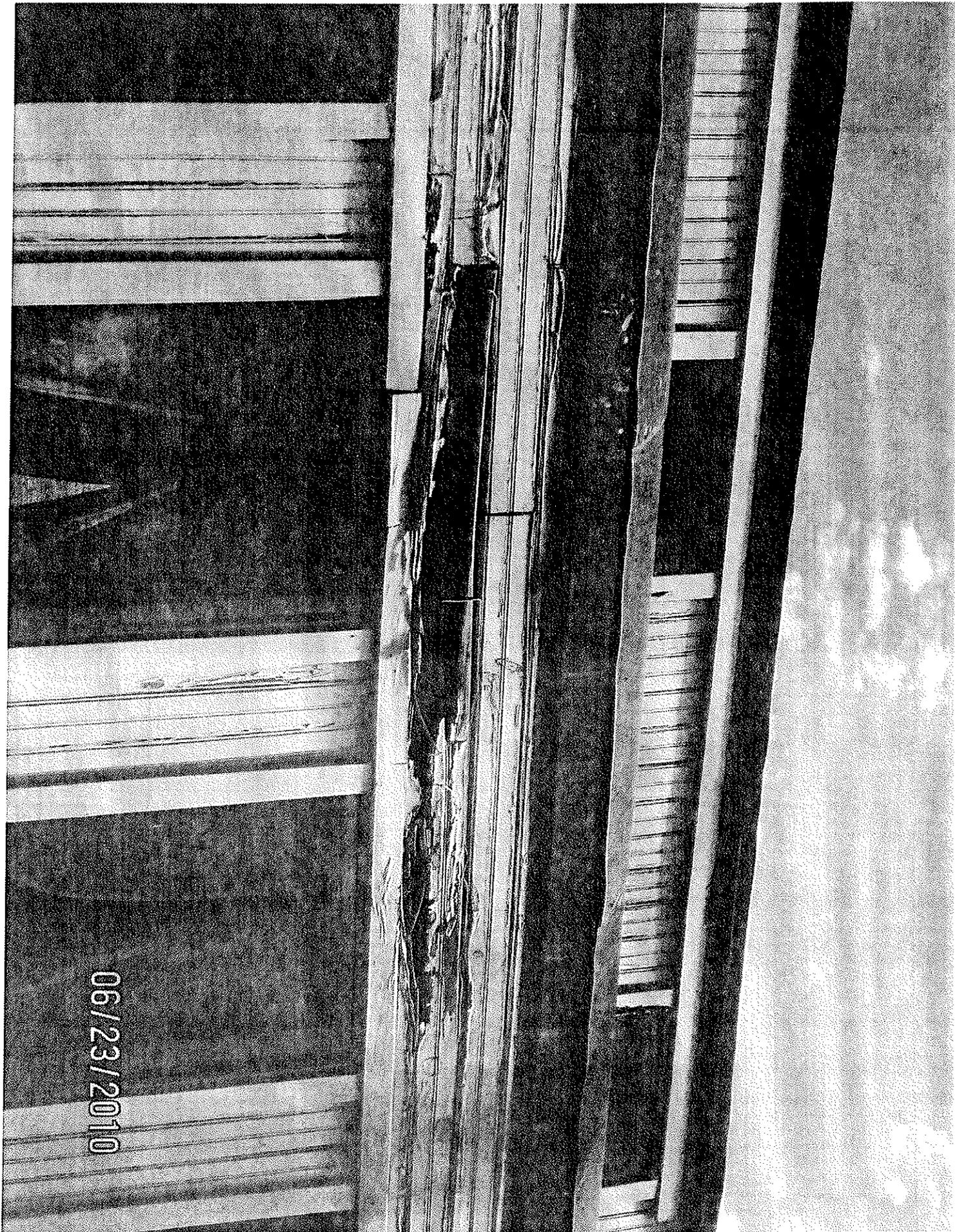
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06/23/2010

**CITY OF WILLCOX
REQUEST FOR COUNCIL ACTION**

Agenda Item: _____ 14
Tab Number: _____ 9
Date: July 6, 2010

Date Submitted:
6-22-10

Date Requested:
7-6-10

Action:
 Resolution
 Ordinance
 Formal
 Other

**Subject: Request to
Suspend gunfight permit
for one weekend**

TO: MAYOR AND COUNCIL

FROM: City Manager

DISCUSSION: At the regular City Council meeting of June 21, 2010 the Council considered a request by Rex Allen Museum Inc. to suspend the permit to use Railroad Avenue granted to Mr. Bo Downey, on October 2, 2010. A motion was made and seconded to suspend the permit on October 2, 2010. In the discussion of the motion, the Council received additional input from various parties; the Council indicated that they felt the best interests could be served if the parties could work out an agreeable time for Mr. Downey to perform which did not interfere with the other events scheduled. Council made a motion to table the item until the July 6, 2010 special City Council Meeting due to Monday is a Holiday.

On January 19, 2010 the City Council granted a one year permit for Mr. Downey to use a portion of Railroad Avenue on each Saturday during specified times, in order to put on a performance of a "Gunfight". The City does not provide financial support for this performance. As a condition of the permit the City Council reserved the right to suspend the permit on not more than two (2) occasions within the permit time period. The Council must give Mr. Downey one month notice of the suspension. (Mr. Downey is not required to perform and he may voluntarily not perform.) This is the first request the City Council has received to suspend the permit.

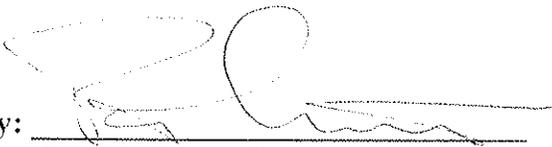
Attached is a request from The Rex Allen Arizona Cowboy Museum, Inc. to have the City Council exercise the right to suspend the permit to Mr. Downey on October 2, 2010 (see attached letter dated May 25, 2010).

Ms. Schultz and Mr. Downey have both been notified this item is on the Agenda for June 21, 2010 and again for July 6, 2010. As of the agenda preparation, June 30, 2010, staff has received no communication from either of the parties.

RECOMMENDATION: Take the item off the table; review the information and decide if the best interests of the City are served by suspending the permit to Mr. Downey on Saturday October 2, 2010.

FISCAL IMPACT: NA

Prepared by: Pat McCourt

Approved by: 
Pat McCourt, City Manager

Memorandum

To: City Council
CC: Director of Public Safety
From: City Manager
Date: 6-30-10
Re: Suspension of permit for Street Gunfight show on 10-2-10 – Agenda Item
July 6, 2010

At 2:30 PM on 6-30-10 Mr. Bo Downey visited with me at City Hall. Mr. Downey indicated that he would not be putting on a show on Saturday afternoon on Railroad Avenue as allowed within his permit.

Mr. Downey indicated that he was working with the Rex Allen Days, Inc. (see attachment) and would be doing a show under their permit earlier (before the parade). Mr. Downey also indicated that he may be doing a show, under the Rex Allen Days, Inc. permit, in Keillor Park latter in the day.

I told Mr. Downey that if he was operating under an established permit he would not need any further permission from the City.

Received

JUN 30 2010

City Manager's Office

From the desk of Peggy Judd

June 30, 2010

To Whom It May Concern:

The Rex Allen Days, Inc. board had a discussion on Monday night about Marshal Bo holding a gun fight in front of his store prior to the parade. To begin at 9:00 am. The only concern was giving him a time limit. He assured me today that he would do a 20 minute show.

This is agreeable to me and I feel it meets with the requirements of the festivities as it will allow for another entertainment group to have 20 minutes following and still allow for 20 minutes for final parade staging and preparation.

*Thank you
Peggy Judd*



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**CITY OF WILLCOX
REQUEST FOR COUNCIL ACTION**

Agenda Item: 15
Tab Number: 10
Date: 07-06-2010

Date Submitted:
6-23-10
Date Requested:
7-6-10

Action:
 Resolution
 Ordinance
 Formal
 Other

**Subject: Discussion and
direction to Staff, or
selection of design for
City Billboard.**

TO: MAYOR AND COUNCIL

FROM: City Manager

DISCUSSION: The Council met in a work session on 6-21-10 to discuss possible design for City billboards. Following the work session and during the Regular Council meeting the Council directed staff to return at the next meeting with alternate designs. Attached are the three (3) alternate designs incorporating Council direction. The Willcox Chamber of Commerce and Agriculture has indicated they will provide the funding for manufacture of the copy.

RECOMMENDATION: Select a design, or provide additional direction to staff on the Council's wishes.

FISCAL IMPACT: NA

Prepared by: Pat McCourt

Approved by: 
Pat McCourt, City Manager

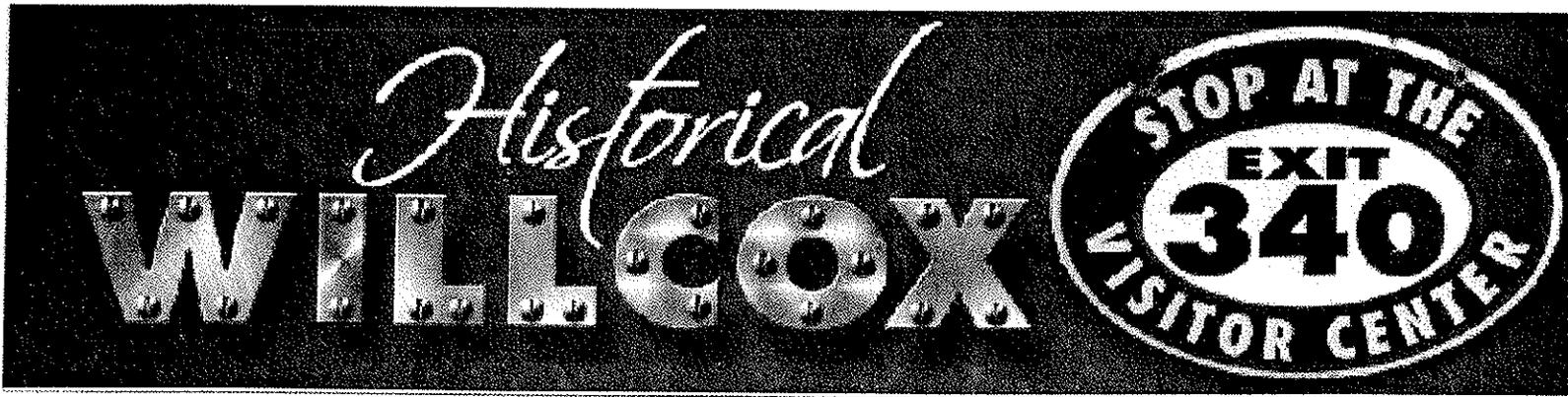
HISTORICAL WILLCOX

Exit 340 STOP AT THE VISITOR CENTER



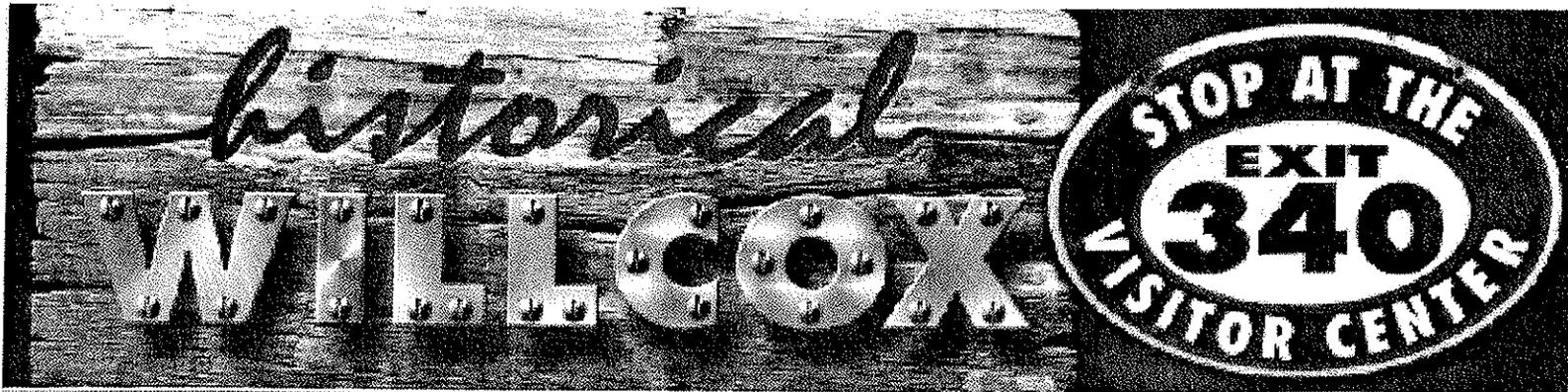
10' x 40' BULLETIN
SCALE: 1/4" = 1'0"

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| Art Director: | AE: | |
| Exhibitor label: | WOC: | |
| Approved by: _____ | | Date: _____ |



10' x 40' BULLETIN
SCALE: 1/4" = 1'0"

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| Approved by _____ | | Date: _____ |



 CLEARCHANNEL

10' x 40' BULLETIN
SCALE: 1/4" = 10'

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| Art Director: | AP: | |
| Executive: [blank] | MS: | |
| Approved by: _____ | | Date: _____ |