

A G E N D A

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, TO BE HELD MARCH 1, 2011, AT 6:00 P.M., AT THE CITY COUNCIL CHAMBERS BUILDING, 826 NORTH MAIN STREET, COTTONWOOD, ARIZONA.

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE OF ALLEGIANCE
- IV. PRESENTATION BY THE VERDE VALLEY WEAVERS AND SPINNERS GUILD REGARDING ITS "TRIBUTE TO THE VERDE VALLEY" TAPESTRY.
- V. BRIEF SUMMARY OF CURRENT EVENTS BY MAYOR, CITY COUNCIL AND/OR CITY MANAGER--THE PUBLIC BODY DOES NOT PROPOSE, DISCUSS, DELIBERATE OR TAKE LEGAL ACTION ON ANY MATTER BROUGHT UP DURING THIS SUMMARY UNLESS THE SPECIFIC MATTER IS PROPERLY NOTICED FOR LEGAL ACTION.
- VI. CALL TO THE PUBLIC--This portion of the agenda is set aside for the public to address the Council regarding an item that is not listed on the agenda for discussion. However, the Council cannot engage in discussion regarding any item that is not officially listed on the agenda for discussion and/or action (A.R.S. §38-431.02.A.(H).) Comments are limited to a 5 minute time period.
- VII. APPROVAL OF MINUTES--REGULAR MEETING OF 12/7/10 & WORK SESSION OF 12/14/10.

Comments regarding items listed on the agenda are limited to a 5 minute time period per speaker.

- VIII. UNFINISHED BUSINESS
 1. ORDINANCE NUMBER 570--AMENDING SECTION 11. LEAVE, OF THE CITY OF COTTONWOOD EMPLOYEE MANUAL 2007 EDITION, REVISION NUMBER I., BY DELETING SECTION 11. b. 5. LEAVE OF ABSENCE WITH PAY, AND ADDING A NEW SECTION 11. 14., LEAVE SHARING PROGRAM; SECOND & FINAL READING.
 2. ORDINANCE NUMBER 571--AMENDING THE ZONING MAP OF THE CITY FOR A PARCEL OF LAND TOTALING APPROXIMATELY 1.19 ACRES, LOCATED ALONG THE WEST SIDE OF QUAIL TRAIL, 200 FEET NORTH OF EAST MINGUS AVENUE, APN 406-42-012B; SO AS TO CHANGE CERTAIN DISTRICT BOUNDARIES AND CLASSIFICATIONS THEREOF FROM THE PRESENT ZONING OF C-1 (LIGHT COMMERCIAL) TO PAD (PLANNED AREA DEVELOPMENT); SECOND & FINAL READING.

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- IX. CONSENT AGENDA—The following items are considered to be routine and non-controversial by the Council and will be approved by one motion. There will be no separate discussion of these items unless a Council Member or a citizen so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.
1. LOCATION TRANSFER LIQUOR LICENSE APPLICATION SUBMITTED BY PETER K. NIEDERER FOR TOPSHELF LIQUORS TO BE LOCATED AT 580 EAST HIGHWAY 89A.
 2. SPECIAL EVENT LIQUOR LICENSE APPLICATIONS SUBMITTED BY LANA TOLLESON, APPLICANT FOR THE COTTONWOOD CHAMBER OF COMMERCE, FOR EVENTS TO BE HELD ON MARCH 17, APRIL 21, MAY 19, SEPTEMBER 15, OCTOBER 20, NOVEMBER 17, AND DECEMBER 8, 2011.
 3. EXTENSION OF PREMISES/PATIO LIQUOR LICENSE PERMIT FOR AN EVENT SCHEDULED FOR APRIL 9, 2011, SUBMITTED BY KATHERINE WOODS FOR KACTUS KATE'S LOCATED AT 929 NORTH MAIN STREET.
 4. APPROVAL TO ENTER INTO AN AGREEMENT WITH WELLS FARGO BANK FOR ALL BANKING AND FINANCIAL SERVICES FOR THE CITY.
- X. NEW BUSINESS—The following items are for Council discussion, consideration, and possible legal action.
1. PUBLIC HEARING REGARDING THE POTENTIAL DESIGNATION OF THE 10TH STREET AREA (BOUNDED ON THE NORTH BY NORTH MAIN STREET, BOUNDED ON THE EAST BY NORTH 12TH STREET, BOUNDED ON THE SOUTH BY MINGUS AVENUE, AND BOUNDED ON THE WEST BY A LINE DEFINED BY THE REAR PROPERTY LINES OF PROPERTIES GENERALLY TO THE WEST OF NORTH 10TH STREET) AS A REDEVELOPMENT AREA TO APPLY FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS TO BE USED FOR THE COMPLETION OF SIDEWALKS, REPAVING A PORTION OF 10TH STREET, AND REPAIRING UTILITY LINES AND DRAINAGE FEATURES WITHIN THE ROADWAY.
 2. RESOLUTION NUMBER 2574—FINDING, PURSUANT TO THE REQUIREMENTS OF A.R.S. § 36-1473, THAT A REDEVELOPMENT AREA EXISTS IN THE MUNICIPALITY.
 3. RESOLUTION NUMBER 2575—AUTHORIZING THE SUBMISSION OF AN APPLICATION(S) FOR FISCAL YEAR 2011 STATE COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS, CERTIFYING THAT SAID APPLICATION MEETS THE COMMUNITY'S PREVIOUSLY IDENTIFIED HOUSING AND COMMUNITY DEVELOPMENT NEEDS AND THE REQUIREMENTS OF THE STATE CDBG PROGRAM, AND AUTHORIZING ALL ACTIONS NECESSARY TO IMPLEMENT AND COMPLETE THE ACTIVITIES OUTLINED IN SAID APPLICATION.

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4. RESOLUTION NUMBER 2576—ADOPTING A RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN FOR FISCAL YEAR 2011, AS REQUIRED UNDER SECTION 104(d) OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974 AS AMENDED.
5. RESOLUTION NUMBER 2578—APPOINTING MARY E. HAMM AS AN ASSOCIATE CITY MAGISTRATE AND ESTABLISHING HER TERM OF OFFICE.
6. RESOLUTION NUMBER 2577—DECLARING THAT CERTAIN DOCUMENT ENTITLED SECTION 308. MEDICAL MARIJUANA FACILITIES, PERTAINING TO THE COTTONWOOD ZONING ORDINANCE, A PUBLIC RECORD.
7. ORDINANCE NUMBER 572—AMENDING THE CITY OF COTTONWOOD ZONING ORDINANCE BY ADDING A NEW SECTION 308. MEDICAL MARIJUANA FACILITIES; FIRST READING.
8. APPROVING AN AGREEMENT WITH ROBERT COMBS, THROUGH SMARTWORKS PLUS, TO DEVELOP A PROCUREMENT DIVISION UNDER THE ADMINISTRATIVE SERVICES GENERAL MANAGER.
9. ORDINANCE NUMBER 573—AMENDING CHAPTER 10.20.040 RESTRICTED PARKING AREAS RESERVED FOR THE PHYSICALLY DISABLED, SUBSECTIONS A. AND C., OF TITLE 10, VEHICLES AND TRAFFIC, OF THE MUNICIPAL CODE; FIRST READING.

XI. CLAIMS & ADJUSTMENTS

XII. ADJOURNMENT

Pursuant to A.R.S. § 38-431.02(B) the Council may vote to go into executive session on any agenda item pursuant to A.R.S. § 38-431.03(A)(3) and (4) (7) for discussion and consultation for legal advice or negotiations for the purchase, sale or lease of real property with the City Attorney.

The Cottonwood Council Chambers is accessible to the disabled in accordance with Federal “504” and “ADA” laws. Those with needs for special typeface print or hearing devices may request these from the City Clerk (TDD 634-5526.) All requests must be made 24 hours prior to the meeting.

Members of the City Council will attend either in person or by telephone conference call.

City of Cottonwood, Arizona
City Council Agenda Communication



Meeting Date: March 1, 2011
Subject: **Ordinance Number 570--Leave Sharing Program, First Reading**
Department: Finance / Human Resources
From: Rudy Rodriguez & Iris Dobler

REQUESTED ACTION

Council consideration of approving Ordinance Number 570, which adds Section 11.14, Leave Sharing Program, to the City of Cottonwood Employee Manual and making it an employee benefit.

If the Council desires to approve this item the suggested motion is:

“I move to approve Ordinance Number 570.”

BACKGROUND

This program assists City of Cottonwood employees who experience an extended personal or family catastrophic illness or injury that causes a loss of income. An employee will potentially be eligible if they have exhausted all of their paid leave accruals.

The Leave Sharing Program is voluntary, and will allow employees to assist fellow employees that have fallen into the above situation by donating some of their vacation time. It is expected that the new Leave Sharing Program will replace the need for Section 11.B.5 Leave of Absence with Pay which currently covers a paid leaves of absence, not to exceed 30 calendar days, approved solely by the City Manager.

The Council held the first reading of Ordinance Number 570 at its February 15th meeting.

JUSTIFICATION/BENEFIT/ISSUES

Employees helping employees. The benefit to the City is that good, productive employees can be kept on the payroll even if they have an unforeseen family catastrophe.

COST/FUNDING SOURCE

No direct costs will be involved. Finance/Payroll staff will expend minimal time to convert donated hours to dollars, and add or delete appropriate number of hours to and from employee accounts. We estimate there will not be more than one or two requests submitted per year.

REVIEWED BY

City Manager: _____

City Attorney: _____

ATTACHMENTS

Ordinance Number 570

ORDINANCE NUMBER 570

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AMENDING SECTION 11 LEAVE, OF THE CITY OF COTTONWOOD EMPLOYEE MANUAL 2007 EDITION, REVISION NUMBER I., BY DELETING SECTION 11. b. 5. LEAVE OF ABSENCE WITH PAY, AND ADDING A NEW SECTION 11. 14., LEAVE SHARING PROGRAM.

WHEREAS, the City Council has determined that the following changes to the City's Employee Manual 2007 Edition, Revision Number I., are appropriate and desirable.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, AS FOLLOWS:

Section 1: That Section 11. b. 5., Leave of Absence With Pay, is hereby deleted, and a new Section 11. 14., Leave Sharing Program is hereby added as follows:

14. Leave Sharing Program

- a. The purpose of the Leave Sharing Program is to allow City employees the opportunity to assist fellow employees who have experienced personal or family catastrophic illness or injury that causes a loss of income.

The Leave Sharing Program is intended to assist employees who are not receiving disability benefits or Worker's Compensation payments.

- b. This is a voluntary program; employees who wish to participate may donate accrued vacation time to the sharing bank when a notice is put out that an employee has been approved to receive contributions.

Only employees who have a minimum of 40 hours of vacation time remaining on their records after they donate will be allowed to contribute.

- c. Eligibility - Employees (or their designated representative) will be

ORDINANCE NUMBER 570

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required to complete an Application for the Leave Sharing Program. Forms may be requested from the Human Resources office, or obtained from the City website.

A new application form must be submitted for each separate request for leave sharing time.

The employee must have exhausted all of his accrued time (including vacation, sick leave, float and comp time) to be eligible to apply for leave sharing time.

- d. Requests for leave sharing time must be for a personal or family serious health condition which meets FMLA requirements. FMLA time will be used concurrently, if appropriate.
 - i. Annual maximum leave allowed to be donated to employee is 480 hours in any 12-month period (looking backwards).

Payment will be made at 100% of employee's base salary. No leave time will be accrued while employee is being paid under the Leave Sharing Program.

Medical, dental and vision benefits in effect prior to using the donated time will remain in effect, with the City and the employee continuing to pay their respective portions.

Retirement benefits (through Arizona State Retirement System or Arizona State Public Safety Retirement System) will also remain intact.

- ii. If an employee's regularly scheduled Performance Review falls during the time the employee is using leave sharing time, the review (and possible resulting merit increase) will be delayed until after the employee is no longer receiving pay through the Leave Sharing Program.
- e. The City Manager will make the decision whether to approve or deny each application.
- f. Any excess donated hours will remain in the bank for future use. If for any reason, there are no hours in the leave sharing bank, no leave sharing hours will be granted.

ORDINANCE NUMBER 570

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Section 2: All ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed.

Section 3: If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, THIS 1ST DAY OF MARCH 2011.

Diane Joens, Mayor

APPROVED AS TO FORM:

ATTEST:

Steven B. Horton, Esq.
City Attorney

Marianne Jiménez, City Clerk

City of Cottonwood, Arizona
City Council Agenda Communication



Meeting Date: March 1, 2011

Subject: Ordinance 571--Zone Change Approval for the Taylor Padgett Village Center Planned Area Development

Department: Community Development

From: George Gehlert, Director

REQUESTED ACTION

Consideration of Ordinance Number 571 which approves a zone change request from C-1 to PAD for a proposed 13,284 square foot mixed use project to be known as the Taylor-Padgett Village Center Planned Area Development.

If the Council desires to approve this item the suggested motion is:

"I move to approve Ordinance Number 571."

BACKGROUND

On February 15, the Council reviewed this item as part of the first reading of the Ordinance. The Master Development Plan and associated other attachments were passed to the Council at that time. As part of that hearing, the applicant also provided a very thorough overview of the project. The P&Z Commission memo from January 24th is attached for reference.

JUSTIFICATION/BENEFITS/ISSUES

The request meets the objectives of the City's General Plan and has received a recommendation for approval from the planning and Zoning Commission subject to the stipulations set out under Ordinance Number 571.

1. That the use comply with the Master Development Plan dated 11/9/10.
2. That a shared access and parking agreement be submitted for staff review and approval.

3. That sidewalks adjacent to head-in parking areas either be widened to 7 foot (per the Landscape Code) or an alternative means be provided for preventing encroachment of sidewalks by car bumpers, subject to staff review and approval.
4. That the rainwater cistern contamination prevention system be approved by the Engineering Department.
5. That administrative sign permits be obtained for all signs.
6. That the applicant address all other Code Review comments from the meeting dated 2/26/10.

COST/FUNDING SOURCE

There is no cost for this action. The development of this project will provide public right-of-way, street and sidewalk improvements along Quail Trail, and a private easement accessing acreages north from Mingus Avenue, behind Hobo Joe's.

REVIEWED BY:

City Manager: _____

City Attorney: _____

ATTACHMENTS

- Rendering
- P&Z Commission Memo/background
- Ordinance Number 571



NORTHEAST AERIAL VIEW



SOUTHWEST AERIAL VIEW



NORTHWEST AERIAL VIEW



SOUTHEAST VIEW



SOUTHWEST VIEW



NORTHEAST VIEW



COMMERCIAL PARKING VIEW OF COVERED WALKWAY



COURTYARD AERIAL VIEW



RESIDENTIAL COVERED PARKING VIEW

DATE: 11.19.10
 DRAWN BY: J. J. JENSEN
 CHECKED BY: J. J. JENSEN

TELEPHONE: 800.565.5645
 FAX: 800.565.5645
 WWW: ARCHITECTUREWORKS.COM

EXPIRES 3.31.2013

PROJECT: TAYLOR & FASSETT VILLAGE CENTER
 - NEW COMMERCIAL AND RESIDENTIAL COMPLEX
 ADDRESS: CORNER OF W. WOODS & W. ANGELO
 TITLE: COLOR RENDERINGS

ARCHITECTURE WORKS GREEN, INC.
 1500 MARKET ROAD E
 CLAYTONVILLE, ARIZONA 85524

A.6

**DESIGN REVIEW
 PAD REVIEW
 SET**



STAFF MEMO

TO: Planning and Zoning Commission

FROM: Wes Ballew, Planner

THROUGH: George Gehlert, Community Development Director

FOR: January 24th, 2011

SUBJECT: PAD/DR 10-005 Taylor Padgett Village Center 406-42-012B

Consideration of a zone change from C-1 (Light Commercial) to PAD (Planned Area Development) and Design Review associated with a proposed 13,284 square foot mixed use project to be known as the Taylor & Padgett Village Center. The 1.19 acre site is located along the west side of Quail Trail, 200 feet north of East Mingus Avenue. APN: 406-42-012B. Owner: Taylor Living Trust, Tom Taylor. Agent: Architecture Works Green, Inc. Reynold Radoccia.

The property is located behind Hobo Joes restaurant. The City's General Plan designates this area as appropriate for commercial development. Adjacent uses include commercial buildings to the south and north (both zoned C-1); the Cottonwood Middle School to the west (zoned R-1); and the U.S. Postal Service building to the east (zoned R-3). There is currently a dental office located on the property which is to be retained.

Cottonwood's PAD Code requires review and approval of a Master Development Plan which addresses the components of the Code (Section 424). The Master Development Plan is attached for your review. The project is proposed to be LEED Gold Certified and will be registered with the US Green Building Council.

In addition to the renovation of the existing dental office, the proposal would add 6,205 sq.ft. of new commercial space within five separate buildings. The applicants are proposing office and retail uses. Also proposed are rental residential units including (3) two-bedroom units and (3) one-bedroom units. The project is proposed to be developed in two phases, with a mix of commercial, and residential proposed in the first phase; and additional commercial development in the second phase. The property will remain in common ownership.

The site is accessed from Quail Trail, a private street. The applicants will dedicate a 40-foot right-of-way across the property frontage to accommodate the placement of curb, gutter and sidewalk along the west side of Quail Trail as part of this project. To qualify for LEED certification, the applicants will also have to continue the sidewalk improvements south to join with Mingus Avenue. Additional drainage improvements may be required along Quail Trail to achieve that objective.

The construction site will be developed as a series of one and two-story buildings based around a central courtyard that would include a landscaped walkway with a community garden and several private courtyards. The exterior walls will be stucco on insulated concrete forms with some second floor walls being 2x6 frame construction. The roofing will be painted metal. River rock is used to treat some sections of the first floor walls. Solar photovoltaic panels will be used to create shade canopies over public walkways and private parking areas. The applicant will pave the parking, which is currently gravel. Forty four new parking spaces are proposed.

The Zone Change process requires special legal notice, a community meeting and related mailings to adjacent property owners, and special site posting in advance of Planning and Zoning Commission review. Those requirements have been met. Staff has received no comments on this proposal.

ISSUES

- **Parking** - The site has an existing shared-use parking easement with the adjacent property to the south, which includes Hobo Joes Restaurant. The applicant will be required to submit an agreement which meets with code requirements.
- **Water Use** – The PAD code allows for a variety of water conservation methods as alternatives to the dual plumbing otherwise required for new residential uses. A rainwater collection system has been proposed in order to meet this requirement. Two above ground rainwater cisterns will be located beneath the second floor of two of the apartment units. As the cisterns will be connected to the public water system, the applicant will need to ensure that all required contaminant protection devices are reviewed and approved by the Engineering Department before final building permits are issued (backflow / airgap and failsafe disinfection, etc.).
- **Solar Panels** – The proposed solar panels are on the roof facing south. Because they need access to sunlight to be useful, the panels are difficult to screen.

RECOMMENDATION

As the request appears to meet the objectives of the City's General Plan and Planned Area Development Ordinance, Staff recommends approval of the **PAD/DR 10-005** with the following stipulations:

1. That the use comply with the Master Development Plan dated 11/9/10 (as may be modified by the Commission).
2. That a shared access and parking agreement be submitted for staff review and approval.
3. That sidewalks adjacent to head-in parking areas either be widened to 7 ft. (per the Landscape Code) or an alternative means be provided for preventing encroachment of sidewalks by car bumpers, subject to staff review and approval.
4. That the rainwater cistern contamination prevention system be approved by the engineering department.
5. That administrative sign permits be obtained for all signs.
6. That the applicant submit a current legal description for the property, title report, and proof of signer's authority prior to Council review.
7. That the applicant address all other Code Review comments from the meeting dated 2/26/10.
8. Any other stipulations that the Commission deems necessary

ORDINANCE NUMBER 571

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AMENDING THE ZONING MAP OF THE CITY OF COTTONWOOD, ARIZONA, FOR A PARCEL OF LAND TOTALING APPROXIMATELY 1.19 ACRES, LOCATED ALONG THE WEST SIDE OF QUAIL TRAIL, 200 FEET NORTH OF EAST MINGUS AVENUE, APN 406-42-012B; SO AS TO CHANGE CERTAIN DISTRICT BOUNDARIES AND CLASSIFICATIONS THEREOF FROM THE PRESENT ZONING OF C-1 (LIGHT COMMERCIAL) TO PAD (PLANNED AREA DEVELOPMENT).

WHEREAS, the Planning & Zoning Commission held a public hearing on January 24, 2011, concerning the rezoning of property owned by Taylor Living Trust, Tom Taylor, Agent and has recommended approval of this request and the requirements of A.R.S. § 9-462.04 have been met.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AS FOLLOWS:

Section 1: That the following described parcel of land (APN 406-42-012B) lying within the City of Cottonwood, Yavapai County, Arizona, shall be and is hereby reclassified from C-1 (Light Commercial) to PAD (Planned Area Development), subject to the applicant's compliance with the conditions and stipulations set forth below under Section 2.

A parcel of ground lying in the Northwest Quarter of Section 34, Township 16 North, Range 3 East, G.&S.R.M., City of Cottonwood, Yavapai County, Arizona, being a portion of that parcel as described in Book 3721 of Official Records, Page 671, this parcel now being described as follows:

Commencing at the center of Section 34;

THENCE South 89° 23' 52" West along the east-west mid-section line a distance of 1020.74 feet to the Southeast Corner of the above referenced parcel;

THENCE North 00° 04' 28" East along the east line of the above referenced parcel a distance of 237.39 feet to the True Point of Beginning;

Ordinance Number 571

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THENCE North 00° 04' 28" East 152.68 feet to the Northeast Corner of the above referenced parcel;

THENCE South 89° 24' 50" West 339.02 feet to the Northwest Corner of the above referenced parcel;

THENCE South 00° 14' 35" West 152.64 feet to a point on the west line of the above referenced parcel;

THENCE North 89° 25' 23" East 339.47 feet to the True Point of Beginning containing 1.19 acres, more or less.

Section 2: That the Planning and Zoning Commission and City Council have determined the following items necessary as conditions of the zoning approval to protect the public health, safety and general welfare:

1. That the use comply with the Master Development Plan dated 11/9/10.
2. That a shared access and parking agreement be submitted for staff review and approval.
3. That sidewalks adjacent to head-in parking areas either be widened to 7 foot (per the Landscape Code) or an alternative means be provided for preventing encroachment of sidewalks by car bumpers, subject to staff review and approval.
4. That the rainwater cistern contamination prevention system be approved the by the Engineering Department.
5. That administrative sign permits be obtained for all signs.
6. That the applicant address all other Code Review comments from the meeting dated 2/26/10.

Section 3: The zoning map shall be amended to reflect this zone change only upon compliance with all zoning conditions set forth herein.

Section 4: That at least three (3) copies of the zoning map of the City of Cottonwood, Arizona, as hereby amended be kept in the office of the City Clerk for public use and inspection.

Section 5: Severability: That if any section, subsection, sentence, clause, phrase or portion of this ordinance adopted herein is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions thereof.

Ordinance Number 571
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PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE
MAYOR OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, THIS 1ST DAY OF
MARCH 2011.

Diane Joens, Mayor

ATTEST:

Marianne Jiménez, City Clerk

APPROVED AS TO FORM:

Steve Horton, Esq.
City Attorney

City of Cottonwood, Arizona
City Council Agenda Communication



Meeting Date: March 1, 2011

Subject: Location Transfer Liquor License Application for Peter K. Niederer
(Topshelf Liquors)

Department: City Clerk

From: Marianne Jiménez, City Clerk

REQUESTED ACTION

Council consideration of recommending approval or denial of a location transfer Liquor License Application for Peter K. Niederer for Topshelf Liquors to be located at 580 E. Highway 89A.

If the Council desires to approve this item the recommended motion is:

“I move to recommend approval of the location transfer liquor license application for Peter K. Niederer for Topshelf Liquors located at 580 E. Highway 89A.”

BACKGROUND

A location transfer Liquor License Application was received from the Arizona Department of Liquor Licenses & Control for Peter K. Niederer applicant for Topshelf Liquors to be located at 580 E. Highway 89A. Mr. Niederer is relocating his liquor store from Sedona to Cottonwood. No comments for or against the application have been received.

JUSTIFICATION/BENEFITS/ISSUE

All Liquor License applications that are submitted to the Arizona Department of Liquor Licenses & Control (ADLLC) for establishments located within the City of Cottonwood are presented to the Council for its recommendation of approval or denial of the application. The Council’s recommendation is taken into consideration by the ADLLC prior to their final approval of the application.

REVIEWED BY:

City Manager: _____ City Attorney: _____

ATTACHMENTS

- Liquor License Application for Peter K. Niederer

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 #: 09130046

1. Type of License: 09 2. Total fees attached: \$ 1480

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. Niederer Peter Kenneth
 (Insert one name ONLY to appear on license) Last First Middle

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

3. Business Name: _____
 (Exactly as it appears on the exterior of premises)

4. Principal Street Location: 580 E. Hwy 87A Cottonwood Yavapai 86374
 (Do not use PO Box Number) City County Zip

5. Business Phone: Pending Daytime Contact: 928 301-5344

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

7. Mailing Address: _____
 City State Zip

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

DEPARTMENT USE ONLY					
Fees:	<u>1000⁰⁰</u>				<u>480⁰⁰</u>
	Application	Interim Permit	Agent Change	Club	Finger Prints \$
					<u>1480⁰⁰</u>
					TOTAL OF ALL FEES
Is Arizona Statement of Citizenship & Alien Status For State Benefits complete? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO					
Accepted by:	<u>PC</u>	Date:	<u>1/27/2011</u>	Lic. #	<u>09130046</u>

Arizona Department of Liquor Licenses and Control

800 West Washington, 5th Floor

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:

- MORE THAN ONE LICENSE
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 #(s): 09130046

09130046

1. Type of License(s): Liquor store off premise

2. Total fees attached:

Department Use Only \$ 1480

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. Niederer Peter P 10055106
Ms. Kenneth

(Insert one name ONLY to appear on license)

Last

First

Middle

2. Corp./Partnership/L.L.C.: TN Enterprises Inc

(Exactly as it appears on Articles of Inc. or Articles of Org.)

B1007352

3. Business Name: Topshelf Wines

(Exactly as it appears on the exterior of premises)

B1003696

4. Principal Street Location 1730 W 89th

(Do not use PO Box Number)

Scottsdale Yavapai 85336

City

County

Zip

5. Business Phone: 928-921-3098

Daytime Contact:

Peter Niederer

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

7. Mailing Address: P.O. Box 2790 Camp Verde AZ 86322

City

State

Zip

8. Price paid for license only bar, beer and wine, or liquor store: Type 9 \$ Type \$

DEPARTMENT USE ONLY

Fees: 1000 Application Interim Permit Agent Change Club

480 Finger Prints \$ 1480 TOTAL OF ALL FEES

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

Accepted by: [Signature] Date: 1/27/2011 Lic. # 09130046

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. _____
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, _____, declare that I am the CURRENT OWNER, AGENT, CLUB MEMBER, PARTNER,
 (Print full name)
 MEMBER, STOCKHOLDER, OR LICENSEE (circle the title which applies) of the stated license and location.

State of _____ County of _____

X _____
 (Signature)

The foregoing instrument was acknowledged before me this

_____ day of _____, _____ Year
 Day Month Year

My commission expires on: _____

 (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

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.: TN Enterprise Inc.
(Exactly as it appears on Articles of Incorporation or Articles of Organization)
2. Date Incorporated/Organized: June 1993 State where Incorporated/Organized: Arizona
3. AZ Corporation Commission File No.: 02575920 Date authorized to do business in AZ: July 1993
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
Niederer	Peter	Kenneth	Dir. President	1675 W Bronco	Camp Verde, Az 86322
Niederer	Jennifer	Lynn	Dir. Sec.	1675 W Bronco	Camp Verde Az 86322

(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
Niederer	Peter	Kenneth	50	1675 W Bronco	Camp Verde Az 86322
Niederer	Jennifer	Lynn	50	1675 W Bronco	Camp Verde Az 86322

(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 Assignment or Divorce Decree of an existing Bar or Liquor Store License:

- 1. Current Licensee's Name: _____
(Exactly as it appears on license) Last First Middle
- 2. Assignee's Name: _____
Last First Middle
- 3. License Type: _____ License Number: _____ Date of Last Renewal: _____
- 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. If more than one license to be transferred: License Type: _____ License Number: _____
- 7. Current Mailing Address: Street _____
(Other than business) City, State, Zip _____
- 8. Have all creditors, lien holders, interest holders, etc. been notified of this transfer? YES NO
- 9. 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.

10. 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.

(Signature of CURRENT LICENSEE)

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

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 11 JAN 27 1991, 11:41:16

1. Current Business: Name Top Shelf Liquors
 (Exactly as it appears on license) Address Hwy 89A and Mountain Shadow Sedona AZ
86336
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) | c) Government license (§ 4-205.03) |
| b) Hotel/motel license (§ 4-205.01) | d) Fenced playing area of a golf course (§ 4-207 (B)(5)) |

1. Distance to nearest school: _____ ft. Name of school _____
 Address _____
 City, State, Zip _____
2. Distance to nearest church: _____ ft. Name of church _____
 Address _____
 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? \$ _____
 Please list debtors below if applicable.

Last	First	Middle	Amount Owed	Mailing Address	City State	Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

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

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 Popsheff Liquor
 (Exactly as it appears on license) Address Hwy 89A and Mountain Shadow Sedona, AZ 86336

2. New Business: Name Popsheff Liquor
 (Physical Street Location) Address 580 E Hwy 89A Cottonwood, AZ 86324

3. License Type: 9 License Number: 09-130046

4. If more than one license to be transferred: License Type: _____ License Number: _____

5. What date do you plan to move? Jan 1st What date do you plan to open? Feb 7th

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: 2670 ft. Name of school New Visions Academy
 Address 125 S 6th Street, Cottonwood, AZ 86326
 City, State, Zip

2. Distance to nearest church: 2670 ft. Name of church Verde Baptist
 Address 102 S Willard Street, Cottonwood, AZ 86326
 City, State, Zip

3. I am the: Lessee Sublessee Owner Purchaser (of premises)

4. If the premises is leased give lessors: Name David A. Conlin
 Address P.O. Box 870 Clarkdale AZ 86324
 City, State, Zip

4a. Monthly rental/lease rate \$ 2060. What is the remaining length of the lease 5 yrs. 0 mos.

4b. What is the penalty if the lease is not fulfilled? \$ _____ or other remainder of lease
 (give details - attach additional sheet if necessary)

5. What is the total **business** indebtedness for this license/location excluding the lease? \$ 15,000 - 20,000
 Please list debtors below if applicable.

Last	First	Middle	Amount Owed	Mailing Address	City State	Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

6. What type of business will this license be used for (be specific)? Sale of Alcoholic Products and convenience store items such as chips and soda. For off premise consumption

STATE OF ARIZONA

DEPARTMENT OF LIQUOR LICENSES
AND CONTROL
ALCOHOLIC BEVERAGE LICENSE

License 09130046

Issue Date: 9/9/1993

Expiration Date: 8/31/2011

Issued To:
PETER KENNETH NIEDERER, Agent
T N ENTERPRISES INC, Owner

Location:
TOP SHELF LIQUORS
HWY 89A & MOUNTAIN SHADOW
SEDONA, AZ 86336

Liquor Store

Mailing Address:

PETER KENNETH NIEDERER
T N ENTERPRISES INC
TOP SHELF LIQUORS
1730 W HWY 89A STE #2
SEDONA, AZ 86336



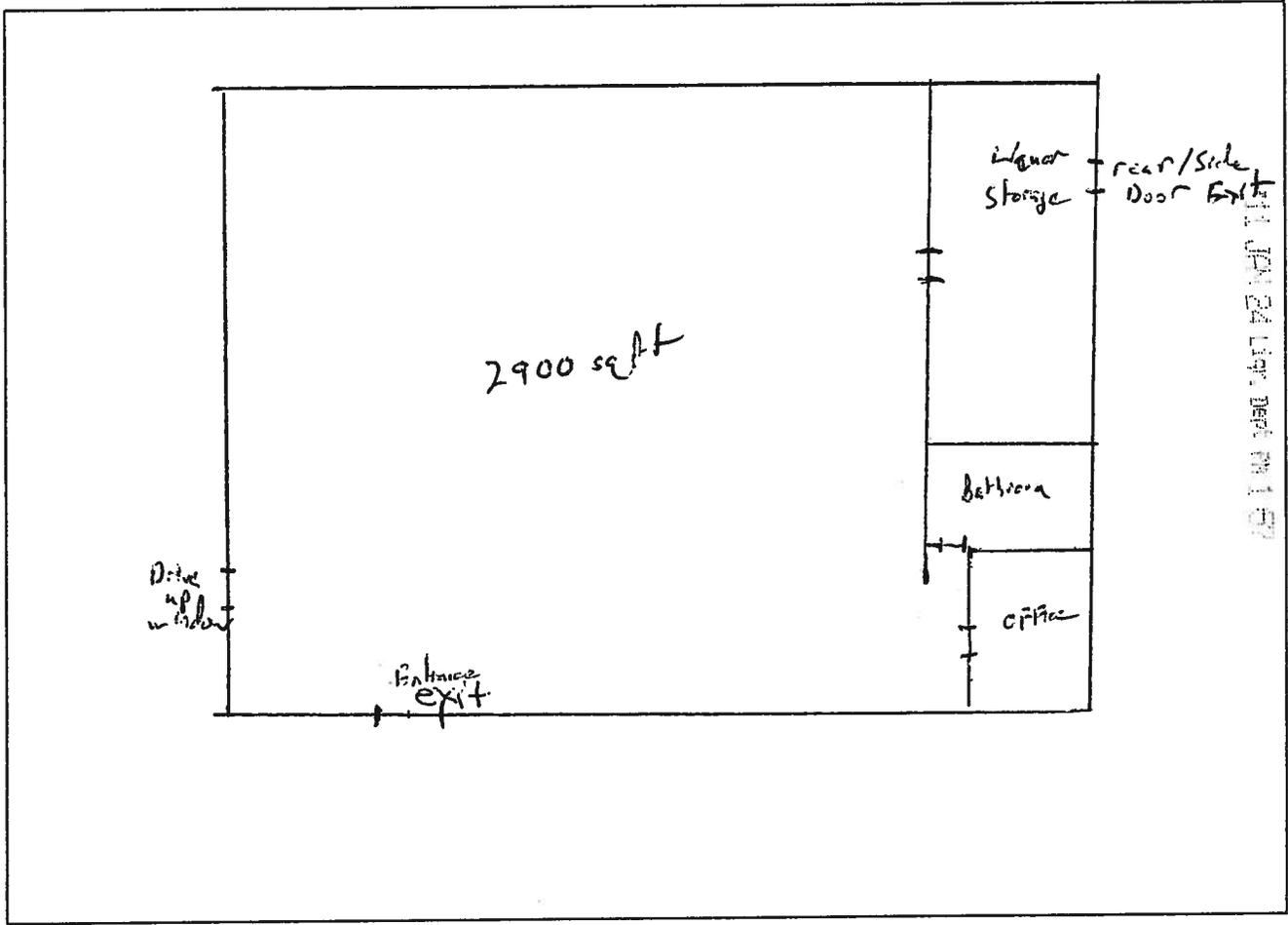
EXP 8/31/2011

POST THIS LICENSE IN A CONSPICUOUS PLACE

SECTION 15 Diagram of Premises

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, Peter Kenneth Niederer, 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 AZ County of Maricopa

The foregoing instrument was acknowledged before me this

20 of December, 2010
Day Month Year

[Signature]

signature of NOTARY PUBLIC

My commission expires on



Day Month Year

City of Cottonwood, Arizona
City Council Agenda Communication



Meeting Date: March 1, 2011

Subject: **Special Event Liquor License Applications for the Cottonwood Chamber of Commerce**

Department: City Clerk

From: Marianne Jiménez, City Clerk

REQUESTED ACTION

Council consideration of recommending approval or denial of Special Event Liquor License Applications submitted by Lana R. Tolleson on behalf of the Cottonwood Chamber of Commerce for events scheduled for March 17, April 21, May 19, September 15, October 20, November 17, and December 8, 2011.

If the Council desires to approve this item the recommended motion is:

“I move to recommend approval of the Special Event Liquor License Applications for Lana R. Tolleson on behalf of the Cottonwood Chamber of Commerce for events scheduled for March 17, April 21, May 19, September 15, October 20, November 17, and December 8, 2011.”

BACKGROUND

Lara R. Tolleson has requested approval of Special Event Liquor License Applications for business networking events on behalf of the Cottonwood Chamber of Commerce scheduled for March 17, 2011, at 105 S. 6th Street (Cottonwood Recreation Center); April 21, 2011, at 1 East Highway 89A (National Bank of Arizona); May 19, 2011, at 1756 E. Villa Drive, Suite A. (Lawyer’s Title); September 15, 2011, at 597 E. Highway 89A (Country Bank); October 20, 2011, at 1003 N. Main Street (Ledbetter Law Firm); November 17, 2011, at 704 S. Main Street (Sunwest Bank); and December 8, 2011, at 500 East Cherry Street (Verde Valley Senior Center).

JUSTIFICATION/BENEFITS/ISSUES

All Special Event Liquor License applications that are submitted to the Arizona Department of Liquor Licenses & Control (ADLLC) for events held in the City of Cottonwood are presented to the Council for its recommendation of approval or denial of the application. The Council's recommendation is taken into consideration by the ADLLC prior to their final approval of the application.

COST/FUNDING SOURCE

No cost to the city.

REVIEWED BY

City Manager: _____ City Attorney: _____

ATTACHMENTS

- Seven (7) Special Event Liquor License Applications submitted by Lana R. Tolleson on behalf of the Cottonwood Chamber of Commerce.

10. Has the applicant been convicted of a felony in the past five years, or had a liquor license revoked?
 YES NO (attach explanation if yes)

11. This organization has been issued a special event license for _____ days this year, including this event
(not to exceed 10 days per year).

12. Is the organization using the services of a promoter or other person to manage the event? YES NO
If yes, attach a copy of the agreement.

13. List all people and organizations who will receive the proceeds. Account for 100% of the proceeds.
**THE ORGANIZATION APPLYING MUST RECEIVE 25% OF THE GROSS REVENUES OF THE SPECIAL
EVENT LIQUOR SALES.**

Name Cottonwood Chamber of Commerce 100%
Percentage

Address 1010 S. Main Street, Cottonwood, AZ 86326

Name _____ Percentage

Address _____

(Attach additional sheet if necessary)

14. Knowledge of Arizona State Liquor Laws Title 4 is important to prevent liquor law violations. If you have any questions regarding the law or this application, please contact the Arizona State Department of Liquor Licenses and Control for assistance.

NOTE: ALL ALCOHOLIC BEVERAGE SALES MUST BE FOR CONSUMPTION AT THE EVENT SITE ONLY.
"NO ALCOHOLIC BEVERAGES SHALL LEAVE SPECIAL EVENT PREMISES."

15. What security and control measures will you take to prevent violations of state liquor laws at this event?
(List type and number of security/police personnel and type of fencing or control barriers if applicable)

_____ # Police Fencing
4 _____ # Security personnel Barriers

Staff personal trained and aware of state liquor laws and will enforce. Security at front door and serving area. Event is being held at a place of business.

TIPS Concessions Trained: ID# 2689196 and ID# 2689200

16. Is there an existing liquor license at the location where the special event is being held? YES NO
If yes, does the existing business agree to suspend their liquor license during the time period, and in the area in which the special event license will be in use? YES NO

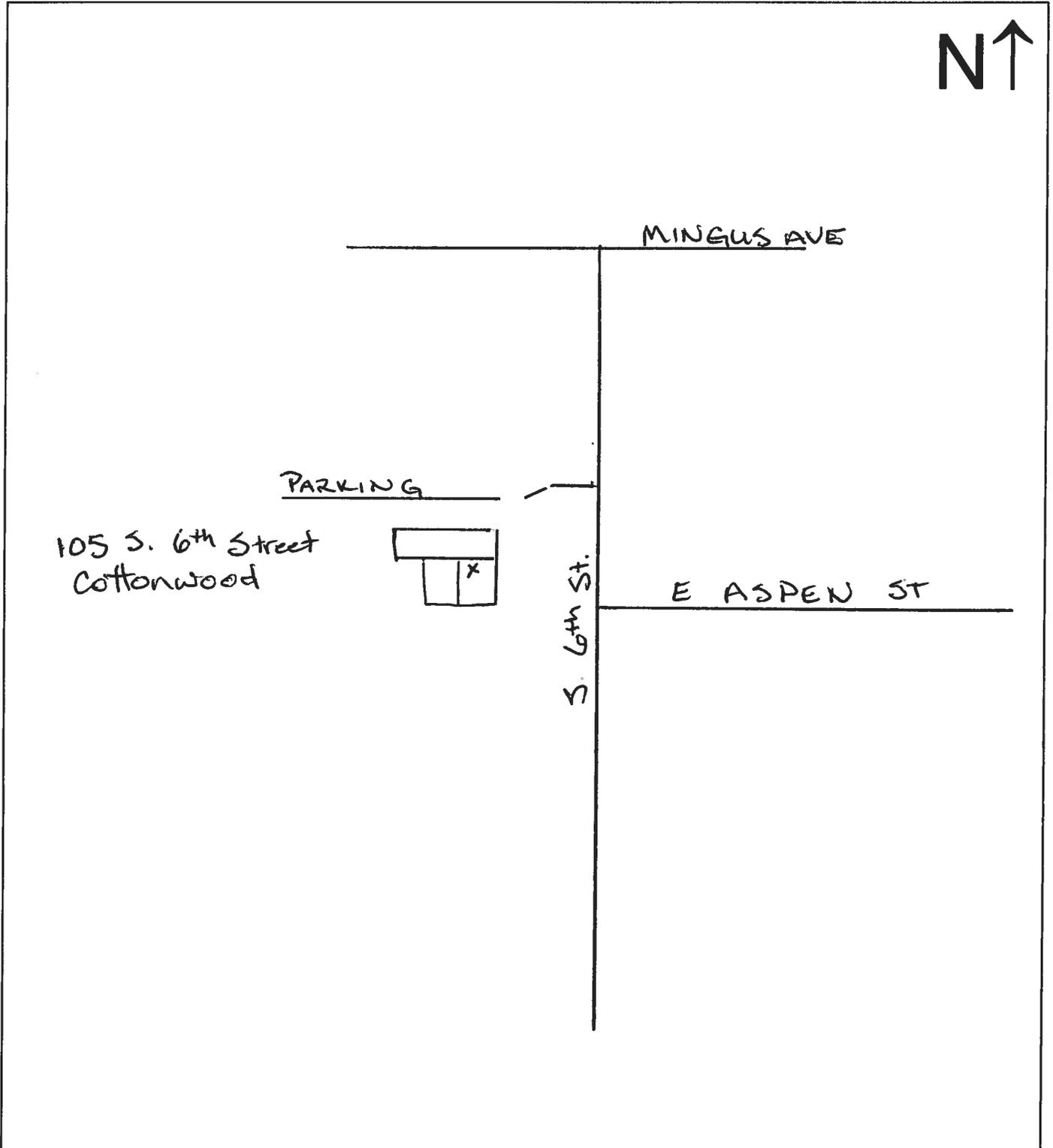
(ATTACH COPY OF AGREEMENT)

Name of Business () _____
Phone Number

17. Your licensed premises is that area in which you are authorized to sell, dispense, or serve spirituous liquors under the provisions of your license. The following page is to be used to prepare a diagram of your special event licensed premises. Please show dimensions, serving areas, fencing, barricades or other control measures and security positions.

SPECIAL EVENT LICENSED PREMISES DIAGRAM
(This diagram must be completed with this application)

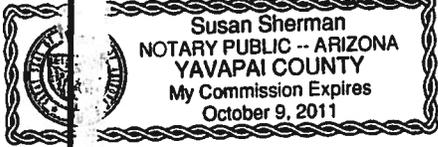
Special Event Diagram: (Show dimensions, serving areas, and label type of enclosure and security positions)
NOTE: Show nearest cross streets, highway, or road if location doesn't have an address.



THIS SECTION TO BE COMPLETED ONLY BY AN OFFICER, DIRECTOR OR CHAIRPERSON OF THE ORGANIZATION NAMED IN QUESTION #1

18. I, Lana Tolleson declare that I am an Officer/Director/Chairperson appointing the applicant listed in Question 6, to apply on behalf of the foregoing organization for a Special Event Liquor License.

X Lana Tolleson (Signature) President/CEO (Title/Position) 2-14-11 (Date) (928)634-7593 (Phone #)



State of _____

Arizona County of Yavapai

The foregoing instrument was acknowledged before me this

14th February, 2011
Day Month Year

My Commission expires on: 10-9-11 (Date)

Susan Sherman
(Signature of NOTARY PUBLIC)

THIS SECTION TO BE COMPLETED ONLY BY THE APPLICANT NAMED IN QUESTION #6

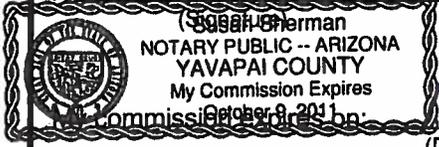
19. I, Lana Tolleson declare that I am the APPLICANT filing this application as listed in Question 6. I have read the application and the contents and all statements are true, correct and complete.

X Lana Tolleson (Signature)

State of Arizona County of Yavapai

The foregoing instrument was acknowledged before me this

14th February, 2011
Day Month Year



10-9-11 (Date)

Susan Sherman
(Signature of NOTARY PUBLIC)

You must obtain local government approval. City or County MUST recommend event and complete item #20. The local governing body may require additional applications to be completed and submitted 60 days in advance of the event. Additional licensing fees may also be required before approval may be granted.

LOCAL GOVERNING BODY APPROVAL SECTION

20. I, _____ (Government Official) _____ (Title) hereby recommend this special event application on behalf of _____ (City, Town or County) _____ (Signature of OFFICIAL) _____ (Date)

FOR DLLC DEPARTMENT USE ONLY

Department Comment Section:

(Employee) _____ (Date)

APPROVED DISAPPROVED BY: _____

(Title) _____ (Date)

10. Has the applicant been convicted of a felony in the past five years, or had a liquor license revoked?
 YES NO (attach explanation if yes)

11. This organization has been issued a special event license for 1 days this year, including this event
(not to exceed 10 days per year).

12. Is the organization using the services of a promoter or other person to manage the event? YES NO
If yes, attach a copy of the agreement.

13. List all people and organizations who will receive the proceeds. Account for 100% of the proceeds.
**THE ORGANIZATION APPLYING MUST RECEIVE 25% OF THE GROSS REVENUES OF THE SPECIAL
EVENT LIQUOR SALES.**

Name Cottonwood Chamber of Commerce 100%
Percentage

Address 1010 S. Main Street, Cottonwood, AZ 86326

Name _____
Percentage

Address _____
(Attach additional sheet if necessary)

14. Knowledge of Arizona State Liquor Laws Title 4 is important to prevent liquor law violations. If you have any questions regarding the law or this application, please contact the Arizona State Department of Liquor Licenses and Control for assistance.

NOTE: ALL ALCOHOLIC BEVERAGE SALES MUST BE FOR CONSUMPTION AT THE EVENT SITE ONLY.
"NO ALCOHOLIC BEVERAGES SHALL LEAVE SPECIAL EVENT PREMISES."

15. What security and control measures will you take to prevent violations of state liquor laws at this event?
(List type and number of security/police personnel and type of fencing or control barriers if applicable)

 # Police Fencing
4 # Security personnel Barriers

Staff personal trained and aware of state liquor laws and will enforce. Security at front door and serving area. Event is being held at a place of business.

TIPS Concessions Trained: ID# 2689196 and ID# 2689200

16. Is there an existing liquor license at the location where the special event is being held? YES NO
If yes, does the existing business agree to suspend their liquor license during the time period, and in the area in which the special event license will be in use? YES NO

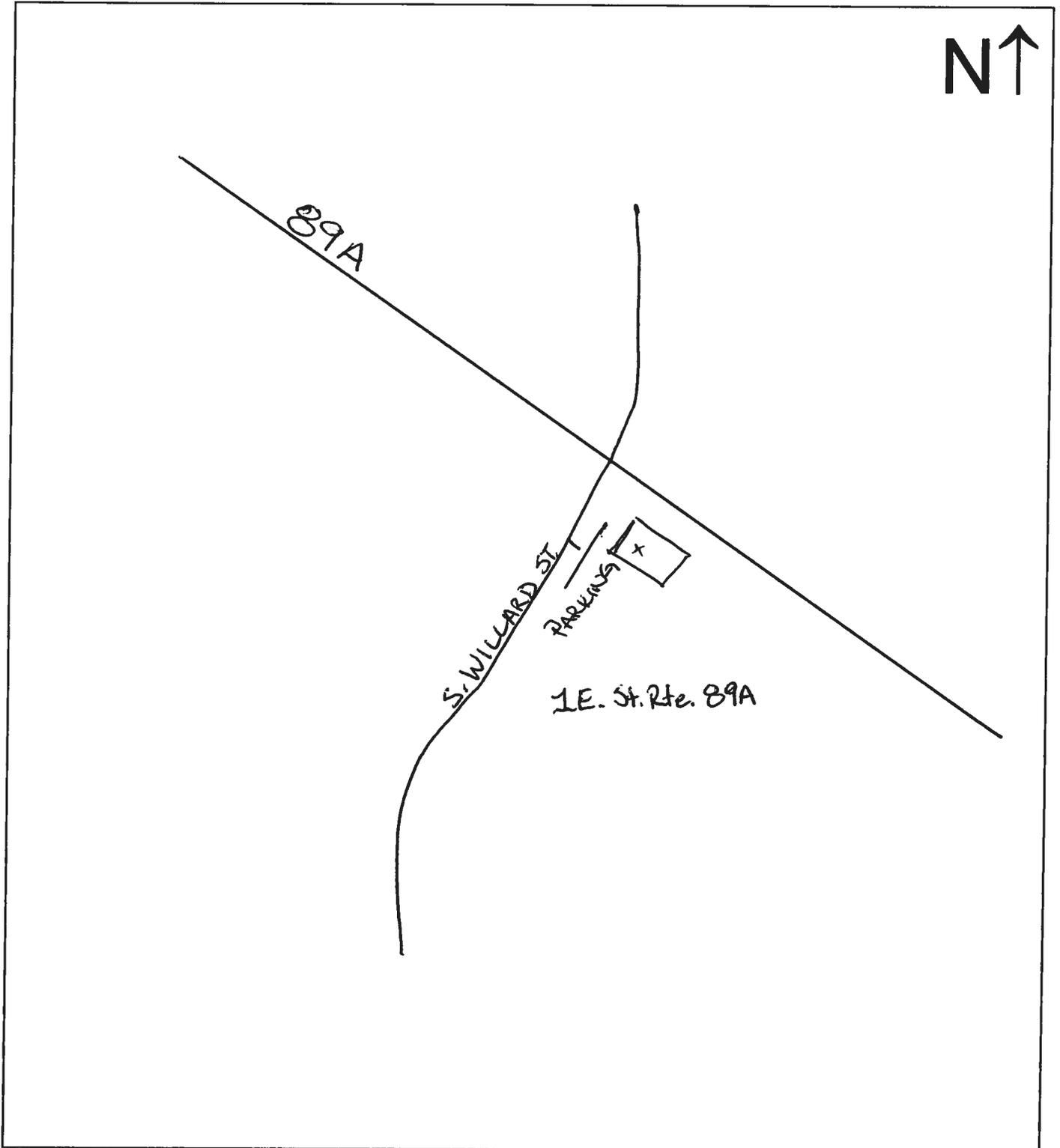
(ATTACH COPY OF AGREEMENT)

Name of Business () _____
Phone Number

17. Your licensed premises is that area in which you are authorized to sell, dispense, or serve spirituous liquors under the provisions of your license. The following page is to be used to prepare a diagram of your special event licensed premises. Please show dimensions, serving areas, fencing, barricades or other control measures and security positions.

SPECIAL EVENT LICENSED PREMISES DIAGRAM
(This diagram must be completed with this application)

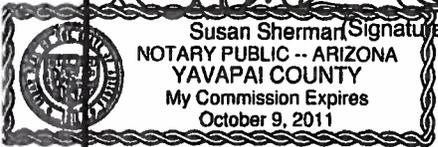
Special Event Diagram: (Show dimensions, serving areas, and label type of enclosure and security positions)
NOTE: Show nearest cross streets, highway, or road if location doesn't have an address.



THIS SECTION TO BE COMPLETED ONLY BY AN OFFICER, DIRECTOR OR CHAIRPERSON OF THE ORGANIZATION NAMED IN QUESTION #1

18. I, Lana Tolleson declare that I am an Officer/Director/Chairperson appointing the applicant listed in Question 6, to apply on behalf of the foregoing organization for a Special Event Liquor License.

Lana Tolleson President/CEO 2-14-11 (928) 634-7593
(Print full name) (Title/Position) (Date) (Phone #)



State of Arizona

County of Yavapai

The foregoing instrument was acknowledged before me this

14th February 2011
Day Month Year

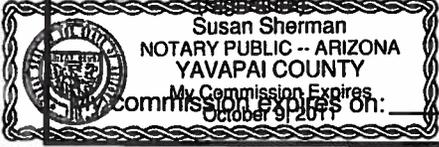
My Commission expires on: 10-9-11
(Date)

Susan Sherman
(Signature of NOTARY PUBLIC)

THIS SECTION TO BE COMPLETED ONLY BY THE APPLICANT NAMED IN QUESTION #6

19. I, Lana Tolleson declare that I am the APPLICANT filing this application as listed in Question 6. I have read the application and the contents and all statements are true, correct and complete.

Lana Tolleson State of Arizona County of Yavapai
(Print full name) (Title/Position) (Date) (Phone #)



The foregoing instrument was acknowledged before me this

14th February 2011
Day Month Year

My Commission Expires on: 10-9-11
(Date)

Susan Sherman
(Signature of NOTARY PUBLIC)

You must obtain local government approval. City or County MUST recommend event and complete item #20. The local governing body may require additional applications to be completed and submitted 60 days in advance of the event. Additional licensing fees may also be required before approval may be granted.

LOCAL GOVERNING BODY APPROVAL SECTION

20. I, _____ hereby recommend this special event application
(Government Official) (Title)
on behalf of _____
(City, Town or County) (Signature of OFFICIAL) (Date)

FOR DLLC DEPARTMENT USE ONLY

Department Comment Section:

(Employee) (Date)

APPROVED

DISAPPROVED

BY:

(Title) (Date)

10. Has the applicant been convicted of a felony in the past five years, or had a liquor license revoked?
 YES NO (attach explanation if yes)

11. This organization has been issued a special event license for 2 days this year, including this event
(not to exceed 10 days per year).

12. Is the organization using the services of a promoter or other person to manage the event? YES NO
If yes, attach a copy of the agreement.

13. List all people and organizations who will receive the proceeds. Account for 100% of the proceeds.
**THE ORGANIZATION APPLYING MUST RECEIVE 25% OF THE GROSS REVENUES OF THE SPECIAL
EVENT LIQUOR SALES.**

Name Cottonwood Chamber of Commerce 100%
Percentage

Address 1010 S. Main Street, Cottonwood, AZ 86326

Name _____ Percentage

Address _____

(Attach additional sheet if necessary)

14. Knowledge of Arizona State Liquor Laws Title 4 is important to prevent liquor law violations. If you have any questions regarding the law or this application, please contact the Arizona State Department of Liquor Licenses and Control for assistance.

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15. What security and control measures will you take to prevent violations of state liquor laws at this event?
(List type and number of security/police personnel and type of fencing or control barriers if applicable)

 # Police Fencing

4 # Security personnel Barriers

Staff personal trained and aware of state liquor laws and will enforce. Security at front door and serving area. Event is being held at a place of business.

TIPS Concessions Trained: ID# 2689196 and ID# 2689200

16. Is there an existing liquor license at the location where the special event is being held? YES NO

If yes, does the existing business agree to suspend their liquor license during the time period, and in the area in which the special event license will be in use? YES NO

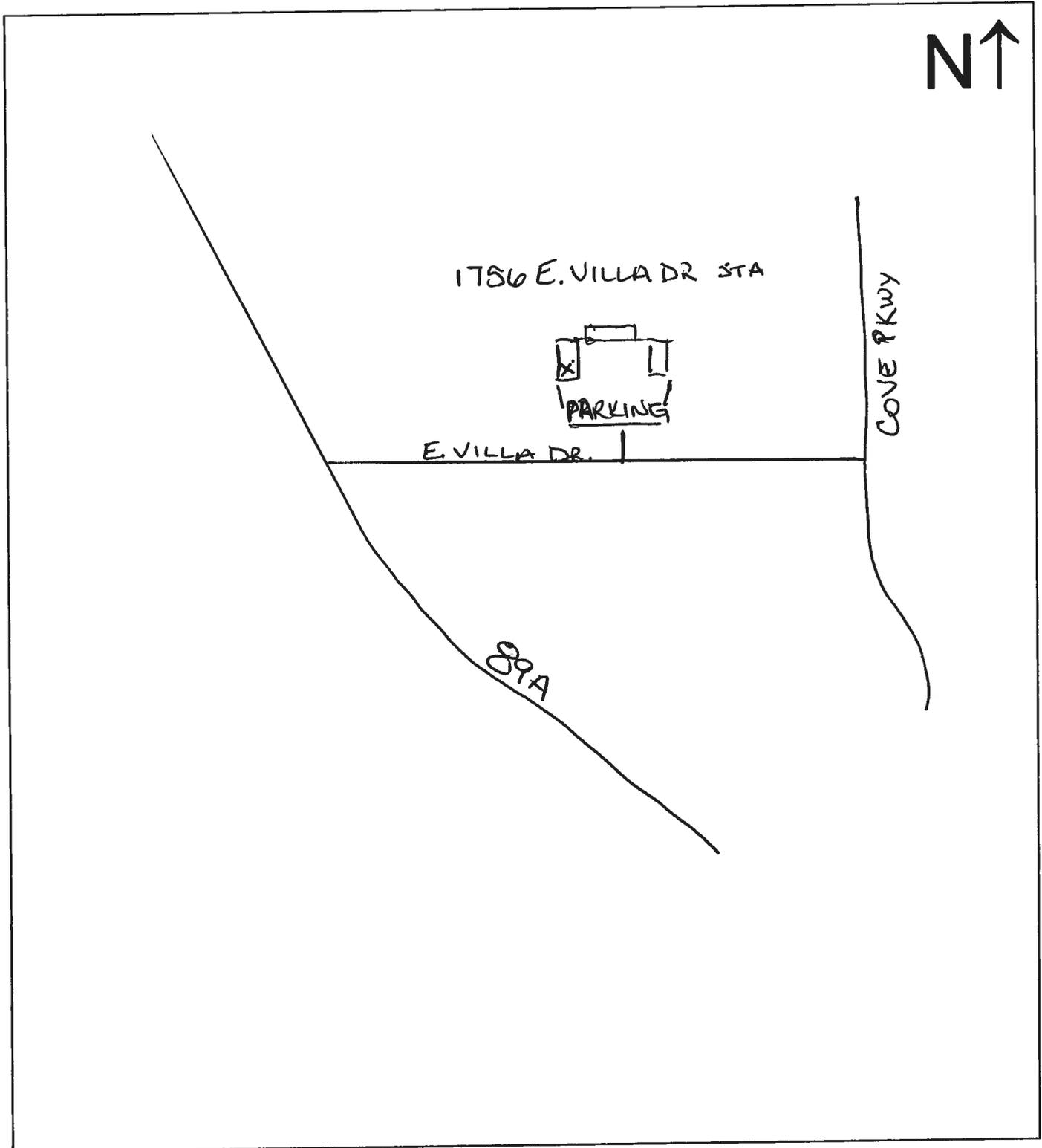
(ATTACH COPY OF AGREEMENT)

Name of Business () _____
Phone Number

17. Your licensed premises is that area in which you are authorized to sell, dispense, or serve spirituous liquors under the provisions of your license. The following page is to be used to prepare a diagram of your special event licensed premises. Please show dimensions, serving areas, fencing, barricades or other control measures and security positions.

SPECIAL EVENT LICENSED PREMISES DIAGRAM
(This diagram must be completed with this application)

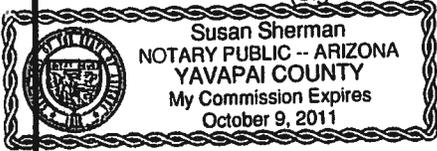
Special Event Diagram: (Show dimensions, serving areas, and label type of enclosure and security positions)
NOTE: Show nearest cross streets, highway, or road if location doesn't have an address.



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18. I, Lana Tolleson declare that I am an Officer/Director/Chairperson appointing the applicant listed in Question 6 to apply on behalf of the foregoing organization for a Special Event Liquor License.

X Lana Tolleson (Signature) President/CEO (Title/Position) 2-14-11 (Date) (928) 634-7593 (Phone #)



State of Arizona County of Yavapai

The foregoing instrument was acknowledged before me this

14th February, 2011
Day Month Year

My Commission expires on: 10-9-11 (Date)

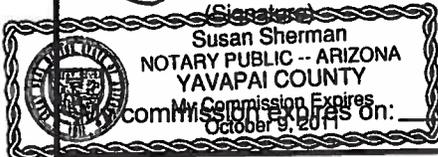
Susan Sherman (Signature of NOTARY PUBLIC)

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19. I, Lana Tolleson declare that I am the APPLICANT filing this application as listed in Question 6. I have read the application and the contents and all statements are true, correct and complete.

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14th February, 2011
Day Month Year



My Commission Expires on: 10-9-11 (Date)

Susan Sherman (Signature of NOTARY PUBLIC)

You must obtain local government approval. City or County MUST recommend event and complete item #20. The local governing body may require additional applications to be completed and submitted 60 days in advance of the event. Additional licensing fees may also be required before approval may be granted.

LOCAL GOVERNING BODY APPROVAL SECTION

20. I, _____ (Government Official) _____ (Title) hereby recommend this special event application on behalf of _____ (City, Town or County) _____ (Signature of OFFICIAL) _____ (Date)

FOR DLLC DEPARTMENT USE ONLY

Department Comment Section:

(Employee) _____ (Date)

APPROVED

DISAPPROVED

BY:

(Title) _____ (Date)

10. Has the applicant been convicted of a felony in the past five years, or had a liquor license revoked?
 YES NO (attach explanation if yes)

11. This organization has been issued a special event license for ⁴_____ days this year, including this event
(not to exceed 10 days per year).

12. Is the organization using the services of a promoter or other person to manage the event? YES NO
If yes, attach a copy of the agreement.

13. List all people and organizations who will receive the proceeds. Account for 100% of the proceeds.
THE ORGANIZATION APPLYING MUST RECEIVE 25% OF THE GROSS REVENUES OF THE SPECIAL EVENT LIQUOR SALES.

Name Cottonwood Chamber of Commerce 100%
Percentage

Address 1010 S. Main Street, Cottonwood, AZ 86326

Name _____ Percentage

Address _____

(Attach additional sheet if necessary)

14. Knowledge of Arizona State Liquor Laws Title 4 is important to prevent liquor law violations. If you have any questions regarding the law or this application, please contact the Arizona State Department of Liquor Licenses and Control for assistance.

NOTE: ALL ALCOHOLIC BEVERAGE SALES MUST BE FOR CONSUMPTION AT THE EVENT SITE ONLY.
"NO ALCOHOLIC BEVERAGES SHALL LEAVE SPECIAL EVENT PREMISES."

15. What security and control measures will you take to prevent violations of state liquor laws at this event?
(List type and number of security/police personnel and type of fencing or control barriers if applicable)

_____ # Police Fencing
⁴_____ # Security personnel Barriers

Staff personal trained and aware of state liquor laws and will enforce. Security at front door and serving area. Event is being held at a place of business.

TIPS Concessions Trained: ID# 2689196 and ID# 2689200

16. Is there an existing liquor license at the location where the special event is being held? YES NO
If yes, does the existing business agree to suspend their liquor license during the time period, and in the area in which the special event license will be in use? YES NO

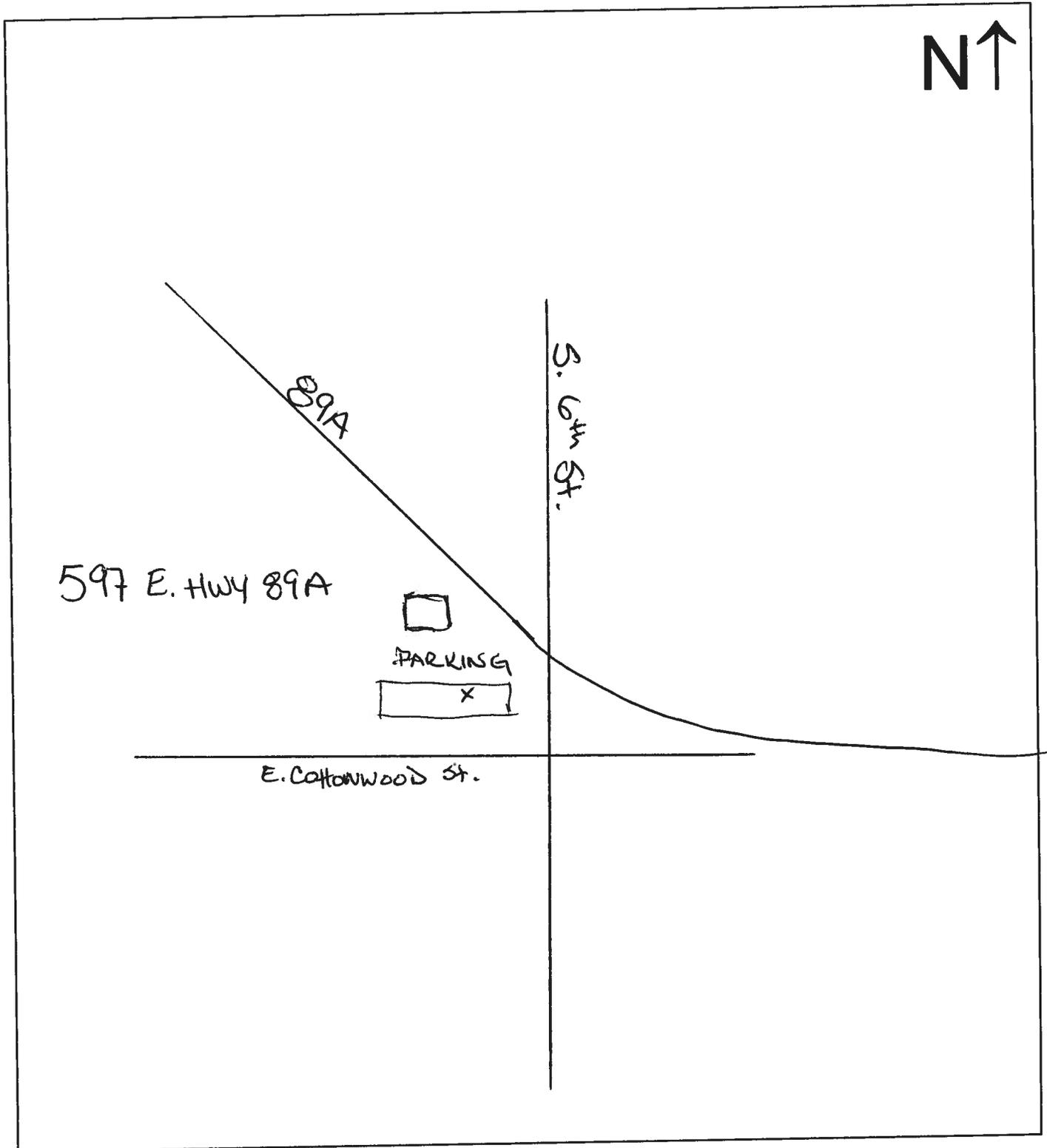
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Name of Business () _____
Phone Number

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SPECIAL EVENT LICENSED PREMISES DIAGRAM
(This diagram must be completed with this application)

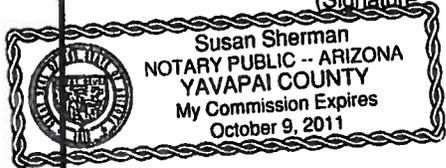
Special Event Diagram: (Show dimensions, serving areas, and label type of enclosure and security positions)
NOTE: Show nearest cross streets, highway, or road if location doesn't have an address.



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X Lana Tolleson (Signature) President/CEO 2-14-11 (Date) (928) 634-7593 (Phone #)



State of Arizona County of Yavapai

The foregoing instrument was acknowledged before me this 14th Day February Month 2011 Year

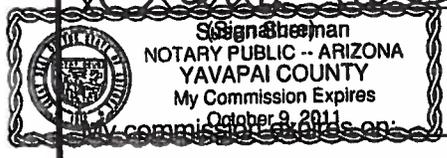
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Susan Sherman (Signature of NOTARY PUBLIC)

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X Lana Tolleson (Signature)



State of Arizona County of Yavapai

The foregoing instrument was acknowledged before me this 14th Day February Month 2011 Year

My Commission expires on: 10-9-11 (Date)

Susan Sherman (Signature of NOTARY PUBLIC)

You must obtain local government approval. City or County MUST recommend event and complete item #20. The local governing body may require additional applications to be completed and submitted 60 days in advance of the event. Additional licensing fees may also be required before approval may be granted.

LOCAL GOVERNING BODY APPROVAL SECTION

20. I, _____ (Government Official) _____ (Title) hereby recommend this special event application

on behalf of _____ (City, Town or County) _____ (Signature of OFFICIAL) _____ (Date)

FOR DLLC DEPARTMENT USE ONLY

Department Comment Section:

(Employee) _____ (Date)

APPROVED DISAPPROVED BY: _____

(Title) _____ (Date)

10. Has the applicant been convicted of a felony in the past five years, or had a liquor license revoked?
 YES NO (attach explanation if yes)

11. This organization has been issued a special event license for ⁵_____ days this year, including this event
(not to exceed 10 days per year).

12. Is the organization using the services of a promoter or other person to manage the event? YES NO
If yes, attach a copy of the agreement.

13. List all people and organizations who will receive the proceeds. Account for 100% of the proceeds.
**THE ORGANIZATION APPLYING MUST RECEIVE 25% OF THE GROSS REVENUES OF THE SPECIAL
EVENT LIQUOR SALES.**

Name Cottonwood Chamber of Commerce 100%
Percentage

Address 1010 S. Main Street, Cottonwood, AZ 86326

Name _____
Percentage

Address _____
(Attach additional sheet if necessary)

14. Knowledge of Arizona State Liquor Laws Title 4 is important to prevent liquor law violations. If you have any questions regarding the law or this application, please contact the Arizona State Department of Liquor Licenses and Control for assistance.

NOTE: ALL ALCOHOLIC BEVERAGE SALES MUST BE FOR CONSUMPTION AT THE EVENT SITE ONLY.
"NO ALCOHOLIC BEVERAGES SHALL LEAVE SPECIAL EVENT PREMISES."

15. What security and control measures will you take to prevent violations of state liquor laws at this event?
(List type and number of security/police personnel and type of fencing or control barriers if applicable)

_____ # Police Fencing
⁴_____ # Security personnel Barriers

Staff personal trained and aware of state liquor laws and will enforce. Security at front door and serving area. Event is being held at a place of business.

TIPS Concessions Trained: ID# 2689196 and ID# 2689200

16. Is there an existing liquor license at the location where the special event is being held? YES NO
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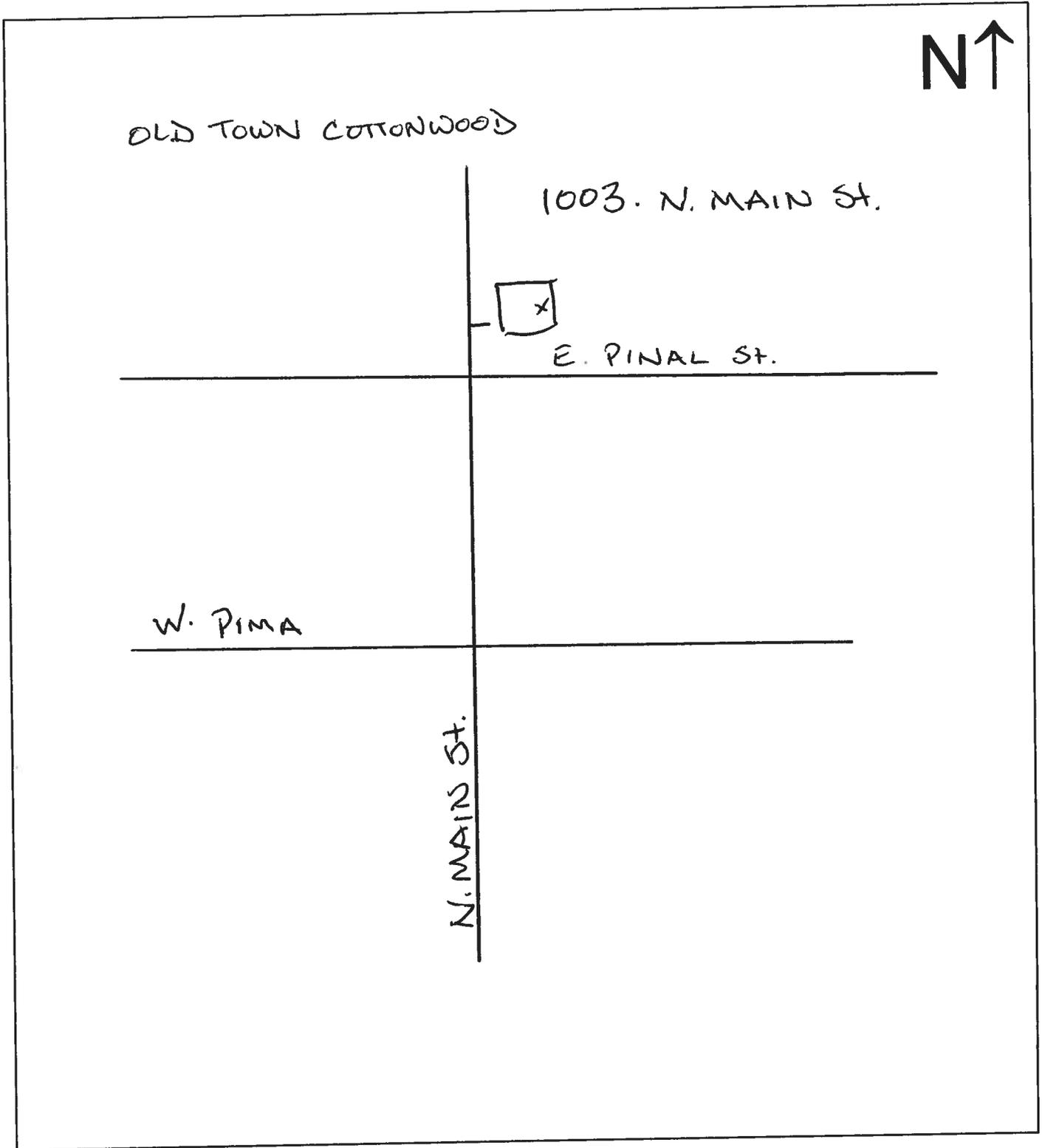
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Name of Business () _____
Phone Number

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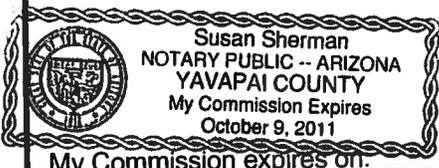
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X *Lana Tolleson* President/CEO 2-14-11 (928) 634-7593
 (Signature) (Title/Position) (Date) (Phone #)

State of Arizona County of Yavapai

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 Day Month Year



My Commission expires on: 10-9-11
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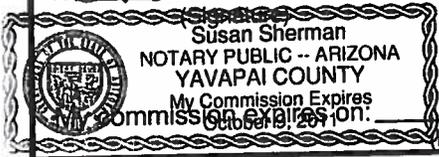
Susan Sherman
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LOCAL GOVERNING BODY APPROVAL SECTION

20. I, _____ hereby recommend this special event application
 (Government Official) (Title)
 on behalf of _____ (Signature of OFFICIAL) (Date)
 (City, Town or County)

FOR DLLC DEPARTMENT USE ONLY

Department Comment Section:

 _____ (Employee) _____ (Date)

APPROVED DISAPPROVED BY: _____
 _____ (Title) _____ (Date)

10. Has the applicant been convicted of a felony in the past five years, or had a liquor license revoked?
 YES NO (attach explanation if yes)

11. This organization has been issued a special event license for 6 days this year, including this event
(not to exceed 10 days per year).

12. Is the organization using the services of a promoter or other person to manage the event? YES NO
If yes, attach a copy of the agreement.

13. List all people and organizations who will receive the proceeds. Account for 100% of the proceeds.
**THE ORGANIZATION APPLYING MUST RECEIVE 25% OF THE GROSS REVENUES OF THE SPECIAL
EVENT LIQUOR SALES.**

Name Cottonwood Chamber of Commerce 100%
Percentage

Address 1010 S. Main Street, Cottonwood, AZ 86326

Name _____ Percentage

Address _____
(Attach additional sheet if necessary)

14. Knowledge of Arizona State Liquor Laws Title 4 is important to prevent liquor law violations. If you have any questions regarding the law or this application, please contact the Arizona State Department of Liquor Licenses and Control for assistance.

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15. What security and control measures will you take to prevent violations of state liquor laws at this event?
(List type and number of security/police personnel and type of fencing or control barriers if applicable)

 # Police Fencing
4 # Security personnel Barriers

Staff personal trained and aware of state liquor laws and will enforce. Security at front door and serving area. Event is being held at a place of business.

TIPS Concessions Trained: ID# 2689196 and ID# 2689200

16. Is there an existing liquor license at the location where the special event is being held? YES NO
If yes, does the existing business agree to suspend their liquor license during the time period, and in the area in which the special event license will be in use? YES NO

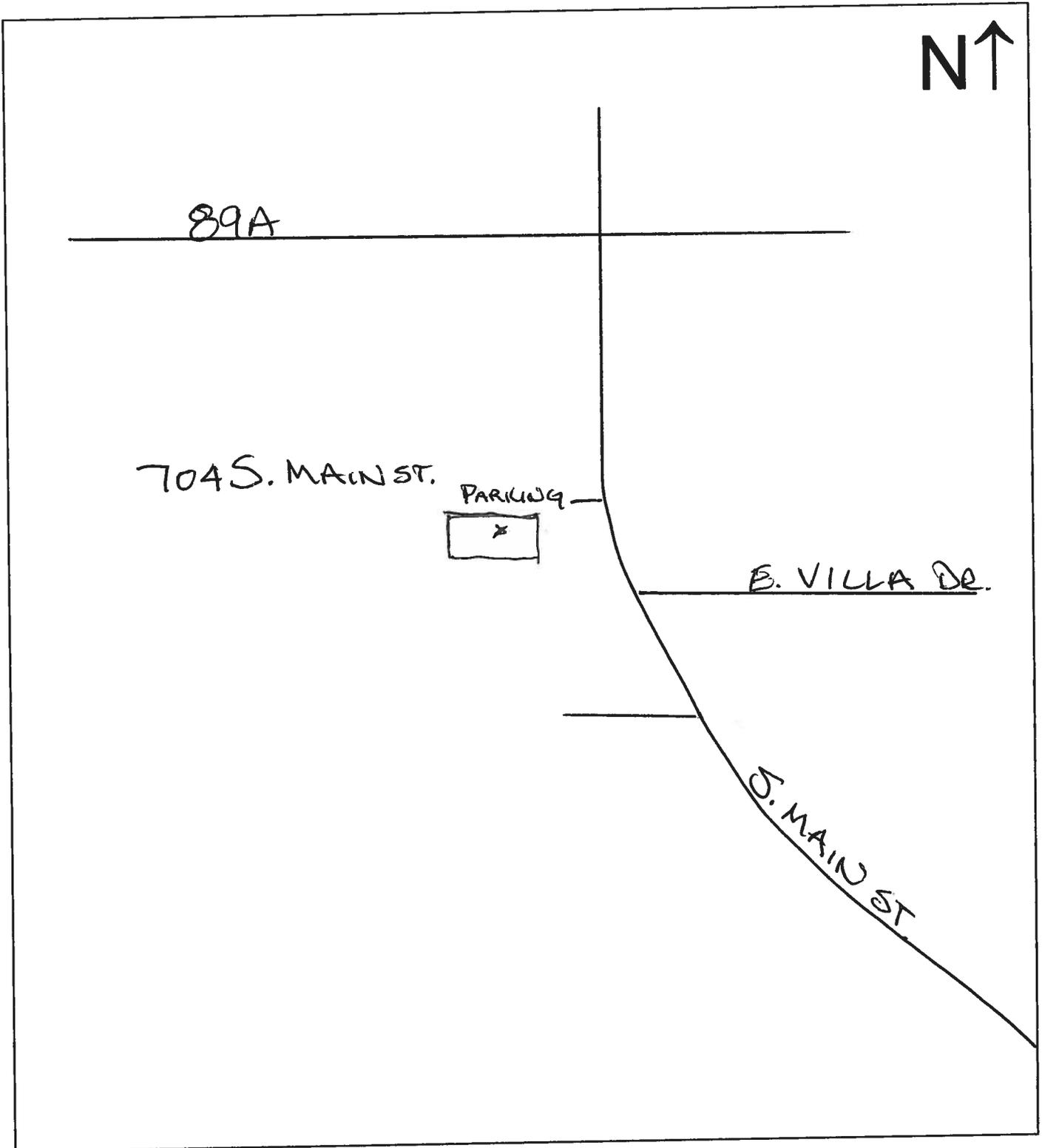
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Name of Business () Phone Number

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SPECIAL EVENT LICENSED PREMISES DIAGRAM
(This diagram must be completed with this application)

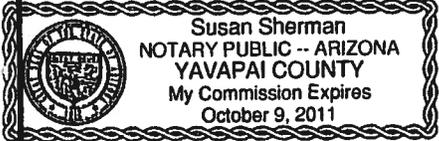
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 (Print full name)
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X Lana Tolleson President/CEO 2-14-11 (928) 634-7593
 (Signature) (Title/Position) (Date) (Phone #)



State of Arizona County of Yavapai
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Susan Sherman
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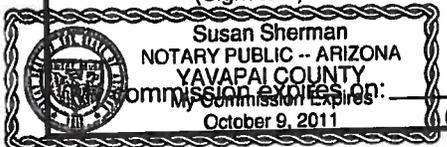
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State of Arizona County of Yavapai
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10-9-11
 (Date)

Susan Sherman
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You must obtain local government approval. City or County MUST recommend event and complete item #20. The local governing body may require additional applications to be completed and submitted 60 days in advance of the event. Additional licensing fees may also be required before approval may be granted.

LOCAL GOVERNING BODY APPROVAL SECTION

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 (Government Official) (Title)

on behalf of _____
 (City, Town or County) (Signature of OFFICIAL) (Date)

FOR DLLC DEPARTMENT USE ONLY

Department Comment Section:

 _____ (Employee) _____ (Date)

APPROVED DISAPPROVED BY: _____

 _____ (Title) _____ (Date)

10. Has the applicant been convicted of a felony in the past five years, or had a liquor license revoked?
 YES NO (attach explanation if yes)

11. This organization has been issued a special event license for 7 days this year, including this event
(not to exceed 10 days per year).

12. Is the organization using the services of a promoter or other person to manage the event? YES NO
If yes, attach a copy of the agreement.

13. List all people and organizations who will receive the proceeds. Account for 100% of the proceeds.
**THE ORGANIZATION APPLYING MUST RECEIVE 25% OF THE GROSS REVENUES OF THE SPECIAL
EVENT LIQUOR SALES.**

Name Cottonwood Chamber of Commerce 100%
Percentage
Address 1010 S. Main Street, Cottonwood, AZ 86326

Name _____ Percentage
Address _____
(Attach additional sheet if necessary)

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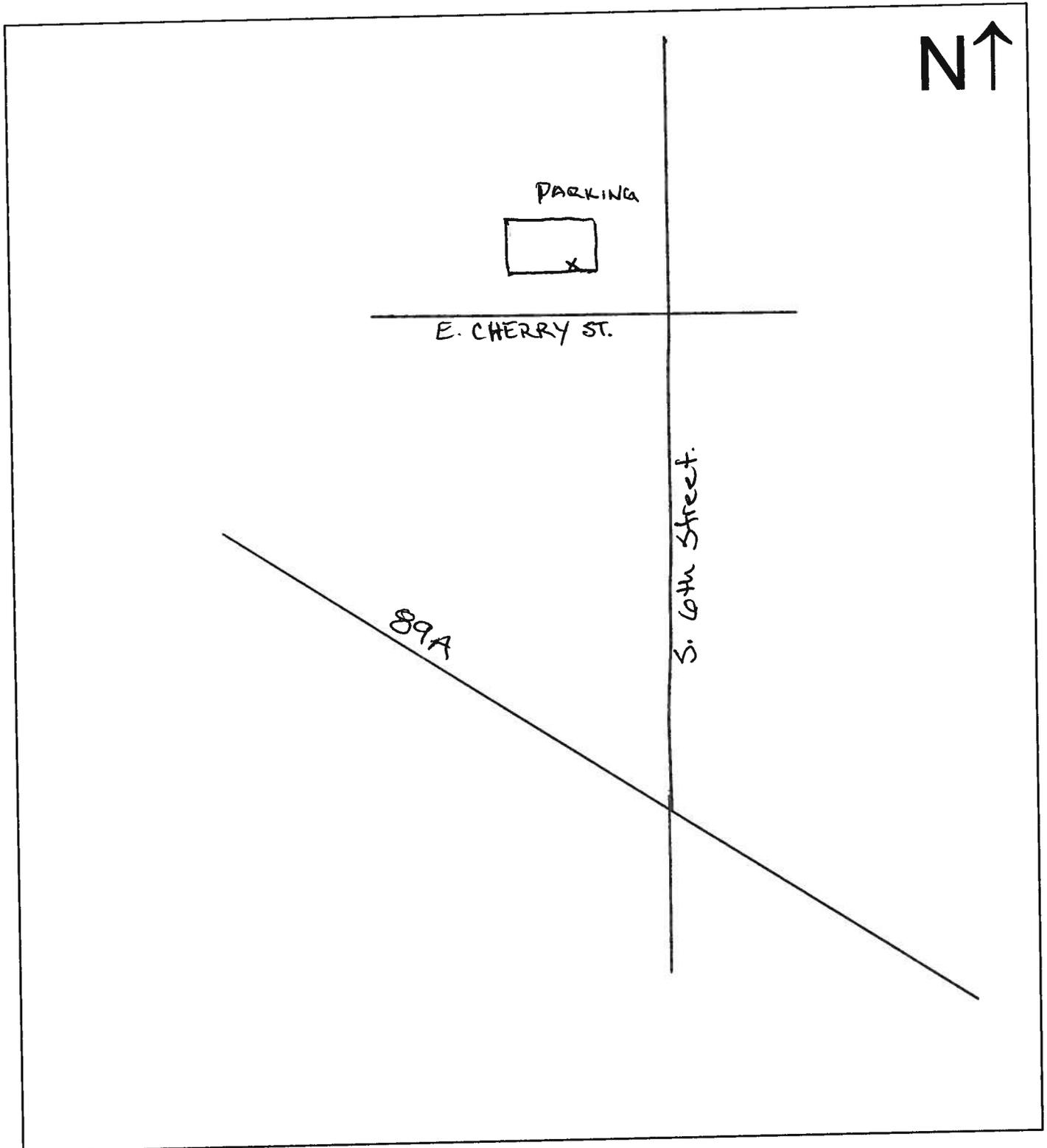
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(ATTACH COPY OF AGREEMENT)

Name of Business ()
Phone Number

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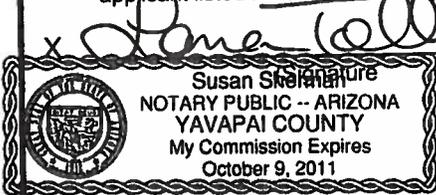
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(This diagram must be completed with this application)

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Lana Tolleson President/CEO 2-14-11 (928) 634-7593
 (Signature) (Title/Position) (Date) (Phone #)

State of Arizona County of Yavapai

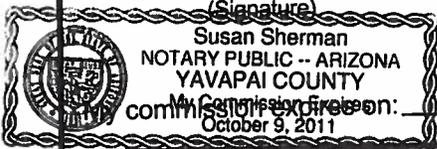
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My Commission expires on: 10-9-11
 (Date)

Susan Sherman
 (Signature of NOTARY PUBLIC)

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Lana Tolleson
 (Signature)

State of Arizona County of Yavapai
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 Day Month Year

10-9-11
 (Date)

Susan Sherman
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LOCAL GOVERNING BODY APPROVAL SECTION

20. I, _____ hereby recommend this special event application
 (Government Official) (Title)
 on behalf of _____
 (City, Town or County) (Signature of OFFICIAL) (Date)

FOR DLLC DEPARTMENT USE ONLY

Department Comment Section:

 (Employee) (Date)

APPROVED DISAPPROVED

BY:

 (Title) (Date)

City of Cottonwood, Arizona
City Council Agenda Communication



Meeting Date: March 1, 2011

Subject: Application for Extension of Premises/Patio Liquor License Permit for Kactus Kate's.

Department: City Clerk

From: Marianne Jiménez, City Clerk

REQUESTED ACTION

Council consideration of recommending approval or denial of an application for an Extension of Premises/Patio Liquor License permit submitted by Katherine Woods for Kactus Kate's located at 929 North Main Street.

If the Council desires to approve this item the recommended motion is:

"I move to recommend approval of the Extension of Premises/Patio Liquor License Permit application submitted by Katherine Woods for Kactus Kate's for an event scheduled for April 9, 2011."

BACKGROUND

An Extension of Premises/Patio Liquor License Permit application was received from Katherine Woods, licensee for Kactus Kate's located at 929 North Main Street in Old Town Cottonwood for an event scheduled for April 9, 2011.

JUSTIFICATION/BENEFITS/ISSUE

All applications for Extension of Premises/Patio Liquor License Permits that are requested of the Arizona Department of Liquor Licenses & Control (ADLLC) for establishments located within the City of Cottonwood are presented to the Council for its recommendation of approval or denial of the application. The Council's recommendation is taken into consideration by the ADLLC prior to their final approval of the application.

REVIEWED BY:

City Manager: _____ City Attorney: _____

ATTACHMENTS

- Application for Extension of Premises/Patio Permit for Kactus Kate's.

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

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

APPLICATION FOR EXTENSION OF PREMISES/PATIO PERMIT

THIS APPLICATION MUST BE RETURNED TO THE DEPARTMENT OF LIQUOR

Permanent change of area of service - Give specific purpose of change:
Temporary change for date(s) of APRIL 9, 2011

- 1. Licensee's Name: Woods, Katherine Louise
2. Mailing Address: 5580 Lux Lane Cottonwood, AZ 86326
3. Business Name: Cactus Kate's LLC LICENSE #: 06130663
4. Business Address: 929 W Main St Cottonwood, Yavapai, AZ 86326
5. Business Phone: (928) 634-7722 Residence Phone: (928) 634-6441
6. Do you understand Arizona Liquor Laws and Regulations? YES
7. Have you received approved Liquor Law Training? YES When? 2-11-10
8. What security precautions will be taken to prevent liquor violations in the extended area? BANNERS, Security - in & out!
9. Does this extension bring your premises within 300 feet of a church or school? NO
10. IMPORTANT: ATTACH THE REVISED FLOOR PLAN CLEARLY DEPICTING YOUR LICENSED PREMISES AND WHAT YOU PROPOSE TO ADD.

****After completing sections 1-9, take this application to your local Board of Supervisors, City Council or Designate for their recommendation. This recommendation is not binding on the Department of Liquor.
This change in premises is RECOMMENDED by the local Board of Supervisors, City Council or Designate:
City of Cottonwood

I, Katherine Louise Woods, being first duly sworn upon oath, hereby depose, swear and declare, under penalty of perjury, that I am the APPLICANT making the foregoing application. I have read this application and the contents and all statements are true, correct and complete.

Signature of Owner or Agent: Katherine Louise Woods
State of Arizona County of Yavapai
SUBSCRIBED IN MY PRESENCE AND SWORN TO before me this date
02 11 11
Day Month Year
Signature of NOTARY PUBLIC



Investigation Recommendation [] Approval [] Disapproval by: Date:
Director Signature required for Disapprovals Date:

City of Cottonwood, Arizona
City Council Agenda Communication



Meeting Date: March 1, 2011

Subject: Banking and Financial Services for the City of Cottonwood

Department: Administrative Services – Finance Department

From: Jesus R. Rodriguez, CGFM – Administrative Services General Manager

REQUESTED ACTION

Staff is requesting approval to enter into an agreement with Wells Fargo Bank for all Banking and Financial Services necessary for the City of Cottonwood using our Strategic Alliance for Volume Expenditures (S.A.V.E.) cooperative arrangement.

If the Council desires to approve this item the suggested motion is:

I move to approve that the City of Cottonwood, using its Strategic Alliance for Volume Expenditures (S.A.V.E.) cooperative arrangement, enter into an agreement with Wells Fargo Bank for all Banking and Financial Services.

BACKGROUND

As mentioned in a recent council work session, the City of Cottonwood has had the same banking services since 1993. During this period of time the services were provided by Valley Bank, which was then purchased by Bank One in 1998. Bank One more recently was acquired by J.P. Morgan Chase & Co. in 2004. These transitions were not always smooth and created some issues, though, they have always been worked out. During these transitions, the idea of changing services comes up and then dies down since a banking changeover is always costly and tedious.

For some time, staff has considered bidding out the Banking and Financial Services but has delayed due to the issues previously mentioned, cost and work load. As time has passed, the department has come to the conclusion that it is time we look at our long standing relationships and make some hard decisions as to whether to change or stay where we are. Either way, we will be taking advantage of our cooperative agreements we currently have in place.

Our banking and financial services were the first to be reviewed. Wells Fargo approached the City of Cottonwood nearly a year ago with a proposal from Strategic Alliance for Volume Expenditures (S.A.V.E.), of which we are members. With all the intricacies of our current banking services we did not want to rush into such a major transition without looking closely at the proposal and meeting with

some of the implementation, operational and customer service professionals that would be handling our account.

Tony Hannigan, Asst. V.P. and Industry Specialist for Wells Fargo brought a team up from Phoenix to meet with my staff and discuss the possibility of doing business with the City of Cottonwood. During this meeting they took some current banking data back for analysis and returned some positive results.

JUSTIFICATION/BENEFITS/ISSUES

During these tough economic times, the City of Cottonwood is not only looking for outstanding customer services but outstanding value. After an analysis of our current banking services, it was determined that we could see a minimum of \$1,000 in savings per month.

Wells Fargo Bank will also give Cottonwood a \$2,500 transition allowance to assist in covering many of our transition expenses.

COST/FUNDING SOURCE

There is a long term cost savings which will be shared by all the different funds throughout the organization.

REVIEWED BY:

City Manager: _____

City Attorney: _____

ATTACHMENTS

City of Cottonwood, Arizona
City Council Agenda Communication



Meeting Date: March 1, 2011

Subject: **Approval of Resolution 2574, finding, that pursuant to the requirements of Arizona Revised Statutes § 36-1473, that a Redevelopment Area exists in the City of Cottonwood, described as the North 10th Street Redevelopment Area.**

Department: Community Development

From: Charles Scully, AICP, Long-Range Planner

REQUESTED ACTION

If the Council desires to approve this item, the suggested motion is:

Move to approve Resolution Number 2574, finding, that pursuant to the requirements of Arizona Revised Statutes § 36-1473, that a Redevelopment Area exists in the City of Cottonwood, described as the North 10th Street Redevelopment Area.

BACKGROUND

Every CDBG project must meet one of the three National Objectives. (Low-Moderate Income; Prevention or Elimination of Slums or Blight; or Urgent Need.) There is a range of potentially eligible projects that can be funded through CDBG; however, all projects need to qualify under one of the National Objectives. The 10th Street improvement project potentially would be able to qualify through the Area-Wide Low-Moderate Income category (51% or more households at or below the Low-Mod level) however, the procedures for documenting household income have become difficult and lengthy since the recent Census did not include income information. The Slum-Blight Target Area category has different criteria that could be appropriate for the 10th Street project. Several things must be done, including establishing a Redevelopment Area, as per applicable state statutes. The terminology of "Slums or Blight" should be understood as a technical designation that refers to deterioration of public improvements in this case and is not a description of the area. It can refer to specific conditions.

ISSUE

Target Area (Slum/Blight) The local governing body must document compliance with the requirements of A.R.S. §36-1473 as follows:

- (1) The area or region is designated as a redevelopment area containing slum or blight conditions;
- (2) Throughout the Redevelopment Area there are a substantial (defined as at least 25% as defined by the applicant) number of deteriorated or deteriorating buildings; **or public improvements (at least two) are in a general state of deterioration;**
- (3) The activity proposed to be undertaken addresses one or more of the conditions indicated in the applicant's resolution
- (4) Written Notice by first-class mail must be sent to each owner of real property that is within the boundaries of a proposed redevelopment area. Addresses for property owners must be obtained from the most recent records of the County Assessor. The Notice must include the time, date, and location of a public meeting concerning the findings. Applicant must complete the Certificate of Mailing;
- (4) A Public Notice must be advertised in a newspaper of general circulation in the area of operation, once each week for two consecutive weeks, the last publication to be at least ten days prior to the date set for hearing. The Notice shall describe the time, place, and purpose of the hearing and shall also generally identify the area to be redeveloped under the plan. All interested parties shall be afforded a reasonable opportunity to express their views respecting the proposed redevelopment plan at the hearing; and
- (5) Adopt a Resolution that defines the Redevelopment Area and compliance with A.R.S. §36-1473.

Summary of Procedures to date for Redevelopment Area

- City Utility Engineer confirmed that project area includes at least two public improvements in a state of deterioration. These are identified as the street and utility lines.
- Notice by first class mail to all property owners within the proposed redevelopment area. 89 separate property owners were identified. Letters were mailed to property owners with notice of public hearing and map of proposed area on February 11, 2011.
- Public Notice Display Ad published Verde Independent, February 11th and February 18th.
- Resolution in compliance with state statute provided to Council for adoption at March 1st meeting.

JUSTIFICATION/BENEFIT/ISSUES

Declaring the Redevelopment Area, as per the related state statute, is a requirement for qualifying for funding eligibility through the CDBG National Objective category referred to as Prevention or Elimination of Slums or Blight. (SB) The scope of the proposed Redevelopment Area is described in the Resolution as limited to the street improvements, including sidewalks, curbs, gutters, and pavement repair, as well as related drainage improvements and utility line repair.

COST/FUNDING SOURCE

There is no cost to the City specifically related to the Redevelopment Area designation. There are no costs to any property owner in the area. Any proposed projects in the area would be funded through the grant program or separate authorized City sources.

REVIEWED BY

City Manager: _____

City Attorney: _____

ATTACHMENTS

- Resolution 2574, declaring the North 10th Street Redevelopment Area.
- Map of proposed redevelopment area.
- Letter from Utilities Engineer describing project and conditions. February 4, 2011
- Letter to Property Owners. February 11, 2011.

RESOLUTION NUMBER 2574

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, FINDING, PURSUANT TO THE REQUIREMENTS OF A.R.S. § 36-1473, THAT A REDEVELOPMENT AREA EXISTS IN THE MUNICIPALITY.

WHEREAS, the State Community Development Block Grant Program provides assistance for eligible activities which aid in the prevention or elimination of slum or blight; and

WHEREAS, the State Community Development Block Grant Program requires that an applicant, requesting funds for an activity that will aid in the prevention or elimination of slum or blight, identify a Target Area where such funds will be expended; and

WHEREAS, the City of Cottonwood is applying for Community Development Block Grant funds for an activity that will aid in the prevention or elimination of slum or blight; and

WHEREAS, there are at least two public improvements in the area in a general state of deterioration, those being identified as the condition of North 10th Street and associated cross streets, related drainage features and utility lines located in the right-of-way.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

THAT the City of Cottonwood finds, pursuant to A.R.S. 36-1473, that the area described as:

Bounded on the north by: N. Main Street, and
Bounded on the east by N. 12th Street, and
Bounded on the south by Mingus Avenue, and
Bounded on the west by A line defined by the rear property lines of properties generally to the west of N. 10th Street, is

RESOLUTION NUMBER 2574

Page 2

THAT, the redevelopment of the above described area is necessary in the interest of the public, health, safety morals or welfare of the residents of the City of Cottonwood; and

THAT, the attached map further identifies the area in need of redevelopment.

PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, THIS 1ST DAY OF MARCH 2011.

Mayor Diane Joens

APPROVED AS TO FORM:

ATTEST:

Steven B. Horton, City Attorney

Marianne Jiménez, City Clerk

PROPOSED NORTH 10 STREET REDEVELOPMENT AREA



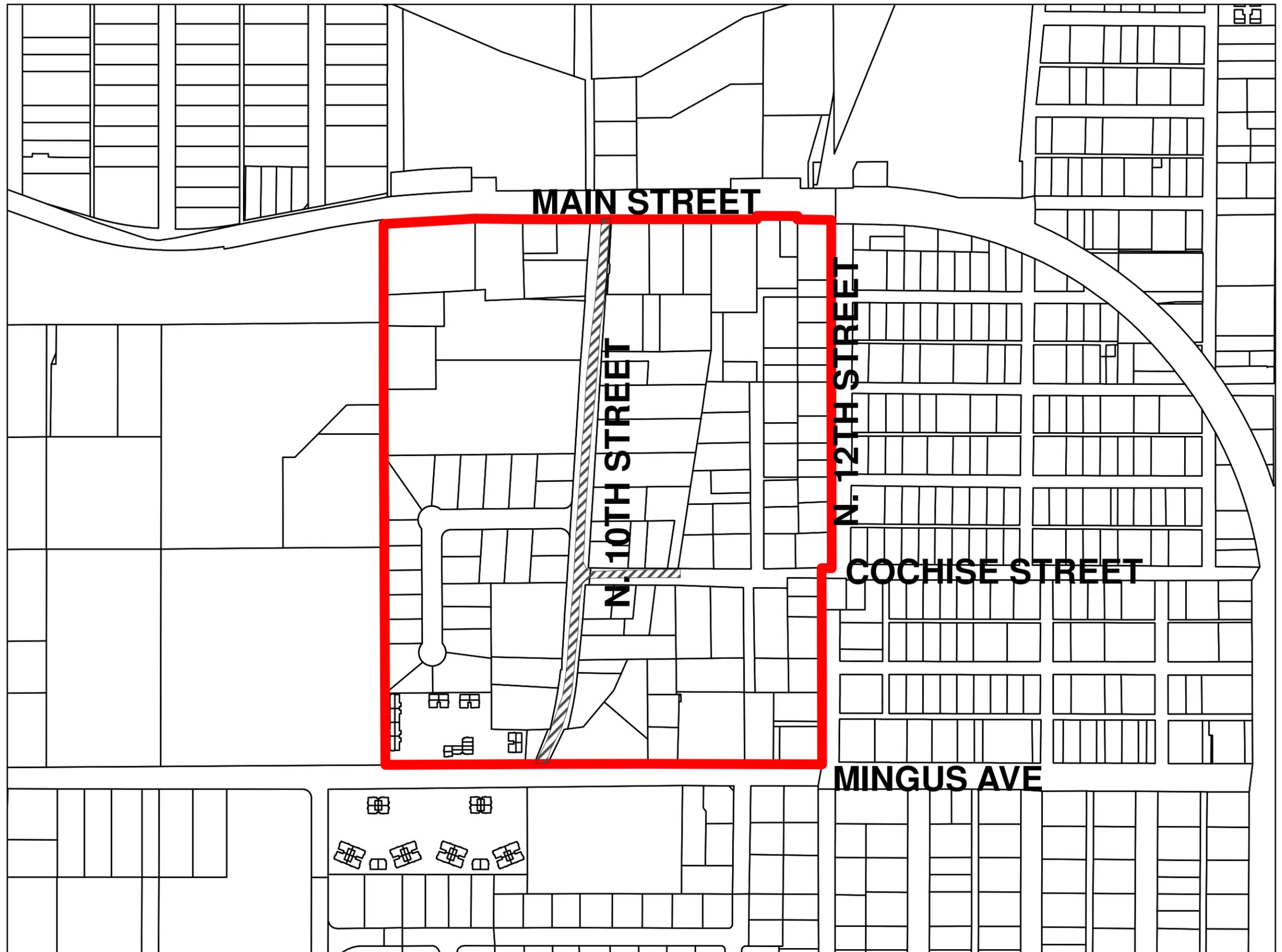
**CITY OF COTTONWOOD
FEBRUARY 2011**

Legend

-  Parcel Lines
-  PROPOSED WORK AREA
-  NORTH 10TH STREET REDEVELOPMENT AREA



1 inch = 300 feet





CITY OF COTTONWOOD
UTILITIES DEPARTMENT
111 N. MAIN STREET
COTTONWOOD, AZ 86326
Phone (928) 634-0186 Fax (928) 639-4254

February 4, 2011
TO: Charlie Scully,
Long Range Planner
Planning and Zoning Department
City of Cottonwood, AZ

RE: 10th Street between Mingus Ave and Main Street

Mr. Scully;

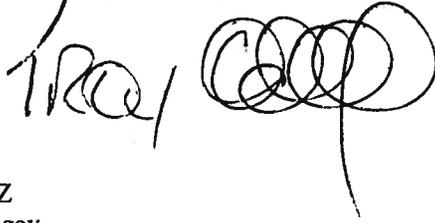
This letter is in response to your inquiry about the conditions of 10th Street between Mingus Ave and Main Street in addition to the existing water lines in the neighborhood, fire flows and flood zones in the area. Although 10th street was chip sealed by the city in 2009 the underlying pavement is in poor condition due to the use as a collector street between two large collector streets Mingus Ave and Main Street. 10th street is heavily used by pedestrians who are mainly traveling from the nearby schools to the residential area around 10th Street and the majority of the street is without sidewalk. The large amount of pedestrian traffic made the 10th Street sidewalks the top priority project according to the school's Safe Routes to School to team. There are two water lines under 10th street that serve the neighborhood. The line in the east side of the street is a 2" line and the line on the west side of the street is a 4" line. Both lines are older than city records and are in need of repair. The flow through the water lines is also too small for adequate fire protection. As can be seen in the attached map, Railroad Wash parallels 10th Street through the re-development area. The wash commonly causes flooding in the area due to encroachment from home owners and the road crossing at Cochise Street.

In order to increase water flow for fire suppression as well as decrease the amount of time that the water system is down due to leaks in the old lines and in order to interconnect too large systems for redundancy purposes I propose constructing an 8" water line along the 10th street between Mingus Ave and Main Street. The estimated cost of this water line is \$122,025.00.

I would also suggest reconstructing 10th Street with a pavement section designed for the traffic and with curb, gutter and sidewalk. Also the design will need to address the crossing of Railroad Wash at Cochise Street in order to minimize the potential for flooding. The flood plain of the wash is shown on the attached map. The estimated cost of the road reconstruction with sidewalk and the wash crossing comes to a total of \$317,002.12.

The total cost of the road work on 10th Street, Cochise Street, the water line and the wash crossing at Cochise Street is \$439,027.12. The individual costs are broken down on the attached cost estimate. These improvements would substantially enhance the conditions of the roadway, the safety to pedestrians, the ability to combat fires in the neighborhood and they would lower the risk of flooding of neighborhood homes.

Should you have any more questions about the project please do not hesitate to ask.

A handwritten signature in black ink, appearing to read 'Troy Odell', with a large, stylized circular flourish to the right.

Troy Odell, P.E.
Utilities Engineer
City of Cottonwood, AZ
todell@cottonwoodaz.gov
(928) 634-0186 ext. 3309
FAX (928) 639-4254
111 N Main Street
Cottonwood, AZ 86326

10TH STREET COST ESTIMATE
MINGUS AVE TO MAIN STREET

10TH ST ROAD RECONSTRUCTION WITH CURB, GUTTER AND SIDEWALK	\$215,663.00
COCHISE STREET RECONSTRUCTION, 10TH TO RAILROAD WASH	\$46,339.12
DOUBLE BARREL CONCRETE BOX CULVERT, 8'X4'X60', ADOT B-02.20	\$55,000
SUB-TOTAL FOR ROAD WORK	\$317,002.12
6" WATERLINE AND APPURTENANCES	\$122,025.00
TOTAL COST OF PROJECT	\$439,027.12



PUBLIC HEARING ANNOUNCEMENT
PROPOSED NORTH 10th STREET REDEVELOPMENT AREA
City Council Chambers located at 826 North Main Street, Cottonwood, AZ
MARCH 1, 2011 6:00 PM.

Dear Property Owner,

The City of Cottonwood proposes to establish the **North 10th Street Redevelopment Area**. The proposed area is bounded at the north by North Main Street, at the east by North 12th Street, at the south by Mingus Avenue, and at the west from the rear property lines of properties generally west of North 10th Street. The designated area extends to other properties in the vicinity of 10th Street since the project will affect the neighborhood conditions in this wider area.

The purpose for declaring the redevelopment area is to provide an opportunity for funding eligibility through the Community Development Block Grant (CDBG) program for reconstruction and improvements to North 10th Street between Main Street and Mingus Avenue. This project will allow completion of the sidewalks, repaving portions of the street and repairing utility lines and drainage features within the roadway. With the Redevelopment Area designation, the City will be eligible for up to \$371,000 in CDBG Grant funding in Fiscal Year 2011 to provide these neighborhood improvements.

As per Arizona Revised Statutes, Section 36-1473 (Slum Clearance and Redevelopment Act) it is determined that, 1.) At least two public improvements in this area (streets and utilities) are in a state of deterioration and in need of repair; and, 2.) The redevelopment of that area is necessary in the interest of the public health, safety, and general welfare of the residents of the municipality.

The Cottonwood City Council will hold a **Public Hearing on Tuesday, March 1, 2011 at the City Council Chambers located at 826 North Main Street beginning at 6:00 P.M.**, on the proposal to declare the North 10th Street Redevelopment Area for the purpose of qualifying for funding eligibility to provide street improvements and other public utilities. The public is invited to attend and to provide input on this proposal. Written comments must be received by the City at least 3 days in advance of the meeting to be included with the documents provided to the City Council for the meeting.

If you have any questions or comments regarding the public hearing or proposed North 10th Street Redevelopment Area, please contact: Charlie Scully, Long-Range Planner, Community Development Department, at 928-634-5505 or csully@cottonwoodaz.gov

Sincerely,

Charles Scully, AICP
Long-Range Planner

2.11.11

Community Development Department
827 North Main Street, Cottonwood, Arizona 86326 (928) 634-5505
Office: 111 N. Main Street, Cottonwood

City of Cottonwood, Arizona
City Council Agenda Communication



Meeting Date: March 1, 2011

Subject: **Approval of Resolution 2575 in Support of Submitting Fiscal Year 2011 CDBG (Community Development Block Grant) Application;**

Department: Community Development

From: Charles Scully, AICP, Long-Range Planner

REQUESTED ACTION

If the Council desires to approve this item, the suggested motion is:

"I move to approve Resolution Number 2575 authorizing the City to submit the FY 2011 CDBG Application for the N. 10th Street Redevelopment Project only."

OR

"I move to approve Resolution Number 2575 authorizing the City to submit the FY 2011 CDBG Application for the N. 10th Street Redevelopment Project and Catholic Charities Homeless Drop-In Center."

Resolution Number 2575 (Option A).

Resolution A. authorizes submitting grant for the N. 10th Street Redevelopment Project only.

Resolution Number 2575 (Option B).

Resolution B. authorizes submitting grant for the N. 10th Street Redevelopment Project and Catholic Charities Homeless Drop-In Center.

BACKGROUND

The following summary includes some of the key points for the CDBG program:

- CDBG is a federal funding program through HUD (U.S. Dept. of Housing and Urban Development) intended to assist with community revitalization and re-investment. Funds are awarded through a grant application process and there are strict guidelines for how the funds are distributed and which projects are eligible.
- Arizona Department of Housing (ADOH) administers the program for the state. The Northern Arizona Council of Governments (NACOG) administers the planning of annual allocations and provides technical assistance for application preparation for northern Arizona, including Cottonwood.
- Projects eligible for grant funding must meet one of the three National Objectives, including serving a primarily Low / Moderate Income Benefit, addressing designated Slum and Blight areas, or for Urgent Needs, such as major natural disasters.
- Cottonwood is a “non-entitlement city.” We share a portion of the CDBG funds on a four-year rotating basis with the counties and other small cities under NACOG. The FY 2011 allocation for Cottonwood was projected to be approximately \$371,000; however, recent administration proposals could reduce the amount by 7.5% - 10% resulting in a projected allocation from \$334,000 to \$343,000.

Administrative Costs:

It is proposed to have NACOG perform certain administrative services. It would be more cost-effective for NACOG to do this. The funding source would be from the CDBG grant. Administrative cost estimates are approximately \$5000 for technical assistance/application preparation, \$22,000 for 10th Street improvement project, and \$10,000 for Catholic Charities homeless program. That would be about 10% of the \$371,000, with no more than 18% allowed for administrative costs.

Admin scope includes:

1. Assist with completion of Application(s) and related documents.
2. Oversee file set-up and maintenance for required records.
3. Complete environmental review(s) and receive Release of Funds.
4. Respond to Housing CDBG Program requests for information.
5. Develop any sub-recipient contracts/agreements.
6. Oversee on-site monitoring visits; respond or assist with responses to monitoring visit follow-up letters.
7. Perform accounting and fiscal accountability according to all federal standards and generally accepted accounting principles.
8. Conduct materials and contractor procurements; develop contracts.
9. Conduct Labor Standards and Section 3 compliance.

10. Develop funds requests.
11. Complete Quarterly Reports.
12. Coordinate audit information upon request.
13. Conduct close-out procedures.

CDBG Application (s) Project Descripton (s)::

The following includes the projects that were discussed in the first Public Hearing and that are eligible. The City Council may choose to select one or both of these projects. Other projects that were discussed were not eligible due to their low priority status on the HUD Tables in the State's Consolidated Plan.

Project 1. N. 10th Street Improvements. Reconstruction and improvements to North 10th Street between Mingus Avenue and N. Main Street to include curbs, gutters, sidewalk and repaving of the street, as well as utility line improvements within the street right-of-way. This street serves as a primary neighborhood collector street for vehicles and pedestrians. Currently there are several short sections with curbs, gutters and sidewalks; however, most of the street has gravel shoulders, a broken edge and no sidewalks. The project qualifies for the grant application through the Slum/Blight category, which is subject to *Arizona Revised Statutes, Title 36, Chapter 12, Article 3. Slum Clearance and Redevelopment*. The Slum/Blight Target Area category, which requires an area to be identified with two or more public improvements in a state of deterioration.

Project 2. Catholic Charities Homeless Program. Catholic Charities has requested from \$45,000- \$60,000 to provide funding for a homeless drop-in facility at their office at 736 N. Main Street in Old Town Cottonwood. The funding would assist homeless individuals with getting adequate access to the resources that they need to regain self-sufficiency, including showers, laundry, clothing, mail, phone, and internet. The program would assist homeless persons living in and around Cottonwood.

JUSTIFICATION/BENEFIT/ISSUES

Street Improvements: Engineering needs have been identified. The project area is described in the Cottonwood General Plan as a priority target area in support of long range neighborhood revitalization goals.

Homeless Program: Services are non-residential. This would be a day-use type facility operated by Catholic Charities at their Cottonwood office to serve client needs in the area.

COST/FUNDING SOURCE

Estimated cost of street reconstruction , sidewalks and pavement, and drainage improvements would be \$317,002. Necessary water line improvements in the same area that would be installed prior to upgrading the street would be approximately \$122,025. The total of street

and water line improvements is approximately \$439,000. The funding source would include CDBG funds, as available, with the remainder through City sources.

REVIEWED BY

City Manager: _____

City Attorney: _____

ATTACHMENTS

- Resolution 2575 (A and B) authorizing submittal of the CDBG application.

RESOLUTION NUMBER 2575

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD AUTHORIZING THE SUBMISSION OF AN APPLICATION(S) FOR FISCAL YEAR 2011 STATE COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS, CERTIFYING THAT SAID APPLICATION MEETS THE COMMUNITY'S PREVIOUSLY IDENTIFIED HOUSING AND COMMUNITY DEVELOPMENT NEEDS AND THE REQUIREMENTS OF THE STATE CDBG PROGRAM, AND AUTHORIZING ALL ACTIONS NECESSARY TO IMPLEMENT AND COMPLETE THE ACTIVITIES OUTLINED IN SAID APPLICATION.

WHEREAS, the City of Cottonwood is desirous of undertaking community development activities; and

WHEREAS, the State of Arizona is administering the Community Development Block Grant Program; and

WHEREAS, the State CDBG Program requires that CDBG funds requested address one of the three Congressional mandated National Objectives; and

WHEREAS, the activities within this application address the community's identified housing and community development needs, including the prevention or elimination of slums or blight; and

WHEREAS, an Applicant of State CDBG funds is required to comply with the program guidelines and Federal Statutes and regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY ARIZONA:

THAT, the Mayor and City Council of the City of Cottonwood, Yavapai County, Arizona authorize such application to be made to the State of Arizona, Department of Housing for Fiscal Year 2011 CDBG funds, and authorize the Mayor to sign the application and contract or grant documents for receipt and use of these funds for the North 10th Street Redevelopment Area reconstruction and improvement activities, and authorize the Mayor to take all actions necessary to implement and complete the activities submitted in said application; and

RESOLUTION NUMBER 2575

Page 2

THAT, this application for State CDBG funds meets the requirements of low and moderate-income benefit for activities justified as benefiting low and moderate-income persons and/or aids in the prevention or elimination of slum and blight; and

THAT, the City will comply with all State CDBG Program guidelines, Federal Statutes and regulations applicable to the State CDBG Program and the certifications contained in the application.

PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, THIS 1ST DAY OF MARCH 2011.

Mayor Diane Joens

APPROVED AS TO FORM:

ATTEST:

Steven B. Horton, City Attorney

Marianne Jiménez, City Clerk

RESOLUTION NUMBER 2575

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD AUTHORIZING THE SUBMISSION OF AN APPLICATION(S) FOR FISCAL YEAR 2011 STATE COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS, CERTIFYING THAT SAID APPLICATION MEETS THE COMMUNITY'S PREVIOUSLY IDENTIFIED HOUSING AND COMMUNITY DEVELOPMENT NEEDS AND THE REQUIREMENTS OF THE STATE CDBG PROGRAM, AND AUTHORIZING ALL ACTIONS NECESSARY TO IMPLEMENT AND COMPLETE THE ACTIVITIES OUTLINED IN SAID APPLICATION.

WHEREAS, the City of Cottonwood is desirous of undertaking community development activities; and

WHEREAS, the State of Arizona is administering the Community Development Block Grant Program; and

WHEREAS, the State CDBG Program requires that CDBG funds requested address one of the three Congressional mandated National Objectives; and

WHEREAS, the activities within this application address the community's identified housing and community development needs, including the prevention or elimination of slums or blight; and

WHEREAS, an Applicant of State CDBG funds is required to comply with the program guidelines and Federal Statutes and regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY ARIZONA:

THAT, the Mayor and City Council of the City of Cottonwood, Yavapai County, Arizona authorize such application to be made to the State of Arizona, Department of Housing for Fiscal Year 2011 CDBG funds, and authorize the Mayor to sign application(s) and contract or grant documents for receipt and use of these funds for the North 10th Street Redevelopment Area reconstruction and improvement activities, and for Catholic Charities' Homeless Drop-In Program activities, and authorize the Mayor to take all actions necessary to implement and complete the activities submitted in said applications; and

RESOLUTION NUMBER 2575

Page 2

THAT, this application for State CDBG funds meets the requirements of low and moderate-income benefit for activities justified as benefiting low and moderate-income persons and/or aids in the prevention or elimination of slum and blight; and

THAT, the City will comply with all State CDBG Program guidelines, Federal Statutes and regulations applicable to the State CDBG Program and the certifications contained in the application.

PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, THIS 1ST DAY OF MARCH 2011.

Mayor Diane Joens

APPROVED AS TO FORM:

ATTEST:

Steven B. Horton, City Attorney

Marianne Jiménez, City Clerk

City of Cottonwood, Arizona
City Council Agenda Communication



Meeting Date: March 1, 2011

Subject: **Approval of Resolution 2576, Adopting an Updated Residential Antidisplacement and Relocation Assistance Plan, as per CDBG Requirements.**

Department: Community Development

From: Charles Scully, AICP, Long-Range Planner

REQUESTED ACTION

If the Council desires to approve this item, the suggested motion is:

Move to approve Resolution Number 2576, adopting an updated residential anti-displacement and relocation assistance plan.

BACKGROUND

The City Council approved Resolution 2285 in 2007, adopting a Residential Antidisplacement and Relocation Assistance Plan. The relocation plan is considered valid for five years. The proposed resolution will be effective for the upcoming CDBG grant application.

ISSUE

Relocation Assistance Plan:

The City Council last adopted a relocation resolution in 2007. These are good for five years. Establishing a residential antidisplacement and relocation assistance plan is a requirement for all CDBG applications even though no residential relocation is planned or expected with this/these project(s). The required plan addresses a general policy in the event a project results in displacement of people from their homes. The City would need to provide alternate housing, pay expenses and basically make sure people are provided for during the period of displacement. Funding would be through the CDBG grant. This is not expected to apply to this project. A current resolution regarding relocation is a requirement of the CDBG program.

REVIEWED BY

City Manager: _____

City Attorney: _____

ATTACHMENTS

- Resolution 2576

RESOLUTION NUMBER 2576

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA ADOPTING A RESIDENTIAL ANTIDISPLACEMENT AND RELOCATION ASSISTANCE PLAN FOR FISCAL YEAR 2011, AS REQUIRED UNDER SECTION 104(d) OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974 AS AMENDED.

WHEREAS, Section 104(d) of the Housing and Community Development Act of 1974, as amended, and implementing regulations require that each applicant for Community Development Block Grant funds must adopt, make public and certify that it is following a residential antidisplacement and relocation assistance plan; and

WHEREAS, the City of Cottonwood is submitting an application to the Arizona Department of Housing for Community Development Block Grant funds.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of Cottonwood, Yavapai County, Arizona hereby adopt the residential antidisplacement and relocation assistance plan as described below.

RESIDENTIAL ANTIDISPLACEMENT AND RELOCATION ASSISTANCE PLAN

The City of Cottonwood will replace all occupied and vacant occupiable low/moderate income dwelling units demolished or converted to a use other than as low/moderate income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974 as amended.

All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion.

Before obligating or expending funds that will directly result in such demolition or conversion, the City of Cottonwood will make public and submit to the ADOH CDBG Program the following information in writing:

1. A description of the proposed activity;
2. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as LM dwelling units as a direct result of the assisted activity;

3. A time schedule for the commencement and completion of the demolition or conversion;
4. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
5. The source of funding and a time schedule for the provision of replacement dwelling units; and
6. The basis for concluding that each replacement dwelling unit will remain a LM dwelling unit for at least 10 years from the date of initial occupancy.
7. Information demonstrating that any proposed replacement of housing units with smaller dwelling units (e.g., a 2-bedroom unit with two 1-bedroom units), or any proposed replacement of efficiency or single-room occupancy (SRO) units with units of a different size, is appropriate and consistent with the housing needs and priorities identified in the State of Arizona's approved Consolidated Plan (ACP).

The City of Cottonwood will provide relocation assistance, as described in the ACP and implementing regulations, to each LM household displaced by demolition of housing or by the conversion of a LM dwelling unit to another use as a direct result of assisted activities.

Consistent with the goals and objectives of activities assisted under the ACP, the City of Cottonwood will take the following steps to minimize displacement of persons from their homes:

1. Coordinate code enforcement with rehabilitation and housing assistance programs.
2. Evaluate housing codes and rehabilitation standards in reinvestment areas to prevent undue financial burden on established owners and tenants.
3. Stage rehabilitation of apartment units to allow tenants to remain in the building/complex during and after the rehabilitation, working with empty units first.
4. Arrange for facilities to house persons who must be relocated temporarily during rehabilitation.

5. Adopt policies to identify and mitigate displacement resulting from intensive public investment in neighborhoods.

PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, THIS 1ST DAY OF MARCH 2011.

Diane Joens

APPROVED AS TO FORM:

ATTEST:

Steven B. Horton, City Attorney

Marianne Jiménez, City Clerk

NOTE:

This resolution is only required to be adopted by an applicant once every five years. However, if the applicant is aware that some component of the resolution adopted in a prior year is no longer accurate or applicable, then the applicant must adopt a revised resolution reflecting accurate information.

The application for funds must contain a copy of the Resolution adopted not more than 5 years from the submittal date to the Department of Housing CDBG Program.

City of Cottonwood, Arizona
City Council Agenda Communication



Meeting Date: March 1, 2011

Subject: Appointment of Mary E. Hamm as an Associate Magistrate

Department: Municipal Court

From: Hon. A. Douglas LaSota, Presiding Magistrate

REQUESTED ACTION: Appoint Mary E. Hamm as an Associate Magistrate

If the Council desires to approve this item the suggested motion is:

I move to approve Resolution Number 2578 appointing the Hon. Mary E. Hamm as an Associate Magistrate at the standard rate of \$50 per hour.

BACKGROUND

Prior to becoming a Judge, Mary E. Hamm obtained over 10 years of courtroom experience as a prosecutor- first as a Deputy County Attorney at the Maricopa County Attorney's Office, then at the Chandler City Prosecutor's Office. Mary was well-respected as a prosecutor and considered to be very fair as well. In 2002, Mary was appointed as a Judge Pro Tempore for Yavapai County Superior Court. She has been the primary Judge Pro Tempore for the weekend and holiday Jail Court for the entire county. On three separate occasions, she was appointed by the Presiding Judge of Yavapai County Superior Court to take over courts where the Judge left on short notice. These appointments were for two municipal courts and one Justice Court and she managed the courts for approximately one year each. Most recently, she was the full-time interim Justice of the Peace for the Seligman Justice Court. Mary has also assisted the Cottonwood Municipal Court for Jail Court cases during the week when the Presiding Judge was unavailable on occasion due to vacation or sick leave, etc. Therefore, she is already familiar with some of the Court's practices and policies. She did not charge the Court on those occasions, as she graciously assisted the Court when needed.

JUSTIFICATION/BENEFITS/ISSUES

The Municipal Court needs to have sufficient coverage for the Court in the event the Presiding Magistrate and the current Associate Magistrates (fka Pro Tems) are not available for any reason. Ms. Hamm lives in Prescott and would like to serve in the Municipal Court on occasion. Ms. Hamm primarily works as a Judge Pro Tem now, and would be available on most occasions she is needed, especially with advance notice. She is also often available on short notice when not already committed

to another Court. It always helps if there is a sufficient pool of Associate Magistrates from which to select.

COST/FUNDING SOURCE

Judge Hamm will be paid from the Court budget, which has an allotment for Judge Pro Tem (Associate Magistrate) services. She will be paid the standard rate of \$50 per hour. Her services will not be needed that often, as the appointment of Janie Randall as an Associate Magistrate has been very successful and has saved the City of Cottonwood Thousands of dollars.

REVIEWED BY:

City Manager: _____

City Attorney: _____

ATTACHMENTS

Resume of Hon. Mary E. Hamm
Resolution Number 2578

MARY E. HAMM

EXPERIENCE

August, 2002-
Present

JUDGE PRO TEMPORE
Throughout Yavapai County

Responsible for weekend and holiday Jail Court for the entire county. At the request of magistrate or justice courts, responsible for providing court coverage during absence of sitting judges during normal business hours.

Duties include: Conducting the full range of criminal and civil hearings occurring in magistrate and justice courts. This includes initial hearings, arraignments, pretrial conferences, status reviews, trials, changes of plea, sentencing, probation violations, orders of protection, injunctions against harassment, etc. Cases include both misdemeanors and/or felony charges.

On three separate occasions, the presiding judge of the superior court appointed me to take over courts in which the judges left precipitously. Two were magistrate courts and one was a justice court. Each time I managed the court for about one year until a new judge was selected.

October, 1996-
December, 2001

ASSISTANT CITY PROSECUTOR
Chandler City Prosecutor's Office.

Responsible for prosecuting both adults and juveniles charged with misdemeanor offenses and traffic citations. This included defendants represented by defense counsel as well as those acting *pro per*.

Duties included: Reviewing police reports, determining charges to be filed, and filing criminal complaints. Advocating the State's position in all court hearings related to the prosecution of charges. Conducting legal research. Filing motions and responding to defense motions. Negotiating plea agreements. Working with defense counsel, probation officers, social workers, police officers, victims, and *pro per* defendants. Interviewing witnesses, organizing trial presentations, and preparing trial exhibits. Conducting jury trials, bench trials, and probation violation hearings. Making sentencing recommendations to the court. Handling all appellate work related to trial court proceedings.

August, 1990-
October, 1996

DEPUTY COUNTY ATTORNEY
Maricopa County Attorney's Office.

Responsible for prosecution of felony and misdemeanor charges in both the adult and juvenile divisions of Superior Court, including Justice Courts.

Duties included: Essentially the same duties as required in the Chandler City Prosecutor's Office but with more emphasis on felony charges. Assigned alternately to the Charging/Grand Jury Bureau (which included work in the Justice Courts), the Adult Trial Bureau, and the Juvenile Division. Appellate work was restricted to matters arising out of Juvenile Court proceedings.

RESOLUTION NUMBER 2578

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, APPOINTING MARY E. HAMM AS AN ASSOCIATE CITY MAGISTRATE AND ESTABLISHING HER TERM OF OFFICE.

WHEREAS, the Council finds it necessary and appropriate to appoint another magistrate to preside over the municipal court in the absence of the presiding magistrate.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AS FOLLOWS:

THAT, in accordance with Section 2.36.010 of the Municipal Code of the City of Cottonwood, Arizona, Mary E. Hamm, is hereby appointed as an associate magistrate for a two-year term beginning March 3, 2011, and ending March 3, 2013.

PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, THIS 1ST DAY OF MARCH 2011.

Diane Joens, Mayor

APPROVED AS TO FORM:

ATTEST:

Steven B. Horton, Esq., City Attorney

Marianne Jiménez, City Clerk

RESOLUTION NUMBER 2577

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, DECLARING THAT CERTAIN DOCUMENT ENTITLED SECTION 308. MEDICAL MARIJUANA FACILITIES, PERTAINING TO THE COTTONWOOD ZONING ORDINANCE, A PUBLIC RECORD.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, YAVAPAI COUNTY, ARIZONA, THAT:

Section 1: Declaration of Public Record. That certain document known as Section 308. Medical Marijuana Facilities, attached hereto as Exhibit A, of the Cottonwood Zoning Ordinance is hereby declared to be a public record.

Section 2: Copies with City Clerk. Three copies are ordered to remain on file with the City Clerk.

Section 3. Effective Date. This Resolution shall be effective upon adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA THIS 1ST DAY OF MARCH 2010.

Diane Joens, Mayor

APPROVED AS TO FORM:

ATTEST:

Steven B. Horton, Esq.
City Attorney

Marianne Jiménez, City Clerk

Resolution Number 2577

Exhibit A.

SECTION 308. MEDICAL MARIJUANA FACILITIES

- A. **PURPOSE.** The purpose of this Section is to implement the Arizona Medical Marijuana Act (A.R.S. § 36-2801, *et seq.*) and to regulate the locations and operations of medical marijuana dispensaries and related cultivation and processing uses in the City of Cottonwood so as to promote and protect the public health, safety and welfare of the residents of Cottonwood. It is neither the intent nor the effect of this chapter to condone or legitimize the use or possession of marijuana except as allowed by Arizona law. Further, the purpose of this section is to:
1. Provide for the safe sale and distribution of medical marijuana to patients who qualify to obtain, possess and use marijuana for medical purposes under the Arizona Medical Marijuana Act and as managed through the Arizona Department of Health Services.
 2. Protect public health and safety through reasonable limitations on business operations as they relate to noise, air and water quality, food safety, building safety, neighborhood and patient safety, security for the business and its personnel and other health and safety concerns.
 3. Adopt a mechanism for monitoring compliance with the provisions of this Section.
 4. Create regulations that address the particular needs of the patients and residents of the City and coordinate with rules and regulations that may be enacted by the state regarding the issue.
 5. Facilitate the implementation of the Arizona Medical Marijuana Act without going beyond the authority granted by it.
- B. **DEFINITIONS.** The definitions contained in the Arizona Medical Marijuana Act (A.R.S. § 36-2801, *et seq.*) shall serve as the primary guide for the enforcement and practices of all such related activities. In addition, definitions contained herein are intended to further assist with the enforcement of this Ordinance, as follows:
1. **DHS** - The Arizona Department of Health Services or its successor agency.
 2. **DISPENSARY AGENT** - A medical marijuana dispensary director, officer, employee or volunteer who has been issued a valid registry identification card by the DHS.
 3. **MEDICAL MARIJUANA** - Means of all parts of the genus cannabis whether growing or not, and the seed of such plants that may be administered to treat or alleviate a qualifying patients debilitating medical condition or symptoms associated with the patient's debilitating medical condition.
 4. **MEDICAL MARIJUANA CULTIVATION FACILITY**- A cultivation facility shall mean a building or structure and the associated premises used to grow the marijuana plant, which may include accessory storage and processing of medical marijuana grown on premises.

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Exhibit A.

5. **MEDICAL MARIJUANA DISPENSARY**- A non-profit entity defined in Arizona Revised Statutes § 36-2801, *et seq.*, that sells, distributes, transmits, gives, dispenses, or otherwise provides medical marijuana to qualifying patients.
6. **MEDICAL MARIJUANA FACILITY** - The term shall apply to a medical marijuana dispensary, cultivation facility, qualified patient or designated patient or caregiver cultivation facility, infusion or manufacturing facility, or similar operations or any combination thereof, as authorized by law.
7. **MEDICAL MARIJUANA INFUSION (MANUFACTURING) FACILITY** - A facility that incorporates medical marijuana (cannabis) by the means of cooking, blending, or incorporation into consumable/edible goods or similar products.
8. **MEDICAL MARIJUANA QUALIFYING PATIENT** - A person who has been diagnosed by a physician as having a debilitating medical condition as defined in Arizona Revised Statutes; and who has been issued a Registry Identification Card by DHS authorizing him/her to use marijuana to treat his/her debilitating medical condition or symptoms associated with the debilitating medical condition.
9. **MEDICAL MARIJUANA QUALIFYING PATIENT CULTIVATION FACILITY** - Enclosed, locked facilities approved for the cultivation of medical marijuana plants by registered qualifying patients or their designated caregivers where a registered nonprofit medical marijuana dispensary is not operating within twenty-five miles of the qualifying patient's home.
10. **OPERATOR** - The chief executive officer of the medical marijuana dispensary, whether referred to as the principal officers, board members, designated agents, executive director, president, CEO or other designation.
11. **SCHOOL** – Public and private educational and child development facilities certified by the State of Arizona, including a daycare facility, preschool, kindergarten, elementary school, middle school or high school.

C. REQUIREMENTS FOR THE ESTABLISHMENT OF MEDICAL MARIJUANA FACILITIES.

1. **General Requirements:** The establishment of medical marijuana dispensaries, cultivation sites and other related facilities shall be subject to the provisions of the Arizona Medical Marijuana Act as described in Arizona Revised Statutes, Title 36. and any associated rules subsequently enacted by the Arizona Department of Health Services or the City of Cottonwood for the implementation the Act, including, but not limited to, authorization of and registration of dispensaries and cultivation facilities, registration of qualifying patients and designated caregivers, review and inspection of facilities and security measures, and other standards and procedures expressed in the Act for similar purposes. The regulations in this Ordinance are intended to allow the uses authorized under the state law to the extent permissible while ensuring such uses

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Exhibit A.

are established in a reasonable manner to protect the health, safety and general welfare of the residents of the City of Cottonwood.

2. Medical Marijuana Dispensary.

- a. Registration with the City of Cottonwood is required for a Medical Marijuana Dispensary, as described in this Ordinance.
- b. A medical marijuana dispensary facility shall be a Permitted Use in the C-1 (Light Commercial), C-2 (Heavy Commercial), and I-2 (Heavy Industrial) Zoning Districts, subject to meeting required development standards.
- c. A dispensary may be located in association with a cultivation facility in the I-2 Zoning District subject to obtaining a Conditional Use Permit, as per Section 302 of this Ordinance.
- d. The dispensary sales area that may be accessed by the patients or the public shall be limited to the distribution and sales of medical marijuana and related information and products for qualifying patients. There shall be no other retail or health care services provided from the dispensary sales area nor shall access to such services be provided from the dispensary sales area.
- e. The dispensary shall be located in a permanent building and may not be located in a temporary structure, trailer, cargo container, motor vehicle or other similar non-permanent enclosure.
- f. **Dispensary Entrance.** A dispensary may have more than one means of egress from the interior so as to meet building codes and public safety concerns; however, it shall have a single secure public entrance and shall implement appropriate security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing marijuana. The dispensary entrance shall be located and maintained clear of any barriers, landscaping and similar obstructions that may block the view so that the entrance and pedestrian access is clearly visible from the public street, sidewalk and parking area.
- g. **Parking:** A dispensary shall provide on-site parking or parking immediately adjacent to the building used as the dispensary.
- h. **Minimum Separation Requirements.** Medical marijuana dispensary and cultivation facilities shall not be located within five-hundred (500) feet of the exterior property lines of a public or private school, including a daycare facility or preschool, kindergarten, elementary school, middle school or high school.
- i. **Method for Computing Measurement.** For the purposes of calculating the separation requirements, the distance shall be measured from the closest portion of the exterior surface of the wall of the building in which the medical marijuana is to

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be dispensed, cultivated or processed to the nearest point of the property line of the use requiring a minimum separation.

- j. Operating hours shall not be earlier than 7:00 a.m. and not later than 7:00 p.m.
 - k. Drive-through services are prohibited.
3. Medical Marijuana Cultivation Facilities and Medical Marijuana Infusion Facilities.
- a. Registration with the City of Cottonwood is required for Medical Marijuana Cultivation Facilities and Medical Marijuana Infusion Facilities, as described in this Ordinance.
 - b. A medical marijuana cultivation facility, whether separate or combined with an authorized medical marijuana dispensary and/or infusion facility, shall be allowed in the I-2 (Heavy Industrial) Zoning District subject to obtaining a Conditional Use Permit, as per Section 302 of this Ordinance.
 - c. Medical marijuana cultivation facilities located in the I-2 Zone shall be limited to no more than 10,000 square feet of gross floor area, including growing area, storage and office uses.
 - d. Medical marijuana infusion facilities located in the I-2 Zone shall be limited to no more than 5,000 square feet of gross floor area, including processing, storage and office uses.
 - e. Minimum Separation Requirements.
 - 1) Medical marijuana cultivation facilities or infusion facilities shall not be located within five-hundred (500) feet of the exterior property lines of a school, including a daycare facility, preschool, kindergarten, elementary, middle school or high school.
 - 2) Medical marijuana cultivation facilities or infusion facilities shall not be located within one-thousand (1,000) feet of the exterior property lines of another medical marijuana cultivation facility or infusion facility.
 - f. Method for Computing Measurement. For the purposes of calculating the separation requirements, the distance shall be measured from the closest portion of the exterior surface of the wall of the building in which the medical marijuana is to be dispensed, cultivated or processed to the nearest point of the property line of the use requiring a minimum separation
 - g. Retail sales of medical marijuana shall be prohibited from a medical marijuana cultivation facility or infusion facility; however, a separate authorized dispensary may be located at the same site subject to the development standards described in this Ordinance.

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- c. A written narrative describing the use and facilities and how the location and improvements associated with the proposed facility comply with the requirements of this Ordinance;
 - d. A copy of the operating procedures submitted to and approved by DHS prepared in accordance with A.R.S. § 36-2804(B)(1)(c), including the required security plan for medical marijuana facilities;
 - e. An accurate vicinity map drawn to scale showing the location of the proposed medical marijuana dispensary, cultivation facility or infusion facility in relation to any school property boundary or cultivation and/or infusion facility boundary so as to document the required minimum separation requirement;
 - f. An accurate dimensioned site plan indicating buildings, building entrances, parking, sidewalks, adjacent streets and immediately surrounding uses;
 - g. A floor plan of the interior of the facility indicating public areas and secured areas. The floor plan for a dispensary should have a waiting area at the entrance to receive patients and as required by the Arizona Medical Marijuana Act, must have a separate enclosed, locked and secure area for dispensing medical marijuana to qualified patients or designated caregivers. Indicate the principal uses on the floor plan, including areas where non-patients will be permitted, private consulting areas, storage areas, retail areas and areas where medical marijuana will be dispensed, processed, cultivated and stored; and
 - h. An exterior refuse control plan providing for proper disposal of marijuana remnants or byproducts, which shall not to be placed within the facility's exterior refuse containers.
2. Registration for Qualifying Patient or Designated Caregiver Home Grow Cultivation. A qualifying patient or designated caregiver authorized by DHS to cultivate medical marijuana at their primary residence shall register the location with the City of Cottonwood and provide the following information:
- a. The name, address, phone number, e-mail address and contact information for the qualifying patient or designated caregiver; and
 - b. A accurate vicinity map drawn to scale showing a twenty-five mile radius from the qualifying patient or designated caregiver cultivation location to ensure there are no registered dispensaries within such area, as per current data available from DHS; Medical marijuana qualifying patient or designated caregiver cultivation are prohibited in all zoning districts if located within 25 miles of a medical marijuana dispensary.

E. OPERATING REQUIREMENTS FOR MEDICAL MARIJUANA FACILITIES.

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1. Consumption of Marijuana. Marijuana in any form shall not be consumed by patients or others on the premises of a medical marijuana dispensary, cultivation facility, infusion facility or any type of medical marijuana facility. Nor shall it be consumed via smoking or vaporization form in any public place within the City. The term “premises” includes the actual building, as well as any accessory structures, outdoor areas, vehicles, parking lot or parking areas which are part of the approved location.
2. Retail Sales of Other Products and Services by a Dispensary. The retail sales of marijuana use items and other health care services to registered patients shall be subject to the following limitations:
 - a. Marijuana Paraphernalia. No retail sales of marijuana paraphernalia are permitted at a medical marijuana dispensary, except as permitted by law to qualifying patients and/or designated caregivers.
 - b. Product Display: No medical marijuana or paraphernalia shall be displayed or kept in a medical marijuana dispensary so as to be visible from outside the premises.
 - c. Other Health Care Services: The dispensary may provide consultation regarding medical marijuana to qualifying patients and designated caregivers as per the rules and regulations established by DHS. The dispensary shall not provide other health care services or products unrelated to medical marijuana as part of the dispensary operations for the general public or qualifying patients.
3. Business Registration. A Medical Marijuana Dispensary, Cultivation Facility or Infusion Facility shall be required to obtain and maintain a valid Business Registration from the City of Cottonwood.
4. Suspension or Revocation of Business Registration. The City of Cottonwood business registration for a medical marijuana use may be suspended or revoked for any of the following violations:
 - b. Misrepresentation or omission of any material fact, or false or misleading information, on the application or any amendment thereto, or any other information provided to the City related to the medical marijuana business;
 - c. The business registration shall be considered automatically revoked by the revocation, expiration or suspension of any required Conditional Use Permit for the medical marijuana facility and all such operations shall cease immediately.
5. Additional Licenses and Permits. The facility registration and business registration requirement set forth in this Section shall be in addition to, and not in lieu of, any other licensing, permitting or registration requirements imposed by any other federal, state or local jurisdiction, including, but not limited to, DHS approval, building permits, fire alarm permits, zoning approval, a state retail sales and use tax license, a retail food establishment license or any applicable health, safety, building or development license or permit.

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6. Infusion (Manufacturing) facilities must obtain any and all permits and licenses from Yavapai County Health Department for all food handling and preparation in connection with infusion operations.
3. Security Plans. Pursuant to the Arizona Medical Marijuana Act, the DHS is responsible for promulgating regulations pertaining to dispensary security. A dispensary shall comply with DHS security requirements provided for adequate lighting, alarms, security cameras and locks in order to ensure the safety of persons and to protect the premises from theft. All security and alarm systems shall be installed and operated in compliance with applicable City of Cottonwood codes, ordinances, and regulations.
4. Security Lighting. During all night time hours, dispensaries shall illuminate exterior areas of the premises, including related parking areas, sidewalks and building entrances so that all areas are readily visible. During all hours, the medical marijuana dispensary shall illuminate those areas of the interior of the building where the public has access, including the public entry, reception area, and counter area, as well as the interior hallways, other building ingress/egress locations and locations where medical marijuana may be located, stored or processed. All outdoor lighting shall be in compliance with City of Cottonwood Zoning Ordinance, Section 408. Outdoor Lighting Code.

E. FEES.

A facility registration for a medical marijuana facility shall be accompanied by a filing fee in an amount established by a schedule adopted by resolution of the City Council and filed in the office of the City Clerk. No part of the filing fee shall be refundable.

G. APPEAL

Any registrant for a medical marijuana facility who is dissatisfied or aggrieved by an official decision of the Community Development Director/Zoning Administrator may appeal such decision to the Board of Adjustment by filing a written notice of appeal with the City Clerk, not later than fifteen (15) days from the date of the Community Development Director/Zoning Administrator's decision.

City of Cottonwood, Arizona
City Council Agenda Communication



Meeting Date: March 1, 2011

Subject: ORDINANCE NUMBER 572 - Proposing Amendments to the Cottonwood Zoning Ordinance by adding a new Section 308. Medical Marijuana Facilities.

Department: Community Development

From: Charles Scully, AICP, Long-Range Planner

REQUESTED ACTION

Discussion and First Reading of Ordinance Number 572 which proposes amendments to the Zoning Ordinance by adding a new Section 308. Medical Marijuana Facilities.

BACKGROUND

The Planning and Zoning Commission considered the proposed amendments regarding Medical Marijuana Facilities at their February 28, 2011 meeting. An update regarding their recommendations will be provided to the City Council by staff.

On November 2, 2010, the voters of Arizona approved Proposition 203, "The Arizona Medical Marijuana Act," which established regulations to allow the use of marijuana for certain medical conditions. Proposition 203 allows patients with specific debilitating medical conditions to obtain certification from the Arizona Department of Health Services (DHS) for the use of medical marijuana. In addition, it mandates DHS to have rules and licensing requirements for medical marijuana dispensaries and the cultivation of medical marijuana in place within 120 days or less of the adoption of the proposition into law.

Types of Medical Marijuana Facilities (May be separate or combined)

- Medical Marijuana Dispensaries
- Medical Marijuana Cultivation Facilities
- Medical Marijuana Infusion (Manufacturing) Facilities

Additional Uses Permitted at Patient or Caregiver Residence 25-miles from Dispensary.

- Medical Marijuana Home Grow by Qualified Patient or Designated Caregiver

Outline of Proposed Amendment to Cottonwood Zoning Ordinance:

Section 308. Medical Marijuana Facilities

- A. Purpose.
- B. Definitions.
- C. Requirements for the Establishment of Medical Marijuana Facilities:
 - 1. General Requirements.
 - 2. Medical Marijuana Dispensaries.
 - 3. Medical Marijuana Cultivation Facilities and Medical Marijuana Infusion Facilities.
 - 4. Medical Marijuana Qualified Patient Cultivation and Medical Marijuana Designated Caregiver Cultivation.
- D. Facility Registration Requirements.
- E. Operating Requirements for Medical Marijuana Facilities.
- F. Fees.
- G. Appeal.

Summary of key points in the Arizona Medical Marijuana Act, as follows:

Qualifying Patients

- Allows patients, with a physician's certification, to obtain a Registry ID Card from the Arizona Department of Health Services for the use of medical marijuana.
- Debilitating diseases or medical conditions eligible for treatment include, but are not limited to the following:
 - Cancer
 - Glaucoma
 - AIDS and Positive status for HIV
 - Severe/Chronic Pain
 - Severe Nausea
 - Seizures
 - Severe/Persistent Muscle Spasms (MS)
 - Alzheimer's related illness
- Qualifying patients will be able to obtain up to 2.5 ounces of marijuana every two weeks from a state regulated dispensary.
- Qualifying patients must be 18 years of age or older, or if under the age of 18, the custodial parent or guardian must consent in writing.

Dispensaries

- The state statute allows for the establishment of non-profit medical marijuana dispensaries and related facilities for cultivation.
- DHS may not issue more than one dispensary certificate for every 10 pharmacies in Arizona – anticipate approximately 124 dispensaries state-wide. In addition, at least one dispensary will be allowed in each county.

- Not-for-profit entity that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, sells or dispenses medical marijuana to qualified cardholders.
- DHS has indicated licensing of dispensaries will be based on population distribution, as well as a geographic distribution model to ensure dispensaries are not clustered in the major cities and to ensure opportunities in rural areas. This will ensure the rural areas are not disproportionately subjected to the 25-mile exception which allows patient and caregiver home grow operations.
- Dispensaries cannot be within 500 feet of a public or private school. The definition for school is proposed to include preschool, childcare, elementary, middle and high school.
- Maximum size, additional separation requirements, and other typical zoning standards may be enacted locally.

Dispensary Cultivation Facility

- A cultivation facility site can be a separate off-site operation or it can include a dispensary at the same location, subject to development standards and approval by DHS, as well as any local zoning regulations.
- Cultivation is likely to be within a building but the statute describes an “enclosure” which is defined in the DHS rules to include an open air grow operation provided the site is secure behind solid protective 10-foot high walls with a metal mesh covering. Building permits would be required for this type of structure.

Qualified Patient and Designated Caregiver Home Grow Cultivation

- If a qualified patient resides more than 25 miles from a dispensary, they can grow their own marijuana at their home - if authorized by DHS. This includes up to 12 plants for personal use.
- A registered designated caregiver may also be authorized by DHS to grow for up to 5 qualified patients plus themselves if they are a patient. That would allow up to 60 plants total within a residential setting.
- If the patient or caregiver lives within 25 miles of a dispensary, the proposed zoning ordinance prohibits them from home grow cultivation.
- The home grow cultivation facility may be in a closet, room, greenhouse or other enclosed area equipped with locks or other security devices that permit access only by the cardholder. DHS Rules define an “enclosure” in detail.

Infusion (Manufacturing) Facilities.

- Infusion refers to the process where medical marijuana is included in edible food products.
- It is recommended to limit such operations to industrial areas where operating as a separate off-site use or to allow as part of the dispensary wherever that is permitted.
- The DHS rules require an infusion facility to obtain a food establishment license from the local health department (Yavapai County Health Department.) The food handlers/preparation license requires a number of specific issues for the facility to ensure

safe preparation and storage of the food items. Additionally there are security concerns regarding the use of marijuana. DHS has a range of reporting and recordkeeping requirements for this type of operation.

Summary of Arizona Revised Statutes sections regarding Medical Marijuana facilities:

A.R.S. § 36-2806.01 Dispensary Locations

Cities, Towns and Counties may enact reasonable zoning regulations that limit the use of land for registered nonprofit medical marijuana dispensaries to specified area in the manner provided in Title 9, Chapter 4, Article 6.1, and Title 11, Chapter 6, Article 2.

A.R.S. § 36-2806. Registered nonprofit medical marijuana dispensaries; requirements

C. A registered nonprofit medical marijuana dispensary shall have a single secure entrance and shall implement appropriate security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing marijuana.

E. All cultivation of marijuana must take place in an enclosed, locked facility at a physical address provided to the department during the registration process, which can only be accessed by registered nonprofit medical marijuana dispensary agents associated in the registry with the nonprofit medical marijuana dispensary.

Role of Arizona Department of Health Services (DHS):

The State law approved by the voters instructs DHS to set up rules and administer the process for who is qualified to obtain medical marijuana, the licensing of dispensaries, cultivation sites and other related facilities, and how they set up the facilities in terms of security, recordkeeping and verification. In general the overall process for setting up and operating facilities is administered by the Arizona Department of Health Services (DHS).

As per the authorities granted by the State Statute, DHS released draft regulations regarding the applicable administrative rules on December 17th and January 31, 2011.

The Arizona Department of Health Services (DHS) is responsible for administering the process for licensing dispensaries and related cultivation. Application for a dispensary starts with DHS. DHS is responsible for Licensing, Verification Systems, Regulating, and Annual Reports. The licensing process will be competitive and selective.

- DHS regulates who qualifies as a patient and who qualifies to operate a dispensary and related cultivation facility.
- DHS approves and administers operating procedures, security systems, and all follow up reporting requirements
- DHS regulates site security, recordkeeping, sources and standards for the medical marijuana, cultivation sites and reporting.

LOCAL REGULATIONS

The state law allows local jurisdictions to enact reasonable zoning regulations. DHS is responsible for licensing the facilities, as well as qualifying the patients, through an application and review process. However, the City may enact zoning regulations and other requirements typical of any type of development. As per the initial draft of rules, the local jurisdiction does not enforce background checks, inspections or other operating qualifications. The primary concern for the City is how the facility is developed and how the use functions.

ZONING USES: - PROPOSED COTTONWOOD STANDARDS.

Type of Medical Marijuana Facility	Zoning District	Uses
Dispensary	C-1, C-2 & I-2	Permitted Use
Dispensary/Infusion	C-1, C-2 & I-2	Permitted Use
Cultivation with Dispensary	I-2	Conditional Use
Separate Off-site Cultivation	I-2	Conditional Use
Separate Off-site Infusion	I-2	Conditional Use
Infusion/Cultivation	I-2	Conditional Use
Home-based cultivation for qualified patient or designated caregiver more the 25 miles from dispensary.	At home of patient or caregiver	Permitted Accessory Use.

Parking: DHS Rules (1-31-11) require dispensaries to have on-site parking or parking available on adjacent properties. This is to ensure patients and others obtaining the marijuana have access to the dispensary from a safe and convenient location.

Entrance: The dispensary location needs to have a single entrance and take appropriate measures for security, such as with exterior lighting, security systems and alarms. Dispensaries are required to be in locations where the entrance can be viewed from surrounding streets and property areas so as to address security. The entrance should not be hidden or obscured.

Separation from other uses: The Statute requires Dispensaries, and related Cultivation Facilities, to have a minimum 500 foot separation from schools. The proposed ordinance defines “schools” as public and private preschool, childcare, kindergarten, elementary, middle and high schools. Some of the larger cities have added other uses to the buffering requirement and have extended separation requirements for various uses.

25-Mile Home Grow Exception: Cottonwood is likely to get no more than one dispensary based on the licensing methodology proposed by DHS. Having a dispensary use within Cottonwood will eliminate the 25-mile exception for the patient home growing operations. Questions related to designated caregivers setting up home grow cultivation facilities for patients in other areas should be addressed by the establishment of a dispensary within the 25-mile radius.

Dispensary Hours of Operation: Some cities have placed limits on the hours of operation. One issue discussed was ensuring the hours were generally during daytime hours so as to support enhanced security of patients and others accessing the dispensary. A time of 7 AM to 7 PM on a daily basis is recommended to allow patients adequate time during daylight hours.

Size: Some cities limit the size of facilities so as to address public safety and security concerns with large-scale operations. An argument can also be made that allowing an adequate size may support a well-managed, secure operation. The proposed amendments allow an adequate size to ensure a well-managed operation while keeping in scale with surrounding uses.

REVIEW OF OTHER JURISDICTIONS MEDICAL MARIJUANA ORDINANCES

A number of ordinances and supporting documents were reviewed, including the following:

- Proposition 203, The Arizona Medical Marijuana Act
- DHS Draft Rules from December 17th and January 31, 2011.
- FAQ - Arizona Department of Health Services (DHS) www.azdhs.gov
- Arizona League of Cities and Towns Sample Ordinance www.azleague.org
- Medical Marijuana Analysis handout from the State Legislature.

Medical Marijuana Ordinance – Drafts Reviewed

- Tucson
- Mesa
- Flagstaff
- Marana
- Gilbert
- Sedona
- Globe
- Goodyear
- Oro Valley
- Prescott
- Prescott Valley

REVIEWED BY

City Manager: _____

City Attorney: _____

ATTACHMENTS

- Proposed Cottonwood Zoning Ordinance Amendment adding new Section 308. Medical Marijuana Facilities.
- Comparison of standards for other jurisdictions (compliments of Prescott Valley.)
- Summary of ARS Title 36 sections regarding Medical Marijuana facilities.
- Ordinance Number 572

Exhibit A.

SECTION 308. MEDICAL MARIJUANA FACILITIES

- A. **PURPOSE.** The purpose of this Section is to implement the Arizona Medical Marijuana Act (A.R.S. § 36-2801, *et seq.*) and to regulate the locations and operations of medical marijuana dispensaries and related cultivation and processing uses in the City of Cottonwood so as to promote and protect the public health, safety and welfare of the residents of Cottonwood. It is neither the intent nor the effect of this chapter to condone or legitimize the use or possession of marijuana except as allowed by Arizona law. Further, the purpose of this section is to:
1. Provide for the safe sale and distribution of medical marijuana to patients who qualify to obtain, possess and use marijuana for medical purposes under the Arizona Medical Marijuana Act and as managed through the Arizona Department of Health Services.
 2. Protect public health and safety through reasonable limitations on business operations as they relate to noise, air and water quality, food safety, building safety, neighborhood and patient safety, security for the business and its personnel and other health and safety concerns.
 3. Adopt a mechanism for monitoring compliance with the provisions of this Section.
 4. Create regulations that address the particular needs of the patients and residents of the City and coordinate with rules and regulations that may be enacted by the state regarding the issue.
 5. Facilitate the implementation of the Arizona Medical Marijuana Act without going beyond the authority granted by it.
- B. **DEFINITIONS.** The definitions contained in the Arizona Medical Marijuana Act (A.R.S. § 36-2801, *et seq.*) shall serve as the primary guide for the enforcement and practices of all such related activities. In addition, definitions contained herein are intended to further assist with the enforcement of this Ordinance, as follows:
1. **DHS** - The Arizona Department of Health Services or its successor agency.
 2. **DISPENSARY AGENT** - A medical marijuana dispensary director, officer, employee or volunteer who has been issued a valid registry identification card by the DHS.
 3. **MEDICAL MARIJUANA** - Means of all parts of the genus cannabis whether growing or not, and the seed of such plants that may be administered to treat or alleviate a qualifying patients debilitating medical condition or symptoms associated with the patient's debilitating medical condition.
 4. **MEDICAL MARIJUANA CULTIVATION FACILITY**- A cultivation facility shall mean a building or structure and the associated premises used to grow the marijuana plant, which may include accessory storage and processing of medical marijuana grown on premises.

Exhibit A.

5. MEDICAL MARIJUANA DISPENSARY- A non-profit entity defined in Arizona Revised Statutes § 36-2801, *et seq.*, that sells, distributes, transmits, gives, dispenses, or otherwise provides medical marijuana to qualifying patients.
6. MEDICAL MARIJUANA FACILITY - The term shall apply to a medical marijuana dispensary, cultivation facility, qualified patient or designated patient or caregiver cultivation facility, infusion or manufacturing facility, or similar operations or any combination thereof, as authorized by law.
7. MEDICAL MARIJUANA INFUSION (MANUFACTURING) FACILITY - A facility that incorporates medical marijuana (cannabis) by the means of cooking, blending, or incorporation into consumable/edible goods or similar products.
8. MEDICAL MARIJUANA QUALIFYING PATIENT - A person who has been diagnosed by a physician as having a debilitating medical condition as defined in Arizona Revised Statutes; and who has been issued a Registry Identification Card by DHS authorizing him/her to use marijuana to treat his/her debilitating medical condition or symptoms associated with the debilitating medical condition.
9. MEDICAL MARIJUANA QUALIFYING PATIENT CULTIVATION FACILITY - Enclosed, locked facilities approved for the cultivation of medical marijuana plants by registered qualifying patients or their designated caregivers where a registered nonprofit medical marijuana dispensary is not operating within twenty-five miles of the qualifying patient's home.
10. OPERATOR - The chief executive officer of the medical marijuana dispensary, whether referred to as the principal officers, board members, designated agents, executive director, president, CEO or other designation.
11. SCHOOL – Public and private educational and child development facilities certified by the State of Arizona, including a daycare facility, preschool, kindergarten, elementary school, middle school or high school.

C. REQUIREMENTS FOR THE ESTABLISHMENT OF MEDICAL MARIJUANA FACILITIES.

1. General Requirements: The establishment of medical marijuana dispensaries, cultivation sites and other related facilities shall be subject to the provisions of the Arizona Medical Marijuana Act as described in Arizona Revised Statutes, Title 36. and any associated rules subsequently enacted by the Arizona Department of Health Services or the City of Cottonwood for the implementation the Act, including, but not limited to, authorization of and registration of dispensaries and cultivation facilities, registration of qualifying patients and designated caregivers, review and inspection of facilities and security measures, and other standards and procedures expressed in the Act for similar purposes. The regulations in this Ordinance are intended to allow the uses authorized under the state law to the extent permissible while ensuring such uses are established in a reasonable manner to protect the health, safety and general welfare of the residents of the City of Cottonwood.

Exhibit A.

2. Medical Marijuana Dispensary.

- a. Registration with the City of Cottonwood is required for a Medical Marijuana Dispensary, as described in this Ordinance.
- b. A medical marijuana dispensary facility shall be a Permitted Use in the C-1 (Light Commercial), C-2 (Heavy Commercial), and I-2 (Heavy Industrial) Zoning Districts, subject to meeting required development standards.
- c. A dispensary may be located in association with a cultivation facility in the I-2 Zoning District subject to obtaining a Conditional Use Permit, as per Section 302 of this Ordinance.
- d. The dispensary sales area that may be accessed by the patients or the public shall be limited to the distribution and sales of medical marijuana and related information and products for qualifying patients. There shall be no other retail or health care services provided from the dispensary sales area nor shall access to such services be provided from the dispensary sales area.
- e. The dispensary shall be located in a permanent building and may not be located in a temporary structure, trailer, cargo container, motor vehicle or other similar non-permanent enclosure.
- f. **Dispensary Entrance.** A dispensary may have more than one means of egress from the interior so as to meet building codes and public safety concerns; however, it shall have a single secure public entrance and shall implement appropriate security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing marijuana. The dispensary entrance shall be located and maintained clear of any barriers, landscaping and similar obstructions that may block the view so that the entrance and pedestrian access is clearly visible from the public street, sidewalk and parking area.
- g. **Parking:** A dispensary shall provide on-site parking or parking immediately adjacent to the building used as the dispensary.
- h. **Minimum Separation Requirements.** Medical marijuana dispensary and cultivation facilities shall not be located within five-hundred (500) feet of the exterior property lines of a public or private school, including a daycare facility or preschool, kindergarten, elementary school, middle school or high school.
- i. **Method for Computing Measurement.** For the purposes of calculating the separation requirements, the distance shall be measured from the closest portion of the exterior surface of the wall of the building in which the medical marijuana is to be dispensed, cultivated or processed to the nearest point of the property line of the use requiring a minimum separation.
- j. Operating hours shall not be earlier than 7:00 a.m. and not later than 7:00 p.m.
- k. Drive-through services are prohibited.

Exhibit A.

3. Medical Marijuana Cultivation Facilities and Medical Marijuana Infusion Facilities.
 - a. Registration with the City of Cottonwood is required for Medical Marijuana Cultivation Facilities and Medical Marijuana Infusion Facilities, as described in this Ordinance.
 - b. A medical marijuana cultivation facility, whether separate or combined with an authorized medical marijuana dispensary and/or infusion facility, shall be allowed in the I-2 (Heavy Industrial) Zoning District subject to obtaining a Conditional Use Permit, as per Section 302 of this Ordinance.
 - c. Medical marijuana cultivation facilities located in the I-2 Zone shall be limited to no more than 10,000 square feet of gross floor area, including growing area, storage and office uses.
 - d. Medical marijuana infusion facilities located in the I-2 Zone shall be limited to no more than 5,000 square feet of gross floor area, including processing, storage and office uses.
 - e. Minimum Separation Requirements.
 - 1) Medical marijuana cultivation facilities or infusion facilities shall not be located within five-hundred (500) feet of the exterior property lines of a school, including a daycare facility, preschool, kindergarten, elementary, middle school or high school.
 - 2) Medical marijuana cultivation facilities or infusion facilities shall not be located within one-thousand (1,000) feet of the exterior property lines of another medical marijuana cultivation facility or infusion facility.
 - f. Method for Computing Measurement. For the purposes of calculating the separation requirements, the distance shall be measured from the closest portion of the exterior surface of the wall of the building in which the medical marijuana is to be dispensed, cultivated or processed to the nearest point of the property line of the use requiring a minimum separation
 - g. Retail sales of medical marijuana shall be prohibited from a medical marijuana cultivation facility or infusion facility; however, a separate authorized dispensary may be located at the same site subject to the development standards described in this Ordinance.
 - h. There shall be no emission of dust, fumes, vapors, smoke or odors into the environment from the facility.

Exhibit A.

4. Medical Marijuana Qualifying Patient Cultivation and Medical Marijuana Designated Caregiver Cultivation.
 - a. Qualifying Patients or their Designated Caregivers may be authorized by the Arizona Department of Health Services to cultivate marijuana plants for the qualifying patient's medical use if a registered nonprofit medical marijuana dispensary is not operating within twenty-five (25) miles of the qualifying patient or designated caregiver's home. Such facilities within the City of Cottonwood shall be considered a permitted accessory use in all residential zoning districts provided the primary residence of the qualifying patient or designated caregiver is more than twenty-five (25) miles from an operating medical marijuana dispensary, as per the standards contained herein.
 - b. If the qualifying patient or designated caregiver is authorized to cultivate marijuana, there shall be no more than twelve (12) marijuana plants per patient contained in an enclosed, locked facility that permits access by the cardholder, as per the applicable sections of Arizona Revised Statutes and related rules established by DHS.
 - c. The cultivation facility may be in a closet, room, greenhouse or other enclosed area equipped with locks or other security devices that permit access only by the cardholder.

D. FACILITY REGISTRATION REQUIREMENTS. Medical Marijuana Dispensary, Cultivation and Infusion Facilities; and Qualifying Patient or Designated Caregiver Home Grow Cultivation operations shall register the location of the facility with the City of Cottonwood and provide the following information:

1. Registration for Medical Marijuana Dispensary, Cultivation Facility and/or Infusion Facility. A medical marijuana dispensary, cultivation facility or infusion facility, or combined use; is required to register the location with the City of Cottonwood Community Development Department. The following information shall be provided with the registration:
 - a. The name, address, phone number, e-mail address and contact information for the property owner, operator, applicant and non-profit organization operating the facility;
 - b. The name, location, address and contact information for the operator of any off-site cultivation facility or facilities related to the dispensary;
 - c. A written narrative describing the use and facilities and how the location and improvements associated with the proposed facility comply with the requirements of this Ordinance;
 - d. A copy of the operating procedures submitted to and approved by DHS prepared in accordance with A.R.S. § 36-2804(B)(1)(c), including the required security plan for medical marijuana facilities;

Exhibit A.

- e. An accurate vicinity map drawn to scale showing the location of the proposed medical marijuana dispensary, cultivation facility or infusion facility in relation to any school property boundary or cultivation and/or infusion facility boundary so as to document the required minimum separation requirement;
 - f. An accurate dimensioned site plan indicating buildings, building entrances, parking, sidewalks, adjacent streets and immediately surrounding uses;
 - g. A floor plan of the interior of the facility indicating public areas and secured areas. The floor plan for a dispensary should have a waiting area at the entrance to receive patients and as required by the Arizona Medical Marijuana Act, must have a separate enclosed, locked and secure area for dispensing medical marijuana to qualified patients or designated caregivers. Indicate the principal uses on the floor plan, including areas where non-patients will be permitted, private consulting areas, storage areas, retail areas and areas where medical marijuana will be dispensed, processed, cultivated and stored; and
 - h. An exterior refuse control plan providing for proper disposal of marijuana remnants or byproducts, which shall not to be placed within the facility's exterior refuse containers.
2. Registration for Qualifying Patient or Designated Caregiver Home Grow Cultivation. A qualifying patient or designated caregiver authorized by DHS to cultivate medical marijuana at their primary residence shall register the location with the City of Cottonwood and provide the following information:
- a. The name, address, phone number, e-mail address and contact information for the qualifying patient or designated caregiver; and
 - b. A accurate vicinity map drawn to scale showing a twenty-five mile radius from the qualifying patient or designated caregiver cultivation location to ensure there are no registered dispensaries within such area, as per current data available from DHS; Medical marijuana qualifying patient or designated caregiver cultivation are prohibited in all zoning districts if located within 25 miles of a medical marijuana dispensary.

E. OPERATING REQUIREMENTS FOR MEDICAL MARIJUANA FACILITIES.

1. Consumption of Marijuana. Marijuana in any form shall not be consumed by patients or others on the premises of a medical marijuana dispensary, cultivation facility, infusion facility or any type of medical marijuana facility. Nor shall it be consumed via smoking or vaporization form in any public place within the City. The term "premises" includes the actual building, as well as any accessory structures, outdoor areas, vehicles, parking lot or parking areas which are part of the approved location.
2. Retail Sales of Other Products and Services by a Dispensary. The retail sales of marijuana use items and other health care services to registered patients shall be subject to the following limitations:

Exhibit A.

- a. Marijuana Paraphernalia. No retail sales of marijuana paraphernalia are permitted at a medical marijuana dispensary, except as permitted by law to qualifying patients and/or designated caregivers.
 - b. Product Display: No medical marijuana or paraphernalia shall be displayed or kept in a medical marijuana dispensary so as to be visible from outside the premises.
 - c. Other Health Care Services: The dispensary may provide consultation regarding medical marijuana to qualifying patients and designated caregivers as per the rules and regulations established by DHS. The dispensary shall not provide other health care services or products unrelated to medical marijuana as part of the dispensary operations for the general public or qualifying patients.
3. Business Registration. A Medical Marijuana Dispensary, Cultivation Facility or Infusion Facility shall be required to obtain and maintain a valid Business Registration from the City of Cottonwood.
 4. Suspension or Revocation of Business Registration. The City of Cottonwood business registration for a medical marijuana use may be suspended or revoked for any of the following violations:
 - b. Misrepresentation or omission of any material fact, or false or misleading information, on the application or any amendment thereto, or any other information provided to the City related to the medical marijuana business;
 - c. The business registration shall be considered automatically revoked by the revocation, expiration or suspension of any required Conditional Use Permit for the medical marijuana facility and all such operations shall cease immediately.
 5. Additional Licenses and Permits. The facility registration and business registration requirement set forth in this Section shall be in addition to, and not in lieu of, any other licensing, permitting or registration requirements imposed by any other federal, state or local jurisdiction, including, but not limited to, DHS approval, building permits, fire alarm permits, zoning approval, a state retail sales and use tax license, a retail food establishment license or any applicable health, safety, building or development license or permit.
 6. Infusion (Manufacturing) facilities must obtain any and all permits and licenses from Yavapai County Health Department for all food handling and preparation in connection with infusion operations.
 3. Security Plans. Pursuant to the Arizona Medical Marijuana Act, the DHS is responsible for promulgating regulations pertaining to dispensary security. A dispensary shall comply with DHS security requirements provided for adequate lighting, alarms, security cameras and locks in order to ensure the safety of persons and to protect the premises from theft. All security and alarm systems shall be installed and operated in compliance with applicable City of Cottonwood codes, ordinances, and regulations.

Exhibit A.

4. Security Lighting. During all night time hours, dispensaries shall illuminate exterior areas of the premises, including related parking areas, sidewalks and building entrances so that all areas are readily visible. During all hours, the medical marijuana dispensary shall illuminate those areas of the interior of the building where the public has access, including the public entry, reception area, and counter area, as well as the interior hallways, other building ingress/egress locations and locations where medical marijuana may be located, stored or processed. All outdoor lighting shall be in compliance with City of Cottonwood Zoning Ordinance, Section 408. Outdoor Lighting Code.

E. FEES.

A facility registration for a medical marijuana facility shall be accompanied by a filing fee in an amount established by a schedule adopted by resolution of the City Council and filed in the office of the City Clerk. No part of the filing fee shall be refundable.

G. APPEAL

Any registrant for a medical marijuana facility who is dissatisfied or aggrieved by an official decision of the Community Development Director/Zoning Administrator may appeal such decision to the Board of Adjustment by filing a written notice of appeal with the City Clerk, not later than fifteen (15) days from the date of the Community Development Director/Zoning Administrator's decision.

JURISDICTIONAL COMPARISONS: DISPENSARIES

	ZONING		HOURS	SEPARATION DISTANCE				Sq. Ft Max.
JURISDICTION	Permitted	PROHIBITED		Schools, Group Homes	Churches, Public Places	Transitional Housing	Other Dispensaries	Y
FLAGSTAFF	C-3-E UC	(Where not permitted)	9AM-9PM	500'	---	---	---	N
LEAGUE OF CITIES MODEL*	Intermediate Comm.	---	Y	Y	---	---	Y	Y
MARANA	CUP	---	9AM-5PM	1,000'	1,000'	2,000'	2,000'	N
MESA	C-2 Limited Commercial C-3 General Commercial	All R,O-S, C-1, PEP, M-1, M-2	8AM-9PM	500'	1,200'	2,400'		Y
PIMA COUNTY	CUP	Certain Overlay Zones, inc. historic	9AM-5PM	1,000'	1,000'	1,000'	2,000'	Y
PRESCOTT	BG: Business General BR: Business Regional IG: General Industrial IL: Light Industrial	(Where not permitted)	9AM-8PM	500'	---	500'	2 miles	N
STATE of ARIZONA Prop 203	---	---	---	500'	---	---	---	---
TUCSON	C-2, C-3, I-1 Light Industrial I-2 Heavy Industrial	---	9AM-5PM	1,000'	1,000'	1,000'	2,000'	Y

*The square footage of the use, customer service area, and or storage room is regulated.

**The model also recommends an unspecified separation distance from residential zoned areas.

JURISDICTIONAL COMPARISONS: FACILITIES (Growth and Cultivation)

	ZONING		HOURS	SEPARATION DISTANCE				Sq. Ft Max.*
JURISDICTION	Permitted	PROHIBITED		Schools, Group Homes	Churches, Public Places	Transitional Housing	Other Facilities	
FLAGSTAFF City Code	E-1-3 E-2-3	(Where not permitted)	9AM-9PM	---	---	---	---	Y
LEAGUE OF CITIES MODEL**	Light Industrial	---	---	Y	---	---	Y	Y
MARANA	CUP	---	9AM-5PM	1,000'	1,000'	2,000'	2,000'	N
MESA	C-3, M-1, M-2	All R Districts, O-S, C-1,C-2, PEP	8AM-9PM	---	1,200'	---	---	Y
PIMA COUNTY	CUP	Certain Overlay Zones, inc. historic	9AM-5PM	1,000'	1,000'	1,000'	2,000'	Y
PRESCOTT	IG: General Industrial	(Where not permitted)	8AM-5PM	---	---	---	---	N
	IL: Light Industrial	(Where not permitted)	8AM-5PM	500'***	1,000'***			
STATE of ARIZONA Prop 203	---	---	---	500'	---	---	---	---
TUCSON	C-2, C-3, I-1 Light Industrial I-2 Heavy Industrial	---	9AM-5PM	1,000'	1,000'	1,000'	2,000'	Y

*The square footage of the use, customer service area, and or storage room is regulated

**The model also recommends an unspecified separation distance from residential zoned areas.

***and also from residential zoned property

SUMMARY OF PROPOSITION 203
(The Arizona Medical Marijuana Act)
Arizona Revised Statutes § 36-2801, et seq.

§36-2801 Definitions

§36-2801(3) Debilitating Medical Condition:

(a) Cancer, glaucoma, positive status for Human Immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, crohn’s disease, agitation of Alzheimer’s disease or the treatment of these conditions.

(b) A chronic or debilitating disease or medical condition or its treatment that produces one or more of the following: cachexia or wasting syndrome; severe and chronic pain; severe nausea; seizures, including those characteristic of epilepsy; or severe and persistent muscle spasms, including those characteristic of multiple sclerosis.

(c) Any other medical condition or its treatment added by the Department pursuant to Section 36-2801.01.

§3602801.01 Addition of debilitating medical conditions: The public can petition DHS to add to the list of debilitating medical conditions. DHS must rule on the request within 180 days.

§36-2801(1) Allowable Amount of Marijuana: A qualifying patient may have 2 1/2 ounces of usable marijuana; and if the patient is authorized to cultivate marijuana, the patient may grow up to 12 marijuana plants contained in an enclosed locked facility.

§36-2801(11) Nonprofit Medical Marijuana Dispensary: A not-for-profit entity that possesses, cultivates, manufactures, delivers, transfers, transports, supplies, sells or dispenses marijuana to qualifying patients or caregivers authorized by DHS. Medical marijuana must be kept in an enclosed, locked facility.

§36-2801(6) Enclosed, Locked Facility: A closet, room, greenhouse or other enclosed area equipped with locks or other security devices that permit access only by a cardholder.

§36-2801(13) Qualifying Patient: A person who has been diagnosed by a physician as having a debilitating medical condition.

§36-2801(5) Designated Caregiver: A person who is at least 21 years old; has agreed to assist a patient with the use of medical marijuana; has not been convicted of an excluded felony, may assist no more than 5 patients.

§36-2802 Limitations

The law does not authorize any person to engage in, and does not prevent the imposition of any civil, criminal or other penalties for engaging in:

(a) Any task under the influence of medical marijuana that would constitute negligence or professional malpractice.

(b) Possessing or engaging in the use of medical marijuana:

1. On a school bus.
2. On the grounds of any preschool, primary or secondary school.
3. In a correctional facility.

(c) Smoking medical marijuana:

1. On any form of public transportation
2. In any public place.

(d) Operating, navigating or being in actual physical control of any motor vehicle, aircraft, motorboat while under the influence of medical marijuana, except that a person shall not be considered “under the influence” solely due to the presence of metabolites insufficient to cause impairment.

§36-2803 Rulemaking

Within 120 days of the effective date of the law, DHS must adopt rules addressing:

1. Process for considering petitions to add debilitating conditions to the list.
2. The form and content of the registration and renewal application.
3. Process for granting and renewing registry ID cards.
4. The protection of the dispensaries against diversion and theft.
5. The minimum oversight requirement of the dispensaries.
6. The minimum recordkeeping requirements for the dispensaries.
7. Minimum security requirements including a security system.
8. Procedures for suspending or revoking registration of the dispensaries.
9. Establish application and renewal fees for ID cards and dispensary certificates.
10. The dispensary application fee may not exceed \$5000.
11. The dispensary renewal fee may not exceed \$1000.

§36-2804 Registration and certification of dispensaries

Dispensaries shall register with DHS. Within 90 days after receipt of an application for a dispensary, DHS shall register the dispensary if the dispensary submits the following:

1. The application fee
2. The legal name of the dispensary
3. The physical address of the dispensary and the physical address of 1 additional location if marijuana will be cultivated, neither of which may be within 500 feet of a public or private school
4. The name, address and DOB of each principal officer and board member of the dispensary
5. The name, address and DOB of each dispensary agent.
6. Operating procedures for oversight including the dispensaries procedures to ensure accurate record keeping and adequate security measures.
7. A sworn statement that the dispensary is in compliance with the local zoning restrictions of the municipality where the dispensary wants to be located, if that municipality has enacted zoning restrictions

8. Proof that the principal officers or board members have not been convicted of an “excluded felony offense”. An “excluded felony offense” is defined as a violent crime or a state or federal controlled substance crime that was classified as a felony in the jurisdiction where the person was convicted, but does not include (i) an offense which the sentence was completed ten or more years earlier, (ii) on offense involving conduct that would be immune from arrest

9. Officers and Boardmembers must be at least 21 years old; have not been convicted of an excluded felony offense; and have not served as principle officer or boardmember for another dispensary that had its registration certificate revoked by DHS

§36-2804(C): DHS may not issue more than one dispensary certificate for every 10 pharmacies within the state. DHS may register dispensary in excess of 1 for every 10 pharmacies if it is necessary to ensure that there be at least 1 dispensary in each County of the State.

§36-2804.02 Registration of qualifying patients and designated caregivers

A. A qualifying patient may apply for a ID card by submitting:

1. Written certification, issued by a physician 90 days, of the date of application establishing that the patient has a qualifying medical condition

2. The application fee

3. The application must include:

(a) Name, mailing address and DOB of the qualifying patient.

(b) Name, address and telephone number of the qualifying patient’s physician.

(c) Name, address and DOB of the qualifying patient’s designated caregiver, if any.

(d) A statement signed by the qualifying patient pledging that they will not divert the marijuana to anyone who is not allowed to possess the marijuana under this law.

(e) A signed statement by the designated caregiver, if any, pledging the same as in (d).

(f) If there is not a dispensary with 25 miles of the qualifying patient, the designation as to who will be cultivating the marijuana for the qualifying patient’s use.

§36-2806. Dispensary requirements

A dispensary has to be operated on a non-profit basis, but does not have to be recognized as tax exempt by the IRS.

The dispensary shall have a single secure entrance, implement appropriate measures to deter and prevent the theft of medical marijuana and unauthorized entrance into areas containing the medical marijuana.

Cultivating can only take place in an enclosed locked facility at an address provided to DHS.

A dispensary shall not permit any person to use medical marijuana on the property of the dispensary.

§36-2806.01 Dispensary locations

Cities, towns and counties may enact reasonable zoning regulations to limit the use of land for medical marijuana dispensaries.

§36-2814 Acts not required. This law does not require:

1. A government medical assistance program or private health insurer to reimburse a person for the costs associated with the use of medical marijuana.
2. An employer to allow the ingestion of medical marijuana in the workplace or any employee to work while under the influence of medical marijuana except that a qualifying patient shall not be considered under the influence of medical marijuana solely because of the presence of metabolites which are insufficient to cause impairment.

ORDINANCE NUMBER 572

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AMENDING THE CITY OF COTTONWOOD ZONING ORDINANCE BY ADDING A NEW SECTION 308. MEDICAL MARIJUANA FACILITIES.

WHEREAS, A.R.S. § 36-2806.01 allows municipalities to enact reasonable zoning regulations that limit the use of land for registered nonprofit marijuana dispensaries to specified areas in the manner provided in Arizona Revised Statutes Title 9, Chapter 4, Article 6.1; and

WHEREAS, the Council finds that it is in the interest of the public health, safety and general welfare to enact such regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AS FOLLOWS:

Section 1. That a new Section 308. Medical Marijuana Facilities, three copies of which are on file in the office of the office of the City Clerk of the City of Cottonwood, Arizona, and which document was made a public record by Resolution Number 2577, is hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance.

Section 2. That if any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be unlawful, invalid or unenforceable by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF COTTONWOOD, ARIZONA, THIS 15th DAY OF MARCH 2011.

Diane Joens, Mayor

ORDINANCE NUMBER 572
Page 2

ATTEST:

Marianne Jiménez, City Clerk

Steven B. Horton, Esq., City Attorney

City of Cottonwood, Arizona
City Council Agenda Communication



Meeting Date: March 1, 2011

Subject: Establishing a Procurement Division

Department: Administrative Services

From: Jesus R. Rodriguez, CGFM – Administrative Services General Manager

REQUESTED ACTION

Staff is requesting approval to contract with Robert Combs, through SmartWorks Plus, to establish a Procurement Division under the Administrative Services General Manager and prepare staffing requirements, acquire staffing, and develop guidelines and operating procedures for the new division.

If the Council desires to approve this item the suggested motion is:

I move to approve to contract with Robert Combs, through SmartWorks Plus, to establish a Procurement Division under the Administrative Services General Manager and prepare staffing requirements, acquire staffing, and develop guidelines and operating procedures for the new division.

BACKGROUND

At the last Strategic Planning meeting, the Cottonwood City Council was presented with an opportunity to establish a Procurement Division. This division is to assist all departments with acquiring goods and services that are necessary for the continued operations of the organization.

Since then staff has been in communication with Robert Combs from the City of Chandler Procurement Division regarding the possibility of having him assist in developing this division for the City of Cottonwood. Robert Combs will be retiring today and will be available to assist the City after March 14, 2011. There is a biographical sketch attached for council review.

There has been discussion about developing this division for some time. The General Managers and City Manager have discussed the need to remove these responsibilities from Division Managers and Department Heads and allow them to get back to doing their jobs. At the same time this new Procurement Division will handle the consolidation of common purchases to improve the City's purchasing power and lower overall costs.

JUSTIFICATION/BENEFITS/ISSUES

The Procurement Division will serve several purposes in its development:

1. Consolidate all procurement functions to one central division
2. Free up staff in other departments to do more of their work
3. Provide overall savings to the City of Cottonwood through increased buying power
4. Establish a procurement network with other governmental entities
5. Ultimately pay for itself

COST/FUNDING SOURCE

Development of a Procurement Division will require two additional staff members, one as a Purchasing Manager and one as a Buyer. The ranges would be comparable to other similar positions with comparable responsibilities throughout the organization.

Estimated costs involved:

Robert Combs agreement for three months

1. \$3,000 per month
2. Reimbursement for hotel and mileage according to our schedule
3. He covers his meals because he is on a special diet
4. Available after three months on as need basis

ITEM	EXTENSION
Robert Combs Agreement	\$9,000
Hotel - 2 nights a week @ \$100 / night	2,400
Mileage round trip once a week	1,800
Estimated cost for division setup assistance	<u>\$13,200</u>
Procurement Manager (including benefits)	\$66,300
Buyer (including benefits)	56,750
Operating supplies & contractual services	42,000
Software – using current Public Purchasing	0
Equipment	2,000
Total Estimated Annual Cost	<u>\$167,050</u>

Fiscal year 2011 cost would only be around \$57,200. FY 2012 estimate would be around \$165,050. As a note, the City of Cottonwood has a Buyer position currently in the budget. In fact, it has been there for over 5 years but has never been funded.

Despite adding staff, we do anticipate that this division will pay for itself through savings by consolidating purchases and time that will be freed up for staffs currently doing this type of work to go back to doing their jobs. Another important note is that the division’s costs will be allocated to the various funds based on their maintenance, operational and capital budgets. Not all costs will be absorbed by the General Fund.

REVIEWED BY:

City Manager: _____

City Attorney: _____

ATTACHMENTS

Attachment A - Biographical Sketch - Robert Combs

Attachment B - Scope of Work

Attachment A

Biographical sketch - Robert Combs

Robert is the Purchasing Manager for the City of Chandler. He originally hails from San Antonio, Texas. He spent 20 years in the United States Army as a Master Army Aviator, with tours in Vietnam, Germany, and Korea. While in the military he received a Silver Star, two Purple Hearts, and two Meritorious Service medals. He also has military management experience in procurement, supply and maintenance.

His educational experiences include a Bachelors of Science, from Troy State University, Alabama, and a Master's, from Webster College, Missouri. He was also a honor graduate of the U.S. Army Command and General Staff College, which is a U.S. Army facility that functions as a graduate school for United States Armed Forces and foreign military leaders.

His professional career includes a Public Purchasing: National Institute of Governmental Purchasing (NIGP) "Certified Professional Public Buyer". He has also been a guest speaker at two NIGP national conferences. He has 18 years in public purchasing as a Nueces County purchasing manager (TX), a Purchasing Manager, Corpus Christi Independent School District, City of Forth Worth, and presently the City of Chandler.

He has published articles such as "After The Storm" in "Government Procurement Magazine" and "Federal Emergency Management" about sheltering 3,000 Katrina / Rita refugees in Fort Worth.

On a personal note, he is married to Sandy; two sons adopted from Romania and is ruled by four dogs and a cat. He plays, builds and repairs guitars, owns and maintains a 1974 BMW motorcycle and a Harley Davidson sidecar rig. And he recently completed a fictional novel about flying helicopters in Vietnam.

Attachment B

PROPOSAL - CITY OF COTTONWOOD, ARIZONA

SCOPE OF WORK – ESTABLISH A PURCHASING DIVISION

1. Goal: Establish a fully functional purchasing division. When occupied by appropriate personnel, staff should be able to assume operations and conduct work immediately. City staff will have all required forms, documents and an SOP to follow.
2. Methodology:
 - A. Interview appropriate personnel to determine operational requirements.
 - B. Write a Standard Operating Procedure for all City staff to follow to process all acquisitions including goods, services, professional services, sole source acquisitions and construction.
 - C. Draft revised City Code section regarding purchasing for Legal Department review and Mayor and Council approval.
 - D. Prepare all forms needed to include:
 - (1) SOP
 - (2) Purchasing solicitation documents to include Request for Quotations, Invitation for Bid, Request for Proposal, Request for Qualifications, Request for Invitation, Sole Source.
 - E. Prepare all contracts including Contract for Goods, Contract for Services, Professional Services Agreement, and Construction contract.
 - F. Prepare a Term Contract listing for the use of all City staff.
 - G. Recommend methodology for developing a vendor database.
 - H. Prepare recommendations for advertising of informal and formal purchases to assure maximum competition and lowest cost.
 - I. Recommend acquisition methodology for small and large dollar acquisitions to include all available cooperative purchasing agencies.
 - J. Recommend alternative purchasing methods such as Procurement cards, reverse auctions, Cooperative Purchasing agencies and use of broker services.
 - K. If needed, prepare policy and forms for disposal of surplus property.
 - L. Train incoming personnel upon arrival to set them in operation.
 - M. Follow-up visits with new Purchasing Staff as requested by City of Cottonwood.
3. In summary, all operational and training aspects will be included to establish a Purchasing Division from scratch and ensure it becomes fully operational with minimal disruption of ongoing operations. I will accommodate all special needs, interests and requirements of the City of Cottonwood.

Robert Combs, CPPB

City of Cottonwood, Arizona
City Council Agenda Communication



Meeting Date: March 01, 2011

Subject: Ordinance Number 573 – Amending Chapter 10.20.040 Restricted Parking Areas Reserved for the Physically Disabled of the Municipal Code.

Department: Police Department

From: Commander Gary Eisenga

REQUESTED ACTION

Council consideration to adopt the proposed revisions to Chapter 10.20.040 Restricted Parking Areas Reserved for the Physically Disabled, Subsections A. and C., of Title 10, Vehicles and Traffic, of the Municipal Code. This revision will enhance the Police Department's ability to enforce parking violations involving handicap parking spaces and the hash-marked areas surrounding them.

If the Council desires to approve this item the suggested motion is:

First reading of Ordinance Number 573--no motion required at this time.

BACKGROUND

In 2010 the Cottonwood Police Department began enforcing parking violations as outlined in the recently revised Title 10: Vehicles and Traffic. Chapter 10.20.040, involving enforcement of handicap parking violations, is restricted to violations involving only the marked parking space. However, several businesses have included a hash-marked area surrounding the handicap parking space for easier ingress and egress from specially equipped vehicles. Our current code does not restrict persons without a special insignia or license plate from parking in these specially marked areas.

JUSTIFICATION/BENEFIT/ISSUES

During routine patrols of handicap parking areas by officers and COP volunteers, they have observed that it is not uncommon to find vehicles parked in the specially hash-marked areas surrounding the handicap parking space. These vehicles do not have specialty plates or insignias required to access the areas reserved for the physically disabled. The areas in which they are parking are obviously meant to be used by persons requiring the additional space for entering or exiting their vehicles. By revising this City code the police department will be better able to serve those persons with physical disabilities. We will be able to enforce

violations involving the parking of vehicles which block access to the designated handicap spaces.

COST/FUNDING SOURCE

N/A

REVIEWED BY

City Manager: _____

City Attorney: _____

ATTACHMENTS

Revisions to City Code Chapter 10.20.040
Ordinance Number 573

10.20.040 Restricted Parking Areas Reserved for the Physically Disabled

A. No person shall stop, stand or park a vehicle in a parking space set aside and identified for use only by persons with physical disabilities unless that person or his passenger is physically disabled as defined in Arizona Revised Statutes (ARS) 28-2409J.3. Any vehicle not displaying thereon a distinguishing insignia or distinguishing number plates as provided by ARS, shall give rise to a presumption that no person or passenger therein is physically disabled. *No person shall obstruct, block, or otherwise bar access to those parking spaces except as provided above.*

B. A person who is chauffeuring a person with a physical disability without a placard or international symbol of access special plates may park momentarily in a parking space provided for the physically disabled for the purpose of loading or unloading the person with a physical disability, and a complaint shall not be issued to the driver for the momentary parking.

C. Subsection A of this section shall apply **only** to those parking spaces outlined with paint and identified with a standard sign as approved or designated by the city traffic engineer which shall be in accordance with the provisions of A.R.S. Section 28-882(c). *Subsection A shall also apply to the lines marking the boundaries of a parking space designated for disabled persons and to any area of the pavement adjacent to a parking space designated for disabled persons that is marked by hatched lines and is thereby designated for the loading and unloading of vehicles parked in the space.*

D. This prohibition shall apply to all roadways and properly designated public and private lots and areas within the City. The posting of such sign or signs by the owners or person having control of a parking lot or parking area shall be deemed to have authorized police and police aides to enforce the provisions of this section upon that parking lot or parking area and shall thereby constitute a waiver of any objection by the owner or person having control of the parking lot or parking area to the enforcement of this section by the police department.

E. Sanctions for violation of this Section shall be in accordance with Chapter 10.56 Penalties of this Title, provided, however, that the mandatory minimum sanction shall not be less than fifty dollars (\$50) plus amounts levied by the municipal court for penalty assessments according to Arizona State Law. Any person who violates the provisions of this section two (2) or more times within any thirty (30) day period shall be subject to an increased sanction for each second or subsequent violation within a thirty (30) day period in accordance with Chapter 10.56 Penalties, provided, however, that the mandatory minimum sanction in such event shall be not less than one hundred dollars (\$100) plus amounts levied by the municipal court for penalty assessments according to Arizona State Law for each such second or subsequent violation within a thirty (30) day period.

ORDINANCE NUMBER 573

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AMENDING CHAPTER 10.20.040 RESTRICTED PARKING AREAS RESERVED FOR THE PHYSICALLY DISABLED, SUBSECTIONS A. AND C., OF TITLE 10, VEHICLES AND TRAFFIC, OF THE MUNICIPAL CODE OF THE CITY OF COTTONWOOD, ARIZONA.

WHEREAS, the Cottonwood Police Department has recommended to the City Council that Chapter 10.20.040 Restricted Parking Areas Reserved for the Physically Disabled, Subsections A. and C., of Title 10, Vehicles and Traffic, of the Municipal Code be revised; and

WHEREAS, the City Council has determined that the following changes to the City's Municipal Code are appropriate and desirable.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AS FOLLOWS:

Section 1. That Chapter 10.20.040 Restricted Parking Areas Reserved for the Physically Disabled, Subsections A. and C., of Title 10, Vehicles and Traffic, of the Cottonwood Municipal Code be amended by adding/deleting the following provisions indicated by italics as follows:

10.20.040 Restricted Parking Areas Reserved for the Physically Disabled

A. No person shall stop, stand or park a vehicle in a parking space set aside and identified for use only by persons with physical disabilities unless that person or his passenger is physically disabled as defined in Arizona Revised Statutes (ARS) 28-2409.J.3. Any vehicle not displaying thereon a distinguishing insignia or distinguishing number plates as provided by ARS, shall give rise to a presumption that no person or passenger therein is physically disabled. *No person shall obstruct, block, or otherwise bar access to those parking spaces except as provided above.*

B. A person who is chauffeuring a person with a physical disability without a placard or international symbol of access special plates may park momentarily in a parking space provided for the physically disabled for the purpose of loading or unloading the person with a physical disability, and a complaint shall not be issued to the driver for the momentary parking.

ORDINANCE NUMBER 573

Page 2

C. Subsection A of this section shall apply ~~only~~ to those parking spaces outlined with paint and identified with a standard sign as approved or designated by the city traffic engineer which shall be in accordance with the provisions of A.R.S. § 28-882.C. *Subsection A shall also apply to the lines marking the boundaries of a parking space designated for disabled persons and to any area of the pavement adjacent to a parking space designated for disabled persons that is marked by hatched lines and is thereby designated for the loading and unloading of vehicles parked in the space.*

Section 2. That if any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be unlawful, invalid or unenforceable by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF COTTONWOOD, ARIZONA, THIS 15TH DAY OF MARCH 2011.

Diane Joens, Mayor

APPROVED AS TO FORM:

ATTEST:

Steven B. Horton, Esq.
City Attorney

Marianne Jiménez, City Clerk

