

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

**Monday, September 20, 2010**

**7:00 p.m.**

**City Council Chambers**

**300 W. Rex Allen Drive**

**Willcox, AZ 85643**

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

**Resolution No. 2010-99  
Ordinance NS301**

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. PLEDGE OF ALLEGIANCE TO THE FLAG**

**4. CALL TO THE PUBLIC**

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

**5. DECLARATION ON CONFLICT OF INTEREST**

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

**6. ADOPTION OF THE AGENDA**

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

**7. DISCUSSION/DECISION ENTER EXECUTIVE SESSION PURSUANT TO ARIZONA REVISED STATUTES      Tab 1  
§ 38-431.03A(3) DISCUSSION OR CONSULTATION FOR LEGAL ADVICE WITH THE ATTORNEY OR ATTORNEYS OF  
THE PUBLIC BODY**

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

**8. RECESS TO EXECUTIVE SESSION, IF APPROVED**

**9. RECONVENE FROM EXECUTIVE SESSION**

**10. CONSENT AGENDA**

Items that are considered to be routine by the City Council will be enacted by one motion without discussion. The consent agenda is a timesaving device and Council members have received documentation on these items for their review prior to the open meeting. Any Councilmember may remove any item from the consent agenda for discussion and a separate vote as deemed necessary. The public may view the documentation relating to the consent agenda 24 hours prior to the meeting at

the City Clerk's Office, 101 S. Railroad Avenue, Suite B, Willcox, AZ from 8:30 a.m. to 4:30 p.m. or at the Elsie S. Hogan Library, 100 N. Curtis Avenue during normal working hours Monday-Saturday.

- 10A. THE REGULAR MEETING HELD ON MAY 3, 2010 AND THE SPECIAL MEETING MINUTES HELD ON JULY 6, 2010 AND AUGUST 30, 2010** Tab 2
- 10B. RESOLUTION NO. 2010-95 RATIFYING, APPROVING AND AUTHORIZING THE FILING OF A PETITION WITH THE U.S. COMMODITY FUTURES TRADITION COMMISSION ("CFTC") TO TRANSACT CERTAIN TYPES OF "EXEMPT COMMODITIES" FOR NATURAL GAS AFTER THE JULY 16, 2011 EFFECTIVE DATE PURSUANT TO THE DODD-FRANK WALL STREET REFORM AND CONSUMER PROTECTION ACT ("ACT") AND DECLARING AN EMERGENCY TO EXIST.** Tab 3
- 10C. RESOLUTION NO. 2010-98 APPROVING AND ADOPTING THE ELSIE S. HOGAN COMMUNITY LIBRARY ["LIBRARY"] ARIZONA RESOURCE ACCESS AND ATTAINMENT POLICY ("AZRAP") AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.** Tab 4
- 11. PUBLIC HEARINGS, PETITIONS AND COMMUNICATIONS** Tab 5
- Proclamation:** Mayor Lindsey will proclaim October 3, 2010 as "*Firefighter Recognition Day*" and October 3-9, 2010 as "*Fire Prevention Week*."
- Communications:** Second Reading of Ordinance NS300 Amending The Willcox City Code, Title 5, [Health And Sanitation], Chapter 2 [Nuisances], Section 5-2-4(A) [Unlawful Acts], By Reference, Repealing The Current Section 5-2-4(A) And Part Of Ordinance NS298 Relating To Repealed Section 5-2-4(A) As Enumerated Herein. Tab 6
- Public Hearing:** The Mayor and Council will hold a public hearing on Monday, September 20, 2010, at 7:00 p.m., 300 W. Rex Allen Drive, Willcox, AZ regarding Ordinance NS300 Amending The Willcox City Code, Title 5, [Health And Sanitation], Chapter 2 [Nuisances], Section 5-2-4(A) [Unlawful Acts], By Reference, Repealing The Current Section 5-2-4(A) And Part Of Ordinance NS298 Relating To Repealed Section 5-2-4(A) As Enumerated Herein; and Tab 6
- ~~(3) on Monday, September 20, 2010, at 7:00 p.m., 300 W. Rex Allen Drive, Willcox, AZ regarding Application for Liquor Store Series #9 Sampling Privileges (09020037S), Safeway Inc., #272, Janice Louise Martin, 650 N. Bisbee Avenue, Willcox, AZ~~ NOTE: City Clerk has received File Deactivation Form-Application Withdrawal from the Arizona Department of Liquor Licenses & Control dated 08-30-2010 and reviewed 09-07-2010. Tab 8
- 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.
- 12. PRESENTATION BY FORMER WILLCOX HIGH SCHOOL ALUMNI BILL JACKSON REGARDING WILLCOX ALUMNI VIETNAM MEMORIAL** Tab 7
- Consideration, discussion and/or direction on the presentation by former Willcox High School Alumni Bill Jackson regarding the Willcox Alumni Vietnam Memorial.
- 13. DISCUSSION/DECISION REGARDING ORDINANCE NS300 AMENDING THE WILLCOX CITY CODE, TITLE 5, [HEALTH AND SANITATION], CHAPTER 2 [NUISANCES], SECTION 5-2-4(A) [UNLAWFUL ACTS], BY REFERENCE, REPEALING THE CURRENT SECTION 5-2-4(A) AND PART OF ORDINANCE NS298 RELATING TO REPEALED SECTION 5-2-4(A) AS ENUMERATED HEREIN;** Tab 6
- Consideration, discussion and/or decision regarding Ordinance NS300, as stated, relating to Amending City Code Title 5, Chapter 2, Section 5-02-4(A), by reference, repealing current Section 5-2-4(A) and part of Ordinance NS298 repealed Section 5-2-4(A).
- 14. DISCUSSION/DECISION SAFEWAY'S SECOND ANNUAL WILLCOX WALKS TOGETHER FOR A CURE AT KEILLER PARK ON OCTOBER 23, 2010 AND REQUEST THE CITY TO SPONSOR THE EVENT BY ADVERTISING THE CITY'S LOGO ON THE BACK OF THE T-SHIRTS TO HELP CANCER RESEARCH AND AWARENESS** Tab 8

Consideration, discussion and/or decision Safeway's 2<sup>nd</sup> Annual Willcox Walk Together for a Cure at Keiller Park on October 23, 2010, and request the City sponsor the event by advertising the City's logo on the back of the T-shirts to help Cancer Research and Awareness.

- 15. DISCUSSION/DECISION REGARDING TO REMOVE A MEMBER FROM THE PARKS & RECREATION COMMITTEE DUE TO UNEXCUSED ABSENCE AND UNABLE TO MAKE CONTACT WITH THE COMMITTEE MEMBER** Tab 9  
Consideration, discussion and/or decision regarding to remove a member from the Parks & Recreation Committee due to unexcused absence and unable to make contact with the committee member.
- 16. DISCUSSION/DECISION REGARDING THE APPOINTMENTS TO THE PARKS & RECREATION COMMITTEE TO FILL VACANCIES, TERMS TO EXPIRE DECEMBER 31, 2012** Tab 10  
Consideration, discussion and/or decision regarding the appointments to the Parks & Recreation Committee to fill vacancies, terms to expire December 31, 2012.
- 17. DISCUSSION/DECISION REGARDING THE REQUEST FROM ROD KEELING, WILLCOX WINE COUNTRY COMMITTEE OF THE WILLCOX CHAMBER OF COMMERCE, ON OCTOBER 16-17, 2010 AT RAILROAD PARK AND TO WAIVE REQUIREMENT FOR ALL VENDORS TO HAVE INDIVIDUAL PERMITS** Tab 12  
Consideration, discussion and/or decision regarding the request from Rod Keeling, Willcox Wine Country Committee of the Willcox Chamber of Commerce, on October 16-17, 2010 at Railroad Park and to waive requirement for all vendors to have individual permits.
- 18. DISCUSSION/DECISION REGARDING THE REQUEST FROM ROD KEELING, WILLCOX WINE COUNTRY COMMITTEE OF THE WILLCOX CHAMBER OF COMMERCE TO SERVE WINE IN GLASS CONTAINERS FROM 10:00 A.M. ON OCTOBER 16 THROUGH 5:00 P.M. ON OCTOBER 17, 2010 IN RAILROAD PARK** Tab 13  
Consideration, discussion and/or decision regarding the request form Rod Keeling, Willcox Wine Country Committee of the Willcox Chamber of Commerce to serve wine in glass containers from 10:00 a.m. on October 16 through 5:00 p.m. on October 17, 2010 in Railroad Park.
- 19. DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-97 RATIFYING AND APPROVING THE SUBMITTAL OF THE APPLICATION TO THE GOVERNOR'S OFFICE OF PUBLIC SAFETY STABILIZATION PROGRAM BY THE WILLCOX DEPARTMENT OF PUBLIC SAFETY ("WDPS") FOR THE PURCHASE OF TWO PATROL VEHICLES AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.** Tab 14  
Consideration, discussion and/or decision regarding Resolution NO. 2010-97, as stated, to ratify and approve the submittal of application to the Governor's Office of Public Safety.
- 20. DISCUSSION/DIRECTION TO STAFF ON THE TWIN LAKES GOLF COURSE** See work session items. Tab 15  
Consideration, discussion and/or direction to staff on the Twin Lakes Golf Course.
- 21. REPORTS BY THE CITY MANAGER PAT McCOURT** Tab 16  
Consideration, discussion and/or decision regarding the following topics by the City Manager:
- **Report on the Willcox High School Football Team**-the Cowboys beat the Safford Bulldogs 31-7 on Friday, September 10, 2010.
  - **Report on City Clean Up Day**-will be held on Saturday, September 25, 2010.
  - **Report on Willcox Cares**- applications available at the Willcox Chamber of Commerce to assist in home repairs or upkeep.
  - **Report on Rex Allen Days**-activities begin on Thursday, September 30, 2010 with the Cowboy Hall of Fame Dinner at the Community Center.
  - **Report on Flu Clinic and Pneumonia Shots**-staff has scheduled flu and pneumonia shots for employees on Thursday, October 14, 2010 from 2:30 to 5:30 p.m., at the Community Center.
  - **Report on Senior Center Signed Agreement**-the City has received the signed agreement for the Senior Center in the amount of \$95,000
  - **Report on Senior Center & Ribbon Cutting Ceremony**-the event is scheduled for Saturday, October 2, 2010 at 1:00 p.m. located at 990 W. Scott Street [Corner of Scott & Bowie]

- **Report on Refuse Ordinance and schedule work sessions**-draft ordinance ready and suggest work session at 6:00 p.m. on Monday, October 4 and October 18, 2010.
- **Report on Meeting with ADEQ regarding Notice of Violations**-the next move is Consent Orders.
- **Report on the Re-codification dealing with Public Safety**- Fireworks will be incorporated into that.
- **Report on the Updates to the City's website**-updates includes the Business Permits on-line with search capability.

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

**23. ADJOURN.**

\*\*\*\*\*

**Misc. Tab: \_\_\_\_.**

**NOTE:** Documentation (if any) for items listed on the Agenda is available for public inspection, a minimum of 24 hours prior to the Council Meeting, at any time during regular business hours in the Office of the City Clerk, 101 S. Railroad Avenue, Suite B, Willcox, AZ or the Elsie S. Hogan Community Library during regular business hours Monday-Saturday and beginning July 2010 on the City's website [www.cityofwillcox.org](http://www.cityofwillcox.org) .

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