



## NOTICE OF EXECUTIVE SESSION

### CITY COUNCIL

In accordance with Resolution No. 370 of the City of Willcox, and Section 38-431.01 of the Arizona Revised Statutes **NOTICE IS HEREBY GIVEN** that the **MAYOR AND COUNCIL** of the City of Willcox, County of Cochise, Arizona, will hold an **EXECUTIVE SESSION**, if approved, during the **REGULAR** meeting on **MONDAY**, the **19<sup>TH</sup>** 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 15<sup>TH</sup> day of JULY 2010 at 2:00 P.M.**

CITY OF WILLCOX, ARIZONA

ISI CRISTINA G. WHELAN, CMC

CITY CLERK CRISTINA G. WHELAN, CMC

"Mine, Yours, Ours"

**CITY OF WILLCOX  
EXECUTIVE SESSION**

**AGENDA**

**MONDAY, JULY 19, 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"*

**CITY OF WILLCOX**  
**Request for Council Action**

**Agenda Item:** 10A  
**Tab Number:** 2  
**Date:** 07-19-2010

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**Date Submitted:**

July 1, 2010

**Date Requested:**

July 19, 2010

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**Action:**

Resolution

Ordinance

Formal

Other

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**Subject:**

Willcox Chamber of  
Commerce and  
Agriculture requests  
fees be waived for the  
Community Center.

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**To:** Honorable Mayor and City Council

**From:** Dave Bonner, Director Public Services & Works

**Discussion:** The Willcox Chamber of Commerce and Agriculture is requesting that the fees be waived for the rental of the Community Center. Willcox Chamber of Commerce and Agriculture would like to hold their Wings Over Willcox Birding and Nature Festival at the Community Center. This event is scheduled to run January 12th through 16<sup>th</sup>, 2011.

**Recommendation:** Staff recommends that the Mayor and Council consider waiving fees for this event.

**Fiscal Impact:** \$1345.72

Prepared By:

Dawn Adame

Dawn Adame, Public Services and Works

Approved By:

Dave Bonner

Dave Bonner, Public Services and Works Director

Approved By:

Pat McCourt

Pat McCourt, City Manager



RECEIVED JUL 01 2011

CITY OF WILLCOX, COCHISE COUNTY, ARIZONA  
Facilities Use Agreement

This Agreement made this 28 day of June, 2010,

between Willcox Chamber (Wings Over Willcox) ("PARTICIPANT")  
and the City of Willcox through the City Public Works Department ("CITY") for the  
use of the City owned facilities by a private organization.

**ARTICLE I --- TERM OF AGREEMENT:**

The term of this agreement shall be January 12, 2011, through  
January 16 2011, unless earlier terminated by either party.

Please note starting time and ending time TO INCLUDE set up and tear down.

8:00am January 12  
start time

6:00pm January 16  
end time

Notice of termination shall be provided at least ninety (90) days prior to the effective  
termination date.

**ARTICLE II --- CITY OWNED FACILITIES:**

This agreement shall be for the use of Willcox Community Center,  
(facility and area/s)

to be used for Wings Over Willcox Birding + Nature Festival  
(type of event)

to be used by Public  
(example: public, family, friends)

PARTICIPANT wishes to use certain City owned facilities and the CITY is willing to  
permit the PARTICIPANT the primary use of the facilities under the conditions indicated  
in this Agreement and any Exhibit attached hereto during the term of this Agreement.

CITY agrees that it will perform the duties as outlined in Attachment "A".

PARTICIPANT agrees it will perform the duties as outlined in Attachment(s) "B".

PARTICIPANT agrees to pay the fees as are listed on Attachment "C".

**ARTICLE III --- INDEMNIFICATION AND INSURANCE**

PARTICIPANT agrees to secure liability Insurance to cover the term of this  
agreement in not less than the amount of one million dollars (\$1,000,000.00)  
which names the City as additionally insured.

Original to OH 7-1-10 DA

Request for Council Action to CH

Approved copy to participant 7-6-10

Each party agrees to be responsible for the conduct of its operations and performance of contract obligations and for any accidents or injuries to persons or property arising out of acts or omissions by its officers, agents or employees acting in the course or scope of their participation while performing duties undertaken pursuant to this Agreement. The PARTICIPANT agrees to hold harmless the City, its officers, employees and agents from all losses, suits, damages or costs of any kind, including reasonable attorney's fees, defense costs and expenses arising from PARTICIPANT performance pursuant to this Agreement. The PARTICIPANT shall provide the CITY with current insurance certificates or the evidence of coverage as appropriate.

The CITY agrees to hold harmless the PARTICIPANT, its officers, employees and agents from all losses, suits, damages or costs of any kind, including reasonable attorney's fees, defense costs and expense arising from the CITY performance pursuant to this Agreement.

#### ARTICLE IV --- MISC. PROVISIONS:

##### **CANCELLATION FOR CONFLICT OF INTEREST**

This Agreement may be canceled pursuant to A.R.S. § 38-511, the pertinent provisions of which are fully incorporated herein by reference.

##### **NONASSIGNABILITY**

Neither party may assign a duty or responsibility under this Agreement without the prior written consent of the other party.

##### **RIGHTS/OBLIGATIONS OF PARTIES ONLY**

The terms of this Agreement are intended only to define the respective rights and obligations of the parties. Nothing expressed herein shall create any rights or duties in favor of any potential third party beneficiary or other person, agency or organization.

##### **NOTICE REQUIREMENTS**

All notices, requests for payment, or other correspondence between the parties regarding this Agreement shall be mailed or delivered to the respective party as follows:

If to the CITY:

City of Willcox, Public Services and Works  
250 N. Railroad Avenue  
Willcox, Arizona 85643

If to the PARTICIPANT:

Name: Connie Bonner

Organization: Willcox Chamber of Commerce & Agriculture

Contact Phone Number(s): (520) 384-2272 (520) 507-5142

Mailing Address: 1500 N Circle F Rd, Willcox, AZ 85643  
City State Zip Code

**SEVERABILITY**

Each provision of this Agreement stands alone and, if any provision of this Agreement is held, in whole or in part, to be unenforceable for any reason, the remainder of the provision and of the entire Agreement will be severable and remains in effect.

**ENTIRE AGREEMENT**

This document constitutes the entire Agreement between the parties pertaining to the subject matter hereof, and all prior or contemporaneous agreements and understandings, oral or written, are hereby superseded and merged herein. This Agreement may be modified, amended or extended only by a written amendment approved by the parties.

**GOVERNING LAW**

This Agreement shall be construed under the laws of the State of Arizona and shall incorporate, by reference, all laws governing mandatory contract provisions required by statute or executive order.

IN WITNESS WHEREOF, the Parties hereby enter into this Agreement as of the day and year written above.

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

*Oscar Hudson*  
Signature

7-6-10  
Date

Oscar Hudson  
Printed Name

Facilities & Parks Supervisor  
Title

**PARTICIPANT**

*Connie Bonner*  
Signature

6/28/10  
Date

Connie Bonner  
Printed Name

Coordinator  
Title

**Attachment "A"**  
**Community Center Checklist**

The City of Willcox Facilities & Maintenance section of Public Services & Works will perform the following:

<p><b>General</b></p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Issue <u>27</u> Tables (18 - 4 x 8, 9 - 4 x 4 - available).</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Issue <u>132</u> Chairs (100 - folding, 32 - padded - available).</p> <p><input type="checkbox"/> <input type="checkbox"/> Review Restroom Cleaning Requirements.</p> <p><input type="checkbox"/> <input type="checkbox"/> Review Operation of Lighting.</p> <p><input type="checkbox"/> <input type="checkbox"/> Review Operation of Heating &amp; AC.</p> <p><input type="checkbox"/> <input type="checkbox"/> Review Cleaning Requirements.</p> <p><b>Ballroom</b></p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Provide AG1 Key.</p> <p><b>Dining Room</b></p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Provide AG___ Key.</p> <p><b>Lounge</b></p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Provide AG4 Key.</p>	<p><b>Kitchen</b></p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Provide AG5 Key.</p> <p><input type="checkbox"/> <input type="checkbox"/> Review Operation of Lighting.</p> <p><input type="checkbox"/> <input type="checkbox"/> Review Operation of Range.</p> <p><input type="checkbox"/> <input type="checkbox"/> Review Operation of Range Hood.</p> <p><input type="checkbox"/> <input type="checkbox"/> Review Operation of Ansul System.</p> <p><input type="checkbox"/> <input type="checkbox"/> Review Operation of Dishwasher.</p> <p><input type="checkbox"/> <input type="checkbox"/> Review Operation of Refrigerator.</p> <p><input type="checkbox"/> <input type="checkbox"/> Review Operation of Freezer.</p> <p><input type="checkbox"/> <input type="checkbox"/> Review Operation of Warmer.</p> <p><input type="checkbox"/> <input type="checkbox"/> Review Operation of Ice Maker.</p> <p><input type="checkbox"/> <input type="checkbox"/> Review Cleaning Requirements.</p> <p><b>Sound System</b></p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Issue Sound Room "X" Key.</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Review Operation of Sound System.</p>
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Unless otherwise specified trash cans are emptied, restrooms are cleaned and restocked on a daily basis during weekdays.

Arrangements for additional tasks may be requested by speaking with the Facilities and Maintenance Supervisor or the Public Services & Works Director.

**Special Arrangements:**

Please see the attached letter for additional requests.

The "Participant" is responsible for establishing control of the area(s) requested for use. The City of Willcox is not responsible for loss due to acts of God or vandalism or by actions of others not affiliated with the City of Willcox.

**Attachment "B"**  
**Community Center Checklist**

The Participant agrees to perform the following tasks:

<p><b>General</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> <input type="checkbox"/> Verify Count of Tables Issued.</li> <li><input checked="" type="checkbox"/> <input type="checkbox"/> Verify Count of Chairs Issued.</li> <li><input checked="" type="checkbox"/> <input type="checkbox"/> Obtain appropriate keys one business day prior to the event by 3:30 P.M.</li> <li><input checked="" type="checkbox"/> <input type="checkbox"/> Return keys within two (2) business days of event conclusion.</li> <li><input checked="" type="checkbox"/> <input type="checkbox"/> Fold Tables and Place along N Wall of Ballroom.</li> <li><input checked="" type="checkbox"/> <input type="checkbox"/> Fold Chairs and Place along N wall of Ballroom.</li> <li><input checked="" type="checkbox"/> <input type="checkbox"/> Fold Tables and Place on W Wall of Lounge.</li> <li><input checked="" type="checkbox"/> <input type="checkbox"/> Fold Chairs and Place on W Wall of Lounge.</li> <li><input checked="" type="checkbox"/> <input type="checkbox"/> Fold Tables and Place on N Wall of Dining Room.</li> <li><input checked="" type="checkbox"/> <input type="checkbox"/> Fold Chairs and Place on N Wall of Dining Room.</li> </ul> <p><b>Vendor(s)</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> <input type="checkbox"/> Request to waive requirement for all vendors to have individual permits.</li> </ul>	<p><b>Cleaning</b></p> <p>Cleaning consists of removing decorations, sweeping and mopping and tying up garbage bags and place in dumpster. All areas should be left in the same or better condition as received.</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> <input type="checkbox"/> Clean Restrooms</li> <li><input checked="" type="checkbox"/> <input type="checkbox"/> Clean Kitchen</li> <li><input checked="" type="checkbox"/> <input type="checkbox"/> Clean Ballroom</li> <li><input checked="" type="checkbox"/> <input type="checkbox"/> Clean Dining Room</li> <li><input checked="" type="checkbox"/> <input type="checkbox"/> Clean Lounge</li> <li><input checked="" type="checkbox"/> <input type="checkbox"/> Clean Stage Area</li> </ul> <p><b>If Serving Alcohol</b> <i>N/A</i></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <input type="checkbox"/> Obtain Special Event Liquor License with the Arizona Department of Liquor.</li> <li><input type="checkbox"/> <input type="checkbox"/> Provide Liquor Liability Insurance in the amount of \$1,000,000 naming the City of Willcox as additionally insured.</li> <li><input type="checkbox"/> <input type="checkbox"/> Provide Security approved by Willcox Public Safety Department.</li> </ul>
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- If your event includes decoration the facility please keep in mind that any damage from placing or removal may result in surrendering deposits.
- It is the responsibility of the Participant to verify that all furnishings included in the reservation agreement are in place and in good repair at the conclusion of the event. Replacement cost for missing or damaged items will be based on current replacement cost. Restitution must be made within five (5) business days of the event.
- All equipment or personal items belonging to the "Participant" shall be removed by 8:00 a.m. on the day following the event or additional rental fees may be charged.
- Premises shall be left clean and in good repair or deposit will be surrendered. Others charges may be assessed if significant damage occurs.
- City of Willcox officials reserve the right to enter / inspect the premises during the event.
- The "Participant" is responsible for establishing control of the area(s) requested for use. The City of Willcox is not responsible for loss due to acts of God or vandalism or by actions of others not affiliated with the City of Willcox.

**Contact information:**

Public Services & Works ----- 766-4213  
 Facilities & Park Maintenance ----- 507-0442  
 On-call ----- 766-2201

**Attachment "C"**  
**Community Center Fee Schedule**

**Deposit and Rental Fees**

All Deposits, Fees, Proof of Insurance must be tendered 10 days prior to event date in order to finalize scheduling details.

	Fee Description	Fee Amount	Number of Days	Subtotal	Cash Rec'd.	Check #	Rept. #
X	Reservation Deposit	\$50.00		\$50.00			
X	Cleaning and Damage Deposit	\$125.00		\$125.00		1579	8435
	Kitchen	\$53.56					
	Ballroom	\$167.38					
3	Lounge	\$33.48		100.44			
	Ballroom & Kitchen	\$214.24					
3	Ballroom & Dining Room	\$214.24		642.72			
	Ballroom, Dining Room & Kitchen	\$267.80					
	Ballroom & Lounge	\$194.16					
	Lounge & Dining Room	\$80.34					
	Lounge, Dining Room & Kitchen	\$133.90					
	Dining Room & Kitchen	\$100.43					
2	Entire Facility	\$301.28		602.56			
<b>Total Fees Due</b>				1520.72			

Request to waive fees through City Council.

7/1  
175.00 dep. pd.  
1345.72 balance due

- The City of Willcox reserves the right to refuse reservations.
- Must be at least 21 years of age to reserve facilities.
- Participant may reserve one (1) day prior to the event to set up for event without additional charge for the day providing another event is not already scheduled.
- Under normal circumstances; fees and certificate of insurance must be remitted ten (10) days prior to the scheduled use.
- All fees must be paid prior to the issuance of keys.
- Cancellation of reservation within five (5) days of the activity will result in surrender of \$50.00 deposit and ½ of rental fees.
- Returned checks are subject to a twenty-five dollar (\$25.00) fee.

**Condition Verification**

I have inspected the condition of the facilities specified under this agreement and have found them to be in \_\_\_\_\_ Satisfactory \_\_\_\_\_ Unsatisfactory condition.

I recommend that \_\_\_\_\_ All \_\_\_\_\_ None \_\_\_\_\_ Other \_\_\_\_\_ of the deposit be returned.

\_\_\_\_\_ Significant damage has occurred directly related to this event.

Damages are estimated to cost \_\_\_\_\_ which must be remitted within five (5) days.

\_\_\_\_\_  
City of Willcox Representative Signature

\_\_\_\_\_  
Date



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## 2011 Wings Over Willcox Festival

April 19, 2010

Oscar Hudson  
City of Willcox  
101 S Railroad Ave  
Willcox, AZ 85643

Dear Oscar,

Our planning has begun for the 2011 Wings Over Willcox festival and we would like to get the following service requests on the public works department calendar. The festival dates for 2011 are January 12 – 16.

- We would like to reserve the Community Center ballroom, dining room and fireplace room for Wednesday, January 12 – Sunday, January 16. The Rotary Club will use the kitchen on Saturday, January 15 and Sunday, January 16 for the WOW breakfast so we need to reserve the kitchen for these dates.
- The WOW light pole banners should be hung no later than Wednesday, January 5. We will apply for the permit from ADOT and provide that documentation to you. All banners are stored at the Chamber. If you contact me when you are ready to hang the banners we will deliver them to the Public Works office or you can pick them up at your convenience.
- We have two banners to hang on the outside of the Community Center and would like to have those hung by your staff by the morning of Wednesday, January 12 so that the building is well marked for our first tour that afternoon. These banners are also stored at the Chamber. If you contact me, I will deliver them or you can pick them up if that is more convenient.
- On Thursday, January 13 at 8:00 a.m. we will be setting up at the Community Center. We will need your assistance in hanging the signs inside the building. I will contact Tom Currin at the Willcox Unified School District prior to this date to borrow the jenny lift to assist with the hanging of the signs. We will provide fishing line and the other supplies necessary. **Is there any possibility of getting some type of trim in the ballroom to hang pictures, posters, etc. from? We might be able to help make this happen. Please contact me soon so that we can get this taken care of in plenty of time.**
- As in the past few years, we would like to contract with a Public Works employee to clean the bathrooms, empty trash, sweep, etc. in the Community Center on Friday night, Saturday and Sunday when City employees are off duty. I will contact you in November for a recommendation for this contract.
- In 2008, WOW purchased recycling trash bins to be used at the festival and during other events as the City saw fit. The bins and bags were given to the City to be stored. They have not been set up and used at the last two festivals (2009 & 2010). We are working to be environmentally friendly and would appreciate you locating these bins and setting them up by Wednesday, January 12. Please also locate the bags to be used for the

1500 North Circle J Road, Willcox, AZ 85643  
1-800-200-2272 [www.wingsoverwillcox.com](http://www.wingsoverwillcox.com)

Wings Over Willcox is a community event designed to increase the awareness and appreciation of birds, wildlife, and our interactions with the natural world.

### SPONSORS & PARTNERS

AMERICAN BIRDING ASSOC

AMERIND FOUNDATION

APLOMADO ENVIRONMENTAL

ARIZONA GAME & FISH DEPARTMENT

ARIZONA ELECTRIC POWER COOPERATIVE

ARIZONA GEOLOGICAL SURVEY

ARIZONA LOTTERY

BIRDLAND RANCH

BONITA ELEMENTARY SCHOOL

BUREAU OF LAND MANAGEMENT

CITY OF WILLCOX

COLLINS' FARMS

CORONADO NATIONAL FOREST

CHIRICAHUA NATIONAL MONUMENT

EUROFRESH

FORT BOWIE NATIONAL HISTORIC SITE

FREEMONT MCMORAN COPPER & GOLD

GRAY HAWK NATURE CENTER

LIBERTY WILDLIFE

SOUTHEASTERN ARIZONA BIRD OBSERVATORY

SULPHUR SPRINGS VALLEY ELECTRIC COOP, INC

TENNEY PHOTOGRAPHY

THE NATURE CONSERVANCY

U.S.D.A. FOREST SERVICE

VALLEY TELECOM

WILLCOX CHAMBER OF COMMERCE & AGRICULTURE

WILLCOX UNIFIED SCHOOL DISTRICT

COPY

festival. We will expect the Public Works employee we hire to know how to properly dispose of the recyclables and will include that responsibility in that contract.

- The WOW committee has been concerned about security of the facility at night. Our vendors leave their product in the Community Center and count on us to keep it secure. We have a volunteer that is willing to park his camper at the Community Center and keep a watch over it during the night, possibly sleeping inside if deemed necessary. We would like permission for him to park his camper close to the building throughout the festival. Let's discuss this soon and work out the logistics.
- Please reserve the Community Center for our future festivals on January 11-15, 2012; January 16-20, 2013; January 15-19, 2014; January 14-18, 2015; and January 13-17, 2016.

We will complete the contract for the Community Center in January 2011 before the event begins. It is my understanding that we will need to make a formal request to the City Council to continue in a partnership with the City that waives the City fees for this community event. Thank you for your help in 2010. We look forward to working with you again in 2011.

Sincerely,

Connie Bonner  
Wings Over Willcox Coordinator

Cc: Dawn Adame, Public Works

*1500 North Circle J Road, Willcox, AZ 85643  
1-800-200-2272 [www.wingsoverwillcox.com](http://www.wingsoverwillcox.com)*

Wings Over Willcox is a community event designed to increase the awareness and appreciation of birds, wildlife, and our interactions with the natural world.

**CITY OF WILLCOX  
REQUEST FOR COUNCIL ACTION**

Agenda Item 10B  
Tab Number 3  
Date: 7/19/2010

**Date Requested:**  
**July 6, 2010**

**Resolution**  
 **Ordinance**  
 **Formal**

City of Willcox  
Federal Reserve Bank  
Pledge Agreement

To: MAYOR AND COUNCIL

From: Finance Director Ruth Graham

Discussion:

The City of Willcox is required to have a current Pledge Agreement Form on file with the Federal Reserve Board to meet the requirements of Appendix C of the Operating Circular 7, dated August 19, 2005. This is a housekeeping item required to update the names, signatures and offices of persons entitled to act on behalf of the City, namely the Mayor, City Manager, City Clerk and Finance Director.

**FINANCIAL IMPACT:** N/A.

**RECOMMENDATION:** Motion to approve the City of Willcox Pledge Agreement Form to be placed on file with the Federal Reserve Board to meet the requirements of Appendix C of the Operating Circular 7, dated August 19, 2005.

Submitted by:



Ruth Graham

Approved by:



Pat McCourt, City Manager



**RESOLUTION NO. 2010-79**

**A RESOLUTION OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA (“CITY”) APPROVING AND AUTHORIZING THE EXECUTION OF THE PLEDGEE AGREEMENT FORM TO BE FILED WITH THE FEDERAL RESERVE BOARD, AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST**

**WHEREAS**, the Mayor and Council of the City of Willcox shall have control of the finances and property of the corporation pursuant to A.R.S. Section 9-240(A) and Section 9-499.01 et seq.; and

**WHEREAS**, local governments in Arizona are required to have current executed PLEDGEE AGREEMENT FORM (“PAF”) with the Federal Reserve board to be in compliance with Appendix C of the Operating Circular 7, dated August 19, 2005; and

**WHEREAS**, the Mayor and Council of the City of Willcox are empowered to approve and authorize the execution of the PAF and are required to file same with the Federal Reserve Board; and

**WHEREAS**, the Mayor and Council desire to have this Resolution presented at its July 19<sup>th</sup>, 2010 Council Meeting and has determined that approval of this Resolution is in the best interest of the City of Willcox and its residents; and

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

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

Section 1: The **CITY** formally approves and adopts Resolution No: 2010-79.

Section 2: The **CITY** formally approves and authorizes the execution of the PAF as presented.

Section 3: City Staff are directed and authorized to take necessary action to carry out the intent of this Resolution.

Section 4: The immediate operation of the provisions of this Resolution is necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, and this Resolution shall be in full force and effect from and after its passage by Mayor and Council of the City of Willcox, Cochise County, Arizona.

Section 5: The Mayor is authorized and empowered to execute this Resolution and the PAF.

**PASSED AND ADOPTED** by the 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. 2010-79**

**CITY OF WILLCOX  
REQUEST FOR COUNCIL ACTION**

Agenda Item: \_\_\_\_\_ *10C*  
Tab Number: \_\_\_\_\_ *4*  
Date: 07-19-2010

<b>Date Submitted:</b> 7-1-10
<b>Date Requested:</b> 7-19-10

<b>Action:</b> <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Formal <input checked="" type="checkbox"/> Other
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<b>Subject: Amendment to contract with the AZ Dept of corrections</b>
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**TO:** MAYOR AND COUNCIL

**FROM:** City Manager

**DISCUSSION:** The City of Willcox has a contract with the Arizona Department of corrections for inmate labor (Contract # 090115DC). Paragraph 1.15 of the existing contract provides that the City will be billed \$2.29 per pay period per inmate in order to purchase work boots. The proposed amendment deletes this language from the contract. The effect is to reduce the cost to the City of inmate labor.

**RECOMMENDATION:** Approve the amendment and authorize the Mayor to sign.

**FISCAL IMPACT:** A few hundred dollars per year spread over the various funds

Prepared by: Pat McCourt

Approved by:   
Pat McCourt, City Manager



**CITY OF WILLCOX, COCHISE COUNTY, ARIZONA  
RESOLUTION NO: 2010-80**

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**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA [“CONTRACTOR”] APPROVING AND ADOPTING AMENDMENT NUMBER ONE TO THE INMATE WORK CONTRACT BETWEEN THE CITY AND THE STATE OF ARIZONA, DEPARTMENT OF CORRECTIONS, [“ASPC-SAFFORD”] FOR THE PURPOSE OF DELETING SECTION 1.15 AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION, AMENDMENT NUMBER ONE AND DECLARING AN EMERGENCY TO EXIST.**

**WHEREAS**, the City of Willcox is empowered pursuant to A.R.S. §§ 9-240 and 11-951 and 11-952 et seq. to enter into agreements with the county, the state and federal governments and agencies and is vested with all powers of incorporated cities and towns as set forth in Title 9; and

**WHEREAS**, the Department of Corrections (ASPC-SAFFORD) is duly authorized by A.R.S. § 41-1604 et seq.; A.R.S. § 41-2501(B); and A.R.S. § 31-252, § 31-254 to execute and administer contracts; and

**WHEREAS**, the Director of the Department of Corrections (“DOC”) has the authority to maintain and administer facilities and programs as may be required for the custody, control and rehabilitation of all inmates committed to the DOC; and

**WHEREAS**, the Contractor has a need for a labor force to support its general maintenance, janitorial, waterline work, manual labor, digging trenches, irrigation repairs and minor construction at the City of Willcox facilities and parks; and

**WHEREAS**, the Mayor and Council of the City of Willcox, Cochise County, Arizona have determined that it is in the best interest of the City and its citizens to approve and adopt Amendment Number One to Contract #090115DC for the purpose of deleting Section 1.15 and agreeing that all other terms and conditions shall remain in full force and effect for the remaining period that ends June 30, 2014; and

**WHEREAS**, the Mayor and Council and the DOC/ASPC-SAFFORD desire to have this item presented at the next Council Meeting on July 19, 2010; 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 and immediate implementation of Amendment One, 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 and adopts Amendment One to Contract #090115DC the DOC, authorizes the Mayor to execute this Resolution and Amendment One and City Staff is directed and authorized to take necessary action to carry out the intent of this Resolution and Amendment One.

**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, Esq.

**RESOLUTION NO: 2010-80**

# Arizona Department of Corrections



1601 WEST JEFFERSON  
PHOENIX, ARIZONA 85007  
(602) 542-5497  
www.azcorrections.gov



JANICE K. BREWER  
GOVERNOR

CHARLES L. RYAN  
DIRECTOR

June 17, 2010

Received

JUN 30 2010

Gerald Lindsey, Mayor  
City of Willcox  
101 South Railroad Avenue, Suite B  
Willcox, Arizona 85643

City Manager's Office

Re: Contract No. 090115DC, Inmate Labor with ASPC-Safford  
Amendment No. One

Dear Mr. Lindsey:

Enclosed for your review and authorized signature is the above referenced Amendment between the Arizona Department of Corrections and the City of Willcox.

Please sign and return by June 24, 2010 to the address below. Please do not make any changes to the enclosed documents prior to discussing them with Procurement Services. Any unauthorized alteration may delay finalization.

A copy of the fully executed Amendment will be sent to you for your records.

If you have any questions or concerns, feel free to contact Patricia Olivas, Senior Procurement Specialist or me at (602) 542-1172.

Sincerely,

A handwritten signature in cursive script, appearing to read "Denel Pickering".

Denel Pickering  
Chief Procurement Officer

DP/po

Enclosure

STATE OF ARIZONA  
DEPARTMENT OF CORRECTIONS  
1601 West Jefferson, MC 55302  
Phoenix, Arizona 85007-3002

AMENDMENT NUMBER ONE

The **Contract** entered into between the **City of Willcox**, hereinafter referred to as the **Contractor**, and the Director of the **Arizona Department of Corrections**, for and on behalf of the **Arizona State Prison Complex– Safford**, hereinafter known as the **Department** is hereby amended as follows:

This Contract is hereby amended as follows:

The Department has determined that the following requirement for reimbursement for boots is no longer a requirement

**The following Section 1.15 should be deleted:**

To reimburse the Department for boots. The Contractor will be billed \$2.29 per pay period per inmate in order to provide two pair of work boots per inmate per year, to be billed separately from labor.

All other terms and conditions of this Contract shall remain in full force and effect.

**IN WITNESS WHEREOF**, the parties hereto agree to carry out the terms of this Amendment.

**CITY OF WILLCOX**

**ARIZONA DEPARTMENT OF CORRECTIONS**

\_\_\_\_\_  
Signature of Authorized Individual                      Date  
**Gerald Lindsey**  
\_\_\_\_\_  
Typed Name  
**Mayor, City of Willcox**  
\_\_\_\_\_  
Typed Title  
**101 South Railroad Avenue, Suite B**  
**Willcox, Arizona 85643**  
\_\_\_\_\_  
Typed Address

\_\_\_\_\_  
Signature of Authorized Individual                      Date  
**Michael P. Kearns**  
\_\_\_\_\_  
Typed Name  
**Division Director, Administrative Services**  
\_\_\_\_\_  
Typed Title  
**1601 West Jefferson, MC 328**  
**Phoenix, Arizona 85007-3002**  
\_\_\_\_\_  
Typed Address

Additional Signatures as Applicable

\_\_\_\_\_  
Signature    Date  
\_\_\_\_\_  
Typed Name  
\_\_\_\_\_  
Typed Title

\_\_\_\_\_  
Signature    Date  
\_\_\_\_\_  
Typed Name  
\_\_\_\_\_  
Typed Title

**This amendment shall be effective when all signatures are affixed.**



TAB 5

**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 **REGULAR** meeting, on **MONDAY** the **19<sup>TH</sup>** day of **JULY**, 2010 at **7:00 p.m.**, in the **CITY COUNCIL CHAMBERS, 300 W. REX ALLEN DRIVE, WILLCOX, AZ.**

Public Hearing on:

**The City of Willcox and the Elsie S. Hogan Community Library has applied to the USDA Rural Development for Funding Assistance to Complete the Library Renovation Project. Residents may provide comments on such items as economic and environmental issue that may impact the area or discuss any alternatives to the proposed project.**

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 8<sup>th</sup> day of JULY 2010 AT 2:00 P.M.**

**CITY OF WILLCOX, ARIZONA**

*Cristina G. Whelan, CMC*

**/s/Cristina G. Whelan, CMC .**  
**CITY CLERK**

Publichearing/use of usda rural development funding library

**CITY OF WILLCOX**  
ELSIE S. HOGAN  
COMMUNITY LIBRARY



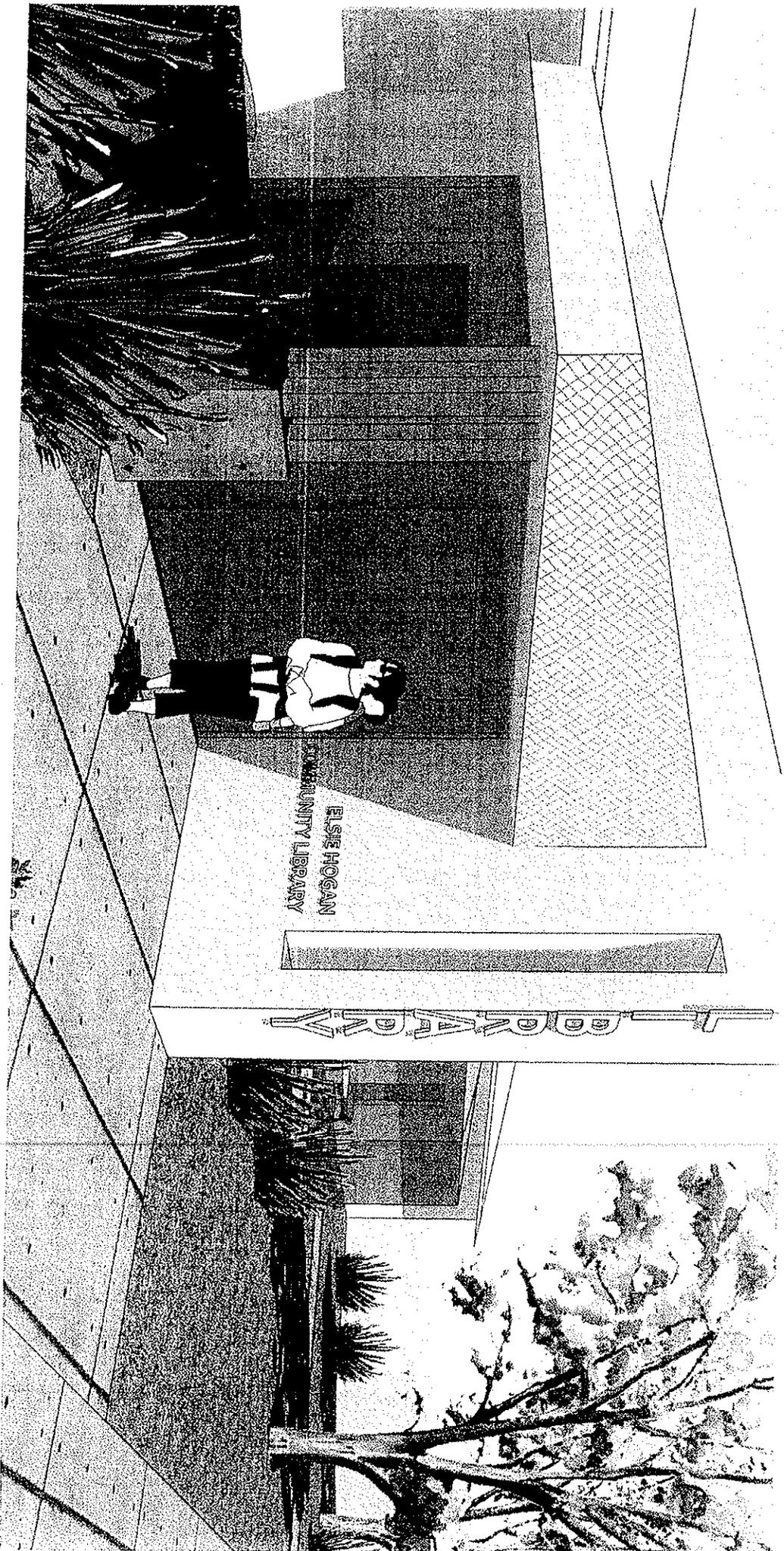
100 North Curtis Avenue  
Willcox, Arizona 85643-2150  
Phone: 520/766-4250 Fax: 520/384-0126  
Email: tminer@willcoxcity.org

*"Yours, Mine and Ours"*

## **PUBLIC INFORMATION MEETING**

The City of Willcox and the Elsie S. Hogan Community Library has applied to the USDA Rural Development for funding assistance to complete the Library Renovation Project. A Public Meeting will be held on July 19, 2010 at 7:00 pm to discuss the specific elements of the application and to give the residents in the local area an opportunity to become acquainted with the proposed project. The residents may provide comments on such items as economic and environmental issues that may impact the area or discuss any alternatives to the proposed project. The meeting will be held at the new City Council Chambers located at 300 West Rex Allen Drive, Willcox, AZ. Additional information about this public meeting can be obtained by contacting the Library Director, Mr. Tom Miner, at (520) 766-4250.

Tom Miner, Library Director



## USDA-RDA Grant Funding Proposal Detail:

### Project Scope: Five Elements – Summary and Total

1.	Addition of Solarium Room	\$60,000*
2.	Install Carpeting in Main Library	9,000
3.	Paint Bldg Exterior and Murals	10,000
4.	Install Video Surveillance Security System	22,000
5.	Landscaping front areas of the Library	<u>6,000</u>
	Sub-Total	\$107,000
6.	Contingency @ 10%	<u>10,700</u>
	Total Requested Amount of Grant	\$117,700

### Project Elements Detail:

#### 1. Solarium Room:

Received 3 Quotes - Florian Solar Products	-	\$36,052 (Incomplete)
4 Seasons Sunrooms, Inc	-	\$57,147 (Selected)
Royal Covers, Royal Const.	-	\$79,768 (High Quote)

(\*) None of the Quotes contained estimates for floor coverings, so it was added in.

#### 2. Carpeting:

Received 2 Quotes - Mark Simmons & Co.	-	\$12,435
Woods Construction Co.	-	\$ 5,500 (Mat'l only)

Simmons quoted \$3,500 labor so we added that to the low quote – totaling \$9,000

#### 3. Painting and Murals:

Based on Actual Costs – Public Works Paint Manual	-	\$5,250 - 7000sf x10'H
Murals - Painter's Plus (sole source)	-	\$4,750

#### 4. Video Surveillance Security System:

Costs are based on Building configuration, number of exits, and electrical service.

We must therefore purchase 2 double-unit security arms, one for the front main entrance, and one for the rear double doors near the Large Meeting Room; and 3 single units, 1 for the back patio exit, 1 for the Solarium Room exit, and 1 for the small meeting room. We must also install wiring and video feeds for an 8-camera surveillance system.

Double-units average cost is \$5,000 ea x 2 = \$10,000

Single units average costs are \$3,000 ea x 3 = \$9,000

Installing wiring and video cable estimated at \$3,000

#### 5. Landscaping front of Library (minimal water use):

Astro Turf - fescue 1.75"H – 930 sf – Home Depot	-	\$3,505 (incl tax)
Sidewalks from Bldg to Curb – Willcox Rock & Sand	-	\$1,000
Picnic tables/chairs and benches – Sam's Club Tucson	-	\$ 995
Drip irrigation water line for tree in middle of open space	-	\$ 500



Committed to the future of rural communities.

United States  
Department  
Of Agriculture  
Rural Development

2197 S. 4<sup>th</sup> Avenue  
Suite 104  
Yuma, AZ 85364

(928)782-0860 ext #4  
(928)782-0951 FAX  
(602)280-8705 TDD

June 23, 2010

John Hilton  
Elsie S. Hogan Library  
100 N. Curtis Ave.  
Willcox, AZ 85643

RE: Library Project

Dear Mr. Hilton:

This will serve as acknowledgement of your application received in this office.

In order to continue processing your request we will need the following additional information.

1. Per RHS Instruction 1942-A,1942.17 (J)(9), Public Information, please publish the "Public Notice", (sample attached).

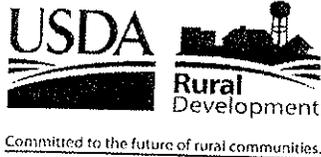
If you have any questions, please contact me at 520-384-3529 ext. 112.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Hooper". The signature is written in a cursive style with a long horizontal stroke extending to the right.

JEFF HOOPER  
Community Programs Specialist

"USDA is an equal opportunity provider, employer and lender." To file a complain of discrimination, write USDA, Director, Office of Civil Rights 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice), or (202) 720-6382 (TDD).



United States  
Department  
of Agriculture  
Rural Development

Arizona State Office  
230 N. First Ave.  
Suite 206  
Phoenix AZ 85003

(602) 280-8745  
(602) 280-8805 TDD  
(602) 280-8881 FAX

(A)

### Public meeting requirement

A public information meeting is required for both **Water and Wastewater** and **Community Facility Projects**: Thereby, once an application is submitted to USDA, Rural Development, a public meeting must be held. A public notice of the meeting must be published 10 days prior to the scheduled public meeting. The notice must be published in a newspaper of general circulation of the project area. A copy of the notice must also be posted in the applicant's principal office. The applicant will provide a copy of the newspaper notice and copies of minutes on the public meeting to Rural Development.

### (Sample) PUBLIC INFORMATION MEETING

The (name of applicant) has applied to the USDA Rural Development for funding assistance for development of a (name of project). A public meeting will be held on (date and time of meeting) to discuss the specific elements of the application and to give the residents in the local area an opportunity to become acquainted with the proposed project. The residents may provide comments on such items as economic and environmental issues that may impact the area or discuss any alternatives to the proposed project. The meeting will be held at the \_\_\_\_\_ located at \_\_\_\_\_. Additional information about this public meeting can be obtained by contacting (name of the contact person for the applicant).

U.S. DEPARTMENT OF AGRICULTURE  
**NOTICE OF PREAPPLICATION REVIEW  
 ACTION**

From: USDA Rural Development  
 (Department, bureau, or establishment)

Agency Number  
07

To: WILLCOX, CITY OF  
 250 N RAILROAD AVE  
 WILLCOX, AZ 85643

Reference Your Preapplication  
 Number \_\_\_\_\_

Dated: 06-11-2010

1. We have reviewed your preapplication for Federal assistance under 10766 and have determined that your proposal is:
  - eligible for funding by this agency and can compete with similar applications from other grantees.
  - eligible but does not have the priority necessary for further consideration at this time.
  - not eligible for funding by this agency.
2. Therefore, we suggest that You:
  - file a formal application with us by (date) \_\_\_\_\_
  - file an application with \_\_\_\_\_ (Suggested Federal agency).
  - find other means of funding this project.
3. Based upon the funds available for this program over the last two fiscal years and the number of applications reviewed, or pending, we anticipate that funds for which you are competing will be available after (month, year) \_\_\_\_\_.
4. You requested \$ 117,700.00 Federal funding in your preapplication form, and we:
  - are agreeable to consideration of approximately this amount in the formal application.
  - will need to analyze the amount requested in more detail.
5. A preapplication conference will be \_\_\_\_\_ necessary  not necessary. We are recommending that it be held at \_\_\_\_\_, on \_\_\_\_\_, at \_\_\_\_\_ a.m./p.m. Please contact the undersigned for confirmation.
6. Enclosures: \_\_\_\_\_ Forms \_\_\_\_\_ Instructions  Other (Specify) \_\_\_\_\_
7. Other Remarks:

Signature <i>Debra Stewart</i>	Title Community Programs	Date 06-23-2010
Organizational Unit USDA	Administrative Office State Office	Telephone Number (602) 280-8746

Address  
 230 N. First Ave, Suite 206  
 Phoenix, AZ 85003

NOTE: This form will be used by Federal agencies to inform applicants of the results of a review of their preapplication request for Federal assistance. When the review cannot be performed within 45 days, the applicant shall be informed by letter as to when the review will be completed. When Federal agencies determine that the proposal is not eligible for Federal assistance, specific reasons should be provided in Item 7 Other Remarks.



Committed to the future of rural communities.

United States  
Department  
of Agriculture  
Rural Development

4650 N. Highway Dr.  
Tucson, AZ 85705

(520) 887-4505  
(602) 280-8705 TDD  
(520) 888-1467 FAX

Attachment to Form AD-622

“You are advised against taking any actions or incurring any obligations which would either limit the range of alternatives to be considered, or which would have an adverse effect on the environment. Satisfactory completion of the environmental review process must occur prior to the issuance of the letter of conditions”

# ROBERT'S RULES OF ORDER MEMORANDUM

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## PROCEDURAL RULES RE: MOTIONS

DEPARTMENT: Mayor and Council  
ASSIGNMENT: P & Z Appointments  
RESEARCH: July 14, 2010  
MEMORANDUM: LEGAL REVIEW

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THIS MEMORANDUM WILL SERVE TO FOLLOW UP ON THE QUESTIONS POSED FOR THE P & Z APPOINTMENTS RE: THE PROCEDURAL RULES FOR THE ACTION TAKEN AT THE JULY 5<sup>TH</sup>, 2010 COUNCIL MEETING.

AFTER REVIEWING THE ROBERT'S RULES OF ORDER AND CITY COUNCIL MINUTES OF THE JULY 5<sup>TH</sup> MEETING RELATED TO THE VARIOUS MOTIONS THAT WERE MADE, THE FOLLOWING FACTS ARE COVERED IN THIS MEMORANDUM:

A REVIEW OF ROBERT'S RULES OF ORDER, ARTICLE II (GENERAL CLASSIFICATION OF MOTIONS), MOTIONS ARE CLASSIFIED AS MAIN OR PRINCIPAL MOTIONS; INCIDENTAL MAIN MOTIONS; SUBSIDIARY MOTIONS; INCIDENTAL MOTIONS; PRIVILEGED MOTIONS AND UNCLASSIFIED MOTIONS. I WILL COVER APPLICABLE CLASSIFICATIONS RELATED TO THE SUBJECT MATTER AT HAND.

1. MAIN MOTION: IT IS CLEAR THAT A MAIN MOTION WAS MADE AND WAS SECONDED TO APPOINT NANCY GUERRERO AND SHARON NIGH FOR THE P & Z COMMISSION VACANCIES. THE MINUTES DO NOT REFLECT THAT THAT MOTION WAS VOTED UPON.
2. A PROCEDURAL QUESTION AND POINT OF ORDER WAS RAISED BY THE MAYOR REGARDING THE PROCEDURE FOR VOTING FOR EACH CANDIDATE/APPLICANT SEPARATELY. THE APPROPRIATE PROCEDURE TO DEVIATE FROM THE ORIGINAL MAIN MOTION WAS TO MAKE A MOTION TO AMEND. SUCH A MOTION IS CLASSIFIED AS A SUBSIDIARY MOTION. MAIN MOTIONS ARE SUBJECT TO A MOTION TO AMEND BY EITHER STRIKING PORTIONS OF THE MAIN MOTION AND INSERTING OTHER LANGUAGE OR BY INSERTING COMPLETE NEW LANGUAGE. THE MINUTES DO NOT REFLECT SUCH A MOTION.

3. A SECOND MOTION WAS MADE TO RESCIND THE FIRST MAIN MOTION. THIS MOTION CAN NOT BE CONVENIENTLY CLASSIFIED EITHER AS A MAIN, SUBSIDIARY, INCIDENTAL, OR PRIVILEGED MOTION BUT COMES UNDER THE HEADING OF UNCLASSIFIED. THE MINUTES DO NOT REFLECT THAT THE MOTION WAS SECONDED AS REQUIRED BY THE RULES. THE CITY CLERK STATES THAT SHE INQUIRED WHETHER A SECOND WAS MADE. THE MINUTES DO NOT REFLECT THAT QUESTION. THE MINUTES DO REFLECT THAT THE MAYOR STATED THAT A SECOND WAS NOT NEEDED. THE MAYOR STATES THAT HE WAS REFERRING TO THE NOMINATIONS. THE SECOND MOTION FAILS FOR A LACK OF A SECOND.
4. A THIRD MOTION WAS MADE TO APPROVE THE NOMINATION OF THE APPOINTMENT TO NANCY GUERRERO. COUNCILMAN HOLLOWAY ASKED IF A SECOND IS NEEDED AND THE MAYOR ANSWERED IN THE NEGATIVE. THE RULES DO NOT REQUIRE A SECOND TO MAKE NOMINATIONS. HOWEVER, A SEPARATE MOTION IS REQUIRED TO CLOSE NOMINATIONS AND THAT MOTION REQUIRES A SECOND. THE MINUTES DO NOT REFLECT THAT SUCH VOTING PROCEDURE WAS USED.
5. A FOURTH MOTION WAS MADE TO APPOINT SHARON NIGH TO THE P & Z COMMISSION. THE RULES ENUMERATED ABOVE IN # 4 APPLY. THE PROPER PROCEDURE FOR NOMINATIONS AS WELL AS THE RULES FOR CLOSING NOMINATIONS APPLY AND SEPARATE MOTIONS WITH A SECOND ARE REQUIRED TO MAKE THE ACTUAL INDIVIDUAL APPOINTMENTS.

HAVING SAID THE ABOVE, THE PROCEDURAL RULES THAT WERE USED AT THE JULY 5<sup>TH</sup>, 2010 CITY COUNCIL MEETING WERE NOT IN KEEPING WITH GENERALLY ACCEPTED ROBERT'S RULES OF ORDER. MAYOR AND COUNCIL SHOULD BE AWARE THAT THE ROBERT'S RULES OF ORDER PROVIDES GUIDANCE FOR CONDUCTING MEETINGS. HOWEVER, NOT EVERY RULE IS APPLIED THE SAME AS TO ALL ORGANIZATIONS IN CONDUCTING A MEETING. EXCEPTIONS DO EXIST. I COVERED THE RULES AS THEY GENERALLY APPLY TO CITY COUNCIL MEETINGS.

MAYOR AND COUNCIL CAN ADDRESS THE ISSUE AT HAND BY MAKING THE DETERMINATION THAT THE PROCEDURE USED WAS NOT IN KEEPING WITH THE GENERALLY ACCEPTED RULES OF ORDER; THAT THE ORIGINAL MAIN MOTION WAS NOT VOTED UPON; THAT THE MOTION TO RESCIND FAILED FOR A LACK OF A SECOND; THAT THE PROCEDURAL VOTES ON THE APPOINTMENTS DO NOT COMPLY WITH RULES OF ORDER; AND BY RESCINDING THE ACTION TAKEN ON THE 5<sup>TH</sup> OF JULY.

ARTICLE II ENUMERATED ABOVE STATES THAT "NO MOTION IS IN ORDER THAT CONFLICTS WITH THE CONSTITUTION, BY LAWS, OR STANDING RULES OF THE ASSEMBLY, AND IF SUCH A MOTION IS ADOPTED IT IS NULL AND VOID. ". MAYOR AND COUNCIL MAY MAKE A DETERMINATION THAT SUCH IS THE CASE. MAYOR AND COUNCIL MAY ALSO RESCIND A PREVIOUS ACTION. THIS REQUIRES A MOTION TO RESCIND THAT ACTION AND IT REQUIRES A SECOND. THE PROCEDURE ENUMERATED ABOVE WILL THEN BE IN ORDER, I.E. MEMBERS CAN MAKE NOMINATIONS (NO SECOND REQUIRED), MAKE A MOTION TO CLOSE NOMINATIONS (SECOND IS REQUIRED), PROCEED TO MOTION TO APPOINT (SECOND IS REQUIRED) AND THEN VOTED UPON THAT MOTION FOR EACH CANDIDATE/ APPLICANT.

I WILL BE PRESENT AT THE NEXT COUNCIL MEETING FOR FURTHER GUIDANCE. THANK YOU.



**CITY OF WILLCOX  
REQUEST FOR COUNCIL ACTION**

Agenda Item: 13  
Tab Number: 7  
Date: 07-19-2010

<b>Date Submitted:</b> 7/14/2010 <b>Date Requested:</b> 7/19/2010

<b>Action:</b> <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Formal <input type="checkbox"/> Other

<b>Subject: Discussion / Decision on Skate Park funding.</b>

**TO:           MAYOR AND COUNCIL**

**DISCUSSION:**       During the development of Keiller Park a site for a Skate Park was established in the Parking lot located off of Fremont St. The Council requested the Skate Park Committee raise money to demonstrate the commitment of the Skaters in the community. The committee raised approximately \$8,000.00 through various fund raising efforts. The Mayor and Council had previously agreed to match funds raised by the Skate Park Committee. This means we have approximately \$16,000.00 to work with. Public Works and the Skate Park Committee have been evaluating what can be constructed with the existing funds. We are estimating that an area of 75' x 90' can be fenced and an area of approximately 2,250 sq. ft. can be concreted.

On May 21, 2010 bids were received and opened after a formal request for bids was made. Two contractors bid on the project. Mascot Homes and Construction, LLC bid \$23,423.50 and Arcis Builders, also known as Woods Construction, bid \$33,771.88. Both bids exceeded the funding available for the project.

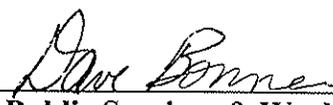
I advised Phyliss Arvizu, who has been the contact person for the Skate Park Committee, that we did not have funding to proceed with the project but we would continue trying to figure out how to get it done. At this point I think we have reduced the initial concrete area and fencing to the minimal size. Without additional funding or donations we are not able to proceed.

Paul Sheets requested that the item be put on the agenda for discussion to explore other possible avenues to proceed with the project.

**RECOMMENDATION:** Consideration of funding and methods to proceed with the project.

**FISCAL IMPACT:** None

Prepared by:

  
\_\_\_\_\_  
Dave Bonner, Public Services & Works Director

Approved by:

  
\_\_\_\_\_  
Pat McCourt, City Manager



**CITY OF WILLCOX  
REQUEST FOR COUNCIL ACTION**

Agenda Item: 14  
Tab Number: 8  
Date: July 19, 2010

**Date Submitted:**  
7-13-10  
  
**Date Requested:**  
7-19-10

**Action:**  
 Resolution  
 Ordinance  
 Formal  
 Other

**Subject: Partnering  
with Willcox Wine  
Country (WWC) and  
Chamber to promote  
Economic Development  
in the Willcox area**

**TO: MAYOR AND COUNCIL**

**FROM: City Manager**

**DISCUSSION:** The attached memo discusses the background on this issue. The basic proposal is to partner with other groups in the Willcox area to promote a new industry which advances the economic development goals of broadening the economic base and developing tourism. The City is asked to provide partial funding for an economic development campaign.

**RECOMMENDATION:** Authorize staff to use up to a maximum of \$2,000 from the Economic Development line item in the General Fund for FY 2011 for this advertising campaign.

**FISCAL IMPACT:** Up to \$2,000.00 from the General Fund during FY 2011 for Economic Development. The income will be very difficult to project.

**Prepared by: Pat McCourt**

Approved by:   
Pat McCourt, City Manager



# Memorandum

**To:** City Council  
**CC:** Willcox Chamber of Commerce & Agriculture, Willcox Wine Country  
**From:** City Manager *WJS*  
**Date:** July 13, 2010  
**Re:** Use of Economic Development monies to promote increased business in Willcox

---

The City Council has reserved in the General Fund a sum of \$20,000 for economic development activities during FY 2011.

The Council has committed the amount of \$325.00 for Ms. Schultz to attend the Governor's conference on Tourism.

Cochise County will be requesting the sum of \$2500.00 to support the development of an economic assessment of the needs of Cochise County.

The City has been working with an Association of vineries Willcox Wine Country (WWC); who are developing the industry in Cochise County and more particularly in the City of Willcox. There are two (2) tasting rooms established within the City; two (2) more in process; additionally there are two (2) tasting rooms in the immediate vicinity of the City.

WWC would like to do advertizing in the "Tucson Guide" for the four (4) editions published annually. The ad would present Willcox as the center of a growing wine industry, and present it as an easy day trip. The cost of a full page ad is \$8000.00 per year. The Association has stated they can raise \$4,000.00 and they are asking the City if the City will provide the matching funds (See paragraphs below for other partners).

The City has not done this in the past.

The reason the City might consider this is: this is part of the economic development strategy of building off the base agriculture industry in our area. The taking of a basic production (grapes) adding value (turning into wine) is a key component of growing our local economy while preserving our way of life. Second, this is a new

economic development area; this develops new visitors to the area, as opposed to the existing visitors. Third, the bulk of these tasting rooms are in the City and sales will be subject to City sales tax. Fourth, the clientele is narrowly defined and is a repeating clientele. Fifth, the clientele will visit all during the year; not only during the peaking weekends; which helps the City more easily provide the necessary services (if any, none are anticipated) which might be required. Sixth, the media being used is the type of item that is preserved for a long time (an upscale magazine) and therefore the investment will have a long life. Seventh, this is a new group to the local economy (and the Chamber) and this will welcome them to the community.

The reasons not to participate are; this will likely be taken as an encouragement to many other groups that are also putting on events in the community to seek assistance in promoting the event (and there are only limited funds available). Second, it is very difficult to show any direct return to the City from the advertising. Third, the City budget is very tight and it might be best not to spend this money and preserve it for other necessary public services.

It has been suggested that the Council wishes to participate, the Council may wish to use WREDA for the avenue to fund this project.

I approached the Willcox Chamber of Commerce & Agriculture at the Board meeting July 13, 2010. The Chamber Board passed a motion indicating that the Chamber will match the City up to Two Thousand dollars for this project.

I have also approached SSVEC for a contribution toward this project; it will take a while for SSVEC to be able to process the Request. I indicated to SSVEC that a donation from them would reduce the City and Chamber request proportionally. SSVEC has agreed to make a contribution of five hundred dollars (\$500.00)

There are other organizations that have been suggested as partners. I have not had the time to approach them prior to completing this document for the Council Agenda package.

There is a deadline on notifying the Tucson Visitor guide or the project will have to wait for a year.

**CITY OF WILLCOX  
Request for Council Action**

**Agenda Item:** 15  
**Tab Number:** 10  
**Date:** 07-19-2010

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**Date Submitted:**

13 July, 2010

**Date Requested:**

19 July, 2010

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**Action:**

**Resolution**

**Ordinance**

**Formal**

**Other**

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**Subject:**

Approval for Deeds of Dedication from Patte Road property owners to the City of Willcox.

---

**To: Honorable Mayor and City Council**

**From: Public Services & Works, Streets Section**

**Discussion:** In 2007 a developer was looking at property along Patte Road. One of the issues with the property was that it did not have legal access. At this time we found the only dedication for the road was made in conjunction with the Nordhus Addition Plat.

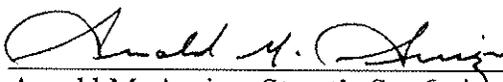
The process began in 2007 when letters were sent out to all property owners requesting their portions of land, which is Patte Road itself, to be donated to the City of Willcox in order to chip seal it. By donating their portion of land to the city, their property taxes will decrease, city utilities will be within the city right-of-way and the city can legally chip seal Patte Road since it will be city property. We had a survey performed by Hawkeye Surveying. Generally, a road is centered on a section line. In this case Patte Road is not. Once we receive the deed of dedications from all the property owners, the city will begin realigning the road and preparing for a double chip seal on Patte Road.

This process is nearing the final stages of transforming Patte Road from a gravel road to a double chip sealed road. This will achieve the original objective to provide a legal access to the properties along Patte Road as well as to minimize dust pollution. Streets Department will be double chip sealing one of the oldest roads in Willcox.

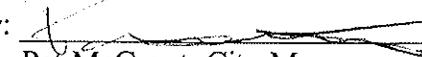
This project has been budgeted in fiscal year 2010-2011 and 2011-2012 and will be done in two phases. Phase I will be to realign Patte Road and placing ABC on the entire length. This will be done in fiscal year 2010-2011. Phase II will be to double chip seal Patte Road and Bisbee Avenue from Rex Allen Drive north to Patte Road. This will be done in fiscal year 2011-2012. The costs will be from local funds, not grant funds.

**Recommendation:** We are requesting approval and acceptance from Mayor and City Council of the deed of dedication from all the property owners of Patte Road.

**Fiscal Impact:** Budgeted in fiscal year 2010-2012

Prepared By:   
Arnold M. Arvizu, Street's Supervisor

Approved By:   
Dave Bonner, Director of Public Services and Works

Approved By:   
Pat McCourt, City Manager

**RESOLUTION NO. 2010-82**

**A RESOLUTION OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA (“CITY”) APPROVING AND ACCEPTING THE PATTE ROAD DEEDS OF DEDICATION FROM PROPERTY OWNERS FOR PORTIONS OF LAND AS DESIGNATED IN EACH DEED TO THE CITY OF WILLCOX AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION FOR THE PURPOSE OF ACCEPTING THE DEEDS OF DEDICATION AND DECLARING AN EMERGENCY TO EXIST**

**WHEREAS**, the Mayor and Council of the City of Willcox are empowered to exercise exclusive control over the streets, alleys and avenues and to regulate and control the laying and repairing of city utilities and other appurtenances pursuant to A.R.S. Section 9-240 et seq.: and

**WHEREAS**, the Mayor and Council of the City of Willcox are empowered to engage in business of a public nature and may acquire and own real property for sites and rights-of-way for public utility pursuant to A.R.S. Section 9-511; and

**WHEREAS**, the City of Willcox and the Property Owners have negotiated formal Deeds of Dedication of certain portions of land along Patte Road to assure city utilities will be within the city’s right-of-way and to allow the city to maintain and improve Patte Road; and

**WHEREAS**, the Parties desire to formally approve and accept the “**DEEDS OF DEDICATION**” which will be recorded with the Cochise County Recorder pursuant to A.R.S. § 33-416 for the purpose of officially providing constructive notice of the grant and acceptance of said Deeds of Dedication; and

**WHEREAS**, Mayor and Council desire to have this Resolution presented at its July 19<sup>th</sup>, 2010 Council Meeting and have determined that approval of this Resolution and Acceptance of the “**DEEDS OF DEDICATION**” is in the best interest of the City of Willcox, the Property Owners and its residents; and

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

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

Section 1: The CITY formally approves and adopts Resolution No. 2010-82.

Section 2: The **CITY** formally approves and accepts the “DEEDS OF DEDICATION” as presented to Mayor and Council and City Staff are directed to take necessary action to carryout the intent of this Resolution.

Section 3: The immediate operation of the provisions of this Resolution is necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, and this Resolution shall be in full force and effect from and after its passage by Mayor and Council of the City of Willcox, Cochise County, Arizona.

Section 4: The Mayor is authorized and empowered to execute this Resolution.

**PASSED AND ADOPTED** by the Council of the City of Willcox, Cochise County, Arizona, this \_\_\_\_ day of July, 2010.

APPROVED/EXECUTED:

\_\_\_\_\_  
MAYOR, GERALD W. LINDSEY

ATTEST:

\_\_\_\_\_  
City Clerk, Cristina G. Whelan, CMC

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney, Hector M. Figueroa, Esq.

**RESOLUTION NO. 2010-82**

CITY OF WILLCOX  
Department of Public Works  
Arnold Arvizu  
Supervisor, Streets and Refuse



250 N. Railroad Ave  
Willcox, Arizona 85643-2198  
Phone: 520-766-4216 Fax: 520-384-3993

*"Mine, Yours and Ours"*

## **PATTE ROAD PROJECT**

### **Property Owners Affected and Signed Deeds of Dedication Being Submitted:**

- Lawrence and D. McCarty
- Eleno Orta and Maria L. Villegas
- Stella P. Johnson
- Michael A. and Sarah C. Cromer
- Ralph Tossing
- Willcox Livestock Auction
- Harrison B. Owens
- Naomi Gillinger
- Northern Cochise Community Hospital
- Margaret Meisterhans
- Ruth Suth
- Todd Robinson, KZLZ, LLC
- Sue Parmelee
- Jim and Linda Self



THE  
CITY OF TOMBSTONE

WOULD LIKE TO INVITE YOU  
TO ATTEND THE

MAYOR/MANAGER  
LUNCHEON

12:00 NOON  
TUESDAY, JULY 27, 2010

THE LONGHORN RESTAURANT  
501 E. ALLEN ST.  
TOMBSTONE

GUEST SPEAKER: PATRICK GREENE,  
TOMBSTONE CHAMBER OF COMMERCE  
RE: TOMBSTONE COURTHOUSE STATE PARK

MENU

1. PULLED BBQ PORK SANDWICH
2. ¼ POUND HAMBURGER
3. CHICKEN BREAST SANDWICH

ALL ABOVE OPTIONS ARE SERVED WITH FRENCH FRIES

PLEASE RSVP WITH YOUR MENU CHOICE

~BY THURSDAY, JULY 22, 2010~

(520) 457-2202 \*\*\* (520) 457-3516-FAX

**Mayor and** Council members if you plan to attend, please RSVP with your meal selection by Wednesday, July 21, 2010. Thankx, Christy

