

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

Monday, November 1, 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. 2010-113
Ordinance NS303**

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; AND §38-431.03(A)(4) DISCUSSION OR CONSULTATION WITH THE ATTORNEYS OF THE
PUBLIC BODY IN ORDER TO CONSIDER ITS POSITION AND INSTRUCT ITS ATTORNEYS REGARDING THE
PUBLIC BODY'S POSITION REGARDING CONTRACTS THAT ARE THE SUBJECT OF NEGOTIATIONS, IN
PENDING OR CONTEMPLATED LITIGATION OR IN SETTLEMENT DISCUSSIONS CONDUCTED IN ORDER
TO AVOID OR RESOLVE LITIGATION.**

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; and ARS §38-431.03A(4), as stated regarding the public body's position regarding contracts that are the subject of negotiations, or in settlement discussions conducted in order to avoid or resolve litigation.

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 JULY 19, 2010 AND OCTOBER 18, 2010 AND THE WORK SESSION HELD ON OCTOBER 18, 2010 Tab 2

10B. REQUEST FROM WILLCOX CHAMBER OF COMMERCE & AGRICULTURE TO CLOSE RAILROAD AVENUE TO HOST THEIR CHRISTMAS LIGHTED PARADE ON SATURDAY, DECEMBER 4, 2010 FROM 5:00 P.M. TO 9:00 P.M. Tab 3

10C. RESOLUTION NO. 2010-108 APPROVING THE GRANT AWARD IN THE AMOUNT OF \$37,000 FROM THE GOVERNOR'S OFFICE OF ECONOMIC RECOVERY ("GOER"), PUBLIC SAFETY STABILIZATION PROGRAM ("PSSP") FOR THE PURCHASE OF ONE (1) PATROL VEHICLE WITH POLICE PACKAGE AND DECLARING AN EMERGENCY TO EXIST. Tab 4

10D. RESOLUTION NO. 2010-111 APPROVING AND ADOPTING THE U.S. DEPARTMENT OF INTERIOR, BLM RURAL FIRE ASSISTANCE GRANT ["RFA 10-006"] IN THE AMOUNT OF \$9,000.00 TO BE USED FOR TRAINING, PURCHASING EQUIPMENT, PPE'S, AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST. Tab 5

10E. RESOLUTION NO. 2010-112 APPROVING THE PARKING LEASE AGREEMENT BETWEEN THE CITY OF WILLCOX [LESSEE@] AND ROBERT BRUCE AND SANDRA KAY YUNGWALTER [LESSORS@] FOR PARKING LOT KNOWN AS PARCEL NO: 203-28-187 AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST Tab 6

11. PUBLIC HEARINGS, PETITIONS AND/OR COMMUNICATIONS

Communications: First Reading of Ordinance NS301 Creating, Approving And Adopting City Code Title 6, Chapters 1 Through 6 [Police And Public Safety], By Reference, Repealing Title(S), Chapter(S), Section(S) , And All Ordinances Passed And Adopted Relating To All Repealed Title(S), Chapter(S), Section(S) , And All Ordinances Enumerated In Section 2 Below; and Tab 7

First Reading of Ordinance NS302 Amending The Willcox City Code, Title 4, Chapter 1, Article A [Business Permit Regulations], Section 4-1A-11 [Sunset Clause], By Reference, Repealing The Current Section 4-1A-11 And Part Of Ordinance NS298 Relating To Repealed Section 4-1A-11 With All Remaining Provisions Remaining Unchanged As Enumerated Herein. Tab 8

Public Hearing: The Mayor and Council will hold two (2) public hearings on Monday, November 15, 2010 at 7:00 p.m., 300 W. Rex Allen Drive, regarding Ordinance NS301 Creating, Approving And Adopting City Code Title 6, Chapters 1 Through 6 [Police And Public Safety], By Reference, Repealing Title(S), Chapter(S), Section(S) , And All Ordinances Passed And Adopted Relating To All Repealed Title(S), Chapter(S), Section(S) , And All Ordinances Enumerated In Section 2 Below; and

Ordinance NS302 Amending The Willcox City Code, Title 4, Chapter 1, Article A [Business Permit Regulations], Section 4-1A-11 [Sunset Clause], By Reference, Repealing The Current Section 4-1A-11 And Part Of Ordinance NS298 Relating To Repealed Section 4-1A-11 With All Remaining Provisions Remaining Unchanged As Enumerated Herein.

All members of the public are invited to attend. For those persons wishing to comment and are unable to attend the public hearing written comments will be accepted in the Office of the City Clerk, 101 S. Railroad Avenue, Suite B, until 4:00 p.m. the day of the public hearing.

- 12. PRESENTATION BY NATHAN RUNDHAUG LIFE SCOUT AND EAGLE SCOUT PROJECT ON THE COLLECTION AND RETIRING CEREMONY OF TATTERED FLAGS** **Tab 9**
Consideration and/or discussion on the presentation by Nathan Rundhaug, Life Scout and Eagle Scout Project, on the collection and retiring ceremony of tattered flags.
- 13. DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-106 APPROVING AND ADOPTING REVISIONS TO SECTION 517 (FLEET SAFETY POLICIES AND PROGRAM) OF THE WILLCOX EMPLOYEE HANDBOOK FOR THE PURPOSE OF REVISING THE MOTOR VEHICLE RECORD GUIDELINES; ADOPTING THE VEHICLE POLICY; ESTABLISHING THE EFFECTIVE DATE AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.** **Tab 10**
Consideration, discussion and/or decision regarding Resolution NO. 2010-106, as stated, relating to the revisions to Section 517 (Fleet Safety Policies and Program) of the Employee Handbook-Vehicle Policy.
- 14. DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-107 FOR THE PURPOSE OF APPROVING AND AUTHORIZING A SELECTED OPTION FROM AMONG FOUR OPTIONS RELATED TO CITY EMPLOYEES AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.** **Tab 11**
Consideration, discussion and/or decision regarding Resolution No. 2010-107, as stated relating to the selection option from among four options related to City employees.
- 15. DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-109 APPROVING AND ADOPTING THE USDA RURAL HOUSING SERVICE [“RHS”] AGREEMENT UNDER THE COMMUNITY FACILITY GRANT PROGRAM IN THE AMOUNT OF \$117,700.00 TO BE USED FOR PUBLIC LIBRARY IMPROVEMENTS AND EQUIPMENT, AUTHORIZING AND DECLARING AN EMERGENCY TO EXIST.** **Tab 12**
Consideration, discussion and/or decision regarding Resolution No. 2010-109, as stated, relating to the USDA Rural Housing Service Agreement to be used for Public Library Improvements and equipment.
- 16. DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-110 APPROVING AND ADOPTING THE PAYMENT PLAN AGREEMENT [“AGREEMENT”] BETWEEN THE CITY OF WILLCOX [“CITY”] AND RONALD & CORRINE STOUT D.B.A. STOUT’S CIDER MILL [“STOUT’S”] AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND THE PAYMENT PLAN AGREEMENT AND DECLARING AN EMERGENCY TO EXIST.** **Tab 13**
Consideration, discussion and/or decision regarding Resolution No. 2010-110 as stated relating to the Stout’s payment plan agreement.
- 17. DISCUSSION REGARDING CITY’S FINANCIALS AS OF SEPTEMBER 30, 2010** **Tab 14**
Consideration and/or discussion regarding the City’s Financials as of September 30, 2010.
- 18. REPORTS BY THE CITY MANAGER PAT McCOURT** **Tab 15**
Consideration, discussion and/or decision regarding the following topics by the City Manager:
- **Report on the Willcox High School Football Team**-the Cowboys beat Thatcher 21-20! Next game is the final against the Willcox Cowboys rivals the Benson Bobcats!
 - **Report on Library New Technology Tools Presentation**-Library staff presenting information on New Technology Tools.
 - **Report on change meet with Council members and public** –November 11th is Veteran’s Day Holiday and the meeting with the City Manager and Council members and/or public is changed from Thursday, November 11th to Wednesday, November 10th at 4:00 p.m.
 - **Report on Work Session Sales Tax Collection**-Revenue Delivery Services representative and invited LACT’s Representative Tom Belsche to the work session on Monday, November 15, 2010 at 6:00 p.m.
 - **Report on Septage**-staff reporting on update to the Septage.
 - **Report hold vacant position**-Public Services & Works Department is holding another position vacant in Streets Department pending Election results.

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

20. ADJOURN.

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