

## A G E N D A

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, TO BE HELD MARCH 15, 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. 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.
- V. 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.
- VI. APPROVAL OF MINUTES--Regular Meeting of 1/18/11.

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

- VII. UNFINISHED BUSINESS
  1. 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.
  2. ORDINANCE NUMBER 572--AMENDING THE CITY OF COTTONWOOD ZONING ORDINANCE BY ADDING A NEW SECTION 308. MEDICAL MARIJUANA FACILITIES; SECOND & FINAL READING.
  3. 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; SECOND & FINAL READING.
- VIII. 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.

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1. WINE FESTIVAL LIQUOR LICENSE APPLICATION FROM BARBARA PREDMORE, APPLICANT FOR ALCANTARA LLC, FOR AN EVENT SCHEDULED FOR APRIL 2, 2011, AT THE OLD TOWN CENTER FOR THE ARTS LOCATED AT 633 NORTH 5TH STREET.
  2. RESOLUTION NUMBER 2579--MAKING KNOWN THE CITY'S COMMITMENT TO THE PRINCIPLE OF FAIR HOUSING, AND DESCRIBING ACTIONS IT SHALL UNDERTAKE TO AFFIRMATIVELY FURTHER FAIR HOUSING, AND DECLARING APRIL AS FAIR HOUSING MONTH IN COTTONWOOD.
- IX. NEW BUSINESS--The following items are for Council discussion, consideration, and possible legal action.
1. RESOLUTION NUMBER 2580--APPOINTING A MEMBER TO THE CITY'S JUDICIAL REVIEW AND APPOINTMENTS ADVISORY BOARD.
  2. RESOLUTION NUMBER 2581--APPROVING A SERVICE AGREEMENT BETWEEN THE COTTONWOOD/ OAK CREEK SCHOOL DISTRICT AND THE CITY, ACTING THROUGH ITS POLICE DEPARTMENT TO IMPLEMENT THE SCHOOL SAFETY PROGRAM IN THE DISTRICT.
  3. PURCHASE OF eCITATION (E-TICKET) HARDWARE AND SOFTWARE FOR A COST OF \$27,750.
  4. REQUEST TO REPLACE A PATROL SERGEANT POSITION FOR THE POLICE DEPARTMENT.
  5. AUTHORIZATION FOR THE FIRE DEPARTMENT TO SUBMIT A GOVERNOR'S OFFICE OF HIGHWAY SAFETY GRANT FOR RESCUE EXTRICATION EQUIPMENT.
  6. EXPANSION OF THE COTTONWOOD RIVERFRONT PARK DISC GOLF COURSE.
  7. REQUEST FROM THE VERDE VALLEY LITTLE LEAGUE ASSOCIATION TO CONSTRUCT TWO NEW BATTING CAGES AT RIVERFRONT PARK.
  8. RESOLUTION NUMBER 2582--APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH ARIZONA STATE PARKS BOARD, FOR ASSISTANCE WITH THE OPERATION OF THE POTABLE WATER AND WASTEWATER COLLECTIONS SYSTEMS WITHIN THE DEAD HORSE RANCH STATE PARK.
  9. AWARD OF BID FOR PAVEMENT MARKING SERVICES.
  10. ESTABLISHING THE POSITION OF PROCUREMENT MANAGER FOR A NEW PROCUREMENT DIVISION UNDER THE ADMINISTRATIVE SERVICES GENERAL MANAGER.

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11. REQUEST FROM THE VERDE VALLEY REGIONAL ORGANIZATION (VVREO) FOR THE APPOINTMENT OF A MEMBER OF THE COUNCIL OR A MEMBER OF THE COMMUNITY TO REPRESENT THE COMMUNITY AT THE VVREO MONTHLY MEETINGS.

12. RESOLUTION NUMBER 2583--DECLARING AND ADOPTING THE RESULTS OF THE PRIMARY ELECTION HELD ON MARCH 8, 2011.

X. CLAIMS & ADJUSTMENTS

XI. 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 15, 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. Second/final reading.

**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 24<sup>th</sup> is attached for reference.

The second/final reading of this ordinance was initially scheduled for March 1<sup>st</sup> but was postponed due to a notification error. New notices were distributed to the neighboring property owners advising them of the postponement and new Council date.

**JUSTIFICATION/BENEFITS/ISSUES**

The request meets the objectives of the City's General Plan and has received a unanimous 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 portions of 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. JENSEN  
 CHECKED BY: 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. WOOD AND W. ANGLE  
 TITLE: COLOR RENDERINGS

1500 MARKET ROAD E  
 CLAYTONVILLE, ARIZONA 85824

ARCHITECTURE WORKS GREEN, INC.

REGISTERED ARCHITECT  
 STATE OF ARIZONA  
 NO. 11111

**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 24<sup>th</sup>, 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 15TH DAY OF  
MARCH 2011.

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Diane Joens, Mayor

ATTEST:

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Marianne Jiménez, City Clerk

APPROVED AS TO FORM:

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Steve Horton, Esq.  
City Attorney

City of Cottonwood, Arizona  
City Council Agenda Communication



Meeting Date: March 15, 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**

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

"I move to approve Ordinance Number 572 approving amendments to the city's Zoning Ordinance regarding medical marijuana Facilities."

### **BACKGROUND**

On November 2, 2010, the voters of Arizona approved Proposition 203, "The Arizona Medical Marijuana Act," which establishes 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 (ADHS) for the use of medical marijuana. In addition, it mandates ADHS 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.

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

#### **Types of Medical Marijuana Facilities**

- Medical Marijuana Dispensaries
- Cultivation Facilities
- Infusion (Manufacturing) Facilities
- Home Grow by Qualified Patient or Designated Caregiver

**Section 308. Medical Marijuana Facilities**

- A. Purpose
- B. Definitions
- C. General Requirements for the Establishment of Medical Marijuana Facilities
  - 1. General
  - 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

**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
Off-site Cultivation	I-2	Conditional Use
Infusion/Cultivation	I-2	Conditional Use
Infusion	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.

**JUSTIFICATION/BENEFIT/ISSUES**

Zoning regulations are recommended to ensure the use is compatible with local standards and to comply with the state law approved by the voters of Arizona.

**REVIEWED BY**

City Manager: \_\_\_\_\_

City Attorney: \_\_\_\_\_

**ATTACHMENTS**

Proposed Zoning Ordinance amendment adding new Section 308. Medical Marijuana Facilities

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.

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Diane Joens, Mayor

ORDINANCE NUMBER 572  
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ATTEST:

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Marianne Jiménez, City Clerk

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Steven B. Horton, Esq., City Attorney

## 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.

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.

## 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.

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.

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;

- 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:

- 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.

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 15, 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. Second/final reading.

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

“I move to approve Ordinance Number 573 approving amending Chapter 10.20.040 Restricted Parking Areas Reserved for the Physically Disabled of the Municipal Code.”

**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

## 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

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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.

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Diane Joens, Mayor

APPROVED AS TO FORM:

ATTEST:

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Steven B. Horton, Esq.  
City Attorney

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Marianne Jiménez, City Clerk

#### **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.

# ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

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

400 W Congress #521  
Tucson AZ 85701-1352  
(520) 628-6595

## APPLICATION FOR WINE FESTIVAL LICENSE/WINE FAIR LICENSE

FEE = \$15.00 per event

A service fee of \$25.00 will be charged for all dishonored checks (A.R.S. 44-6852)

A separate license is needed when days are not consecutive. Only twenty-five (25) licenses per calendar year for up to seventy-five calendar days may be issued, excluding sanctioned county or state fair licenses.

1. Applicant's Name: FREDMORE BARBARA A  
Last First Middle

2. Business Name: ALCANTARA LLC D.F.W. Lic #: 13133010  
(Domestic Farm Winery License #)

3. Location of Festival: OLD Town Center for the Arts - 5th STREET & MAIN  
(Physical location - Do not use PO Box)  
633 N 5th Str, COTTONWOOD, AZ NAUAPAI 86326  
City County Zip

4. Mailing Address: PO Box 64  
Cottonwood AZ 86326  
Street City State Zip

5. Date and hours of festival:

DATE	DAY OF WEEK	HOURS FROM	HOURS TO
<u>4/2/11</u>	<u>SATURDAY</u>	<u>1</u> am <input type="checkbox"/> / pm <input checked="" type="checkbox"/>	<u>10</u> am <input type="checkbox"/> / pm <input checked="" type="checkbox"/>
_____	_____	_____ am <input type="checkbox"/> / pm <input type="checkbox"/>	_____ am <input type="checkbox"/> / pm <input type="checkbox"/>
_____	_____	_____ am <input type="checkbox"/> / pm <input type="checkbox"/>	_____ am <input type="checkbox"/> / pm <input type="checkbox"/>
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_____	_____	_____ am <input type="checkbox"/> / pm <input type="checkbox"/>	_____ am <input type="checkbox"/> / pm <input type="checkbox"/>

6. Name and address of site owner: EATON WILLIAM  
633 N 5th St COTTONWOOD AZ 86326  
Last First Middle City State Zip

7. Phone Numbers: (480) 225 6566 (928) 649-8463 (928) 830 0766  
Site Owner Applicant's Business Applicant's Residence

\* Disabled individuals requiring special accommodation, please call the Department.

8. Has the festival site owner given permission for use of the site and for the sale of spirituous liquors? YES  NO

9. Are the spirituous liquors to be sold or served Arizona Domestic Farm Winery Products ONLY? YES  NO

10. How many wine festival licenses have you applied for this calendar year, including this one? 3

Give the total number of days you have held licensed wine festivals this year 7

11. 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)

1 # Police

1 # Security personnel

Fencing

Barriers

12. 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 wine festival/fair licensed premises. Please show dimensions, serving areas, fencing, barricades or other control measures and security positions.

I, BARBARA A. FREDMORE, hereby (Print full name)  
declare that I am the APPLICANT filing this application. I have read the application and the contents and all statements are true, correct and complete.

X   
(Signature of Applicant)

State of Arizona County of Yavapai  
The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of March 2011  
Day Month Year

My commission expires on: 10/27/14

  
(Signature of NOTARY PUBLIC)

\*\*\* FOR USE BY LOCAL GOVERNING AUTHORITY ONLY \*\*\*

I, \_\_\_\_\_, hereby  APPROVE  DISAPPROVE this application on  
(Print Government Official Name)  
behalf of \_\_\_\_\_ (City, Town, or County) \_\_\_\_\_ (Title)

X \_\_\_\_\_  
(Signature of OFFICIAL)

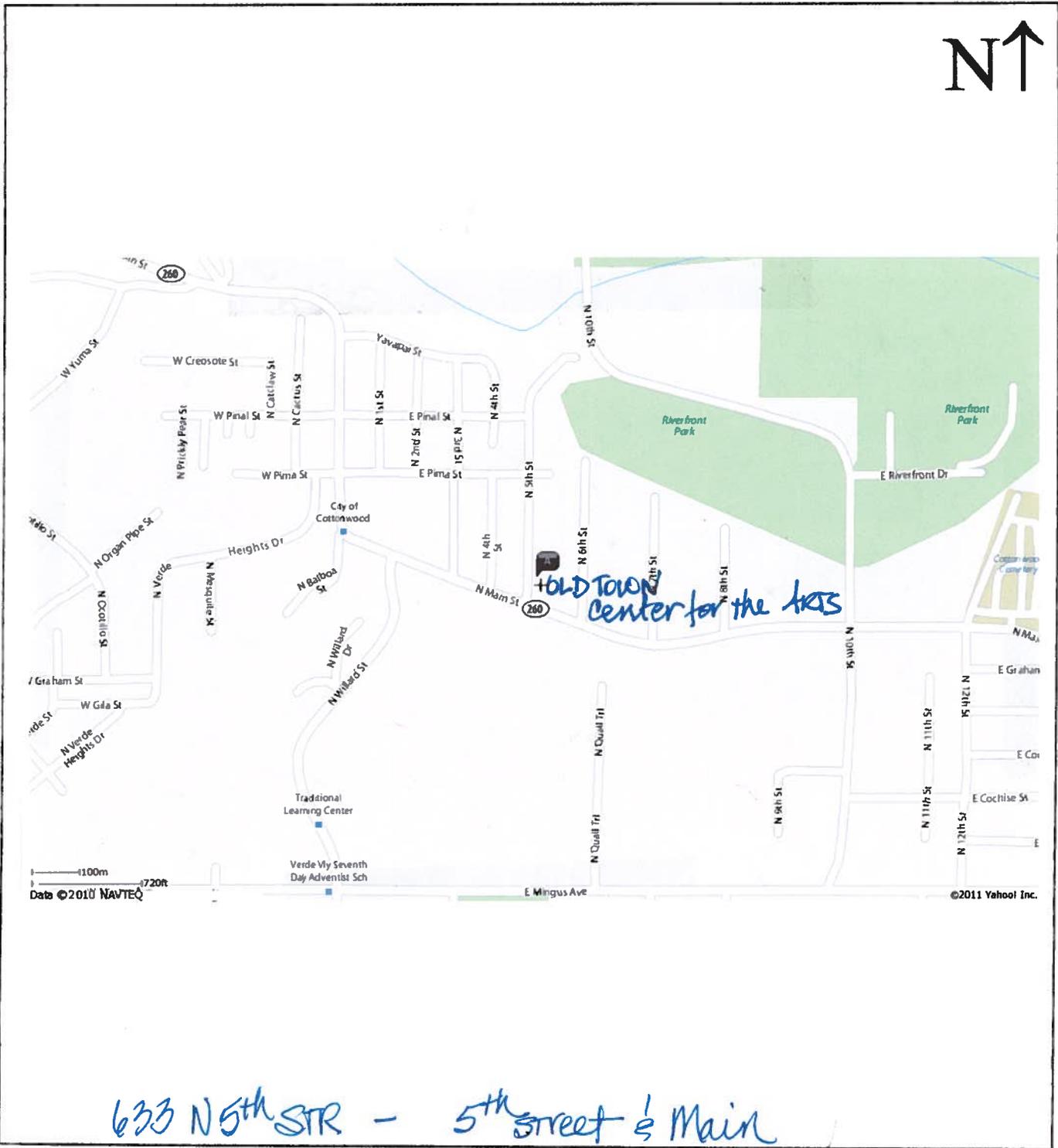
\*\*\* FOR USE BY DLLC ONLY \*\*\*

APPROVED  DISAPPROVED

By: \_\_\_\_\_ Date: \_\_\_\_\_

**WINE FESTIVAL/FAIR LICENSED PREMISES DIAGRAM**  
**(This diagram must be completed with this application)**

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



City of Cottonwood, Arizona  
City Council Agenda Communication



Meeting Date: March 15, 2011

**Subject: Approval of Resolution 2579 declaring commitment to the Principles and Actions of Fair Housing, and declaring April as Fair Housing Month in Cottonwood.**

Department: Community Development

From: Charles Scully AICP, Planner

**REQUESTED ACTION**

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

Move to approve Resolution Number 2579 declaring commitment to the Principles and Actions of Fair Housing, and declaring April as Fair Housing Month in Cottonwood.

**BACKGROUND**

The Arizona Department of Housing (ADOH) and the US Department of Housing and Urban Development (HUD) requests that all communities declare April as Fair Housing Month so as to reconfirm their commitment and support for Fair Housing principles and programs. The CDBG program requires communities to participate in Fair Housing activities throughout the year. The Fair Housing Act, administered by the HUD and ADOH is an important tool to ensure that all Americans are treated fairly with no discrimination in housing opportunities.

**Under the Fair Housing Act, it is unlawful to discriminate in housing based on:**

- Race
- Color
- National origin
- Religion
- Sex
- Familial status (families with children under the age of 18, or who are expecting a child)
- Handicap (if you or someone close to you has a disability.)

**Under the Fair Housing Act, it is against the law to:**

- Refuse to rent to you or sell you housing

- Tell you housing is unavailable when in fact it is available
- Show you apartments or homes only in certain neighborhoods
- Set different terms, conditions, or privileges for sale or rental of a dwelling
- Provide different housing services or facilities
- Advertise housing to preferred groups of people only
- Refuse to provide you with information regarding mortgage loans, deny you a mortgage loan, or impose different terms or conditions on a mortgage loan
- Deny you property insurance
- Conduct property appraisals in a discriminatory manner
- Refuse to make reasonable accommodations for persons with a disability if the accommodation may be necessary to afford such person a reasonable and equal opportunity to use and enjoy a dwelling.
- Fail to design and construct housing in an accessible manner
- Harass, coerce, intimidate, or interfere with anyone exercising or assisting someone else with his/her fair housing rights

**JUSTIFICATION/BENEFITS/ISSUES**

The Fair Housing Act protects all Americans from discrimination in housing choices and opportunities.

**COST/FUNDING SOURCE**

N/A

**REVIEWED BY:**

City Manager: \_\_\_\_\_

City Attorney: \_\_\_\_\_

**ATTACHMENTS**

- **Resolution 2579**
- **Brochure:** HUD Fair Housing brochure.

RESOLUTION NUMBER 2579

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, MAKING KNOWN ITS COMMITMENT TO THE PRINCIPLE OF FAIR HOUSING, AND DESCRIBING ACTIONS IT SHALL UNDERTAKE TO AFFIRMATIVELY FURTHER FAIR HOUSING, AND DECLARING APRIL AS FAIR HOUSING MONTH IN COTTONWOOD.

WHEREAS, the Housing and Community Development Act of 1974, as amended, requires that all applicants for Community Development Block Grant funds certify that they shall affirmatively further fair housing; and

WHEREAS, the Civil Rights Act of 1968 (commonly known as the Federal Fair Housing Act) and the Fair Housing Act Amendments of 1988, declare a national policy to prohibit discrimination in the sale, rental, leasing and financing of housing or land to be used for the construction of housing or in the provision of brokerage services on the basis of: race, color, religion, gender, disability, familial status or national origin; and

WHEREAS, fairness is the foundation of the American system and reflects traditional American values; and

WHEREAS, discriminatory housing practices undermine the strength and vitality of America and its people; and

WHEREAS, communities across the country are asked to declare April as Fair Housing Month so as to bring greater awareness and attention to the principles and actions of Fair Housing.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of Cottonwood, do hereby wish all persons living, working, doing business in or traveling through this community to know that:

Discrimination in the sale, rental, leasing and financing of housing or land to be used for construction of housing, or in the provision of brokerage services, on the basis of race, color, religion, gender, disability, familial status or national origin is prohibited by Title VIII of the Fair Housing Act Amendments of 1988; and that it is the policy of the City of Cottonwood to implement programs, within the

RESOLUTION NUMBER 2579

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constraints of its resources, to ensure equal opportunity in housing for all persons regardless of race, color, religion, gender, disability, familial status or national origin; and within available resources, the City of Cottonwood will assist all persons who feel they have been discriminated against in housing issues on the basis of race, color, religion, gender, disability, familial status or national origin to seek equity under existing federal or state laws and to file a complaint with the Arizona Attorney General's Office or the U.S. Department of Housing and Urban Development; and

That the City of Cottonwood shall publicize this Resolution and thereby encourage owners of rental properties, developers, builders and others involved with housing to become aware of their respective responsibilities and rights under the Federal Fair Housing Act and the Fair Housing Amendments Act of 1988 and any applicable state or local laws or ordinances; and

That April shall be declared Fair Housing Month in Cottonwood; and

That the City of Cottonwood shall undertake the following additional actions to affirmatively further fair housing:

- Display Fair Housing posters at City of Cottonwood public buildings and facilities; and
- Encourage media to promote fair housing awareness with public service announcements and news releases.

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

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Diane Joens, Mayor

APPROVED AS TO FORM:

ATTEST:

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Steven B. Horton, Esq., City Attorney

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Marianne Jiménez, City Clerk

## About the ARIZONA DEPARTMENT OF HOUSING

The Arizona Department of Housing (ADOH) takes an active role in the education and training of housing providers and housing consumers to ensure awareness of fair housing laws. Housing providers and housing consumers who would like to attend a free training on the Fair Housing Act and learn their responsibilities and rights under the law may contact ADOH at 602/771-1000 and ask to speak with the Fair Housing Specialist.

Fair housing trainings and workshops are provided throughout the state of Arizona. At least four fair housing workshops are conducted within each of the 13 rural counties in Arizona per year, with Pima and Maricopa Counties receiving at least two workshops per year. Half of these workshops are geared toward housing professionals such as site managers, property owners, leasing agents, lenders, and housing authority staff. The other half are geared toward housing consumers; however, all classes are open to anyone that would like to attend. Continuing Education Units (CEU) for real estate professionals that need to fulfill this requirement are also provided.



Arizona Department of Housing  
1110 West Washington, Suite 310  
Phoenix, AZ 85007  
602-771-1000  
602-771-1002 FAX  
[www.azhousing.gov](http://www.azhousing.gov)

## IF YOU SUSPECT DISCRIMINATION

The Civil Rights Division of the Arizona Attorney General's Office investigates and resolves housing discrimination complaints. Anyone interested in filing a complaint should contact one of the following:

### Phoenix:

Arizona Attorney General's Office  
Civil Rights Division  
1275 West Washington Street  
Phoenix, AZ 85007

602-542-5263 – General Intake Line  
602-542-5002 – TTY  
877-491-5742 – Toll Free  
877-624-8090 – TTY Toll Free

### Tucson:

Arizona Attorney General's Office  
Civil Rights Division  
400 West Congress, Suite S-215  
Tucson, AZ 85701

520-628-6500 – General Intake Line  
520-628-6872 – TTY  
877-491-5740 – Toll Free  
877-881-7552 – TTY Toll Free



## FAIR HOUSING

**Equal Opportunity for All  
It's Not An Option...It's the Law**



Arizona Department of Housing

## WHAT EVERYONE SHOULD KNOW ABOUT FAIR HOUSING

The sale and purchase of a home is one of the most significant events that an individual will experience in their lifetime. It is more than the simple purchase of housing, for it directly impacts the hopes, dreams, aspirations, and economic destiny of those involved. It is for this reason that the Fair Housing Act and other federal and state laws were enacted to guarantee a right to a national housing market free from discrimination based on race, color, religion, sex, disability, familial status, and national origin.

## THE LAW

**Civil Rights Act of 1866** – The Civil Rights Act of 1866 prohibits all racial discrimination in the sale or rental of property.

**Fair Housing Act** – With the enactment of the US Civil Rights Act of 1968, fair housing rights became federal law. Title VIII of the Act, as amended by Congress in 1988 prohibits discrimination based upon the race, color, religion, sex, disability, familial status, or national origin of those seeking housing.

In Arizona, state fair housing laws are equivalent to federal law. In some communities, local housing ordinances make it illegal to deny housing based on age, marital status, or sexual orientation. These fair housing laws protect the right of each home seeker and provides equal opportunity in the purchase, sale, rental, leasing, financing, insuring, and advertising of housing.

## WHAT HOUSING IS COVERED

The Fair Housing Act covers most housing. In some circumstances, the Act exempts owner-occupied buildings with no more than four units, single-family housing sold or rented without the use of a broker, and housing operated by organizations and private clubs that limit occupancy to members.

## HOUSING DISCRIMINATION STILL EXISTS

Despite a wide range of housing opportunities throughout Arizona, the doors of homes, apartments, mobile homes, and condominiums are closed to many because of illegal discrimination. Complaints to and testing by fair housing organizations in Arizona indicate that discrimination is a common practice, frequently undetected by home seekers who are unlawfully denied access to housing. You have the right to expect that housing will be available to you without discrimination or other limitations based on race, color, religion, sex, disability, familial status, or national origin.

## SIGNS OF HOUSING DISCRIMINATION

- Refusing to sell, rent, or show available housing.
- Only showing housing in areas where other minorities live.
- Harassment or intimidation.
- Housing advertisements with discriminatory statements or displaying no minorities in group scenes.
- Differing terms for identical dwellings.
- Extensive questioning prior to offering or providing information about the availability of housing.
- Being told the dwellings is not appropriate for your family.
- Terms of availability change between phone contact and your visit.
- You are not contacted after the acceptance of your application.
- House or apartment has an “available” sign but you are told it is not available.
- Refusing to make reasonable accommodation or allow a modification to make the dwelling accessible for a person with a disability.
- Refusing to finance the purchase of a home or to write property insurance, or offering non-standard and unfavorable terms.

## SECTION 504

Section 504 prohibits discrimination on the basis of disability in any program or activity that receives financial assistance from any federal agency.

With respect to housing, a housing provider may not:

- Deny or refuse to sell or rent to a person with a disability.
- Impose application or qualification criteria that is different than those required of or provided to persons who are not disabled.
- Impose rental fees or sales prices, and rental or sale terms or conditions that are different than those required of or provided to persons who are not disabled.
- Require persons with disabilities to live only on certain floors
- Deny those with disabilities access to recreational or other public and common use facilities.
- Charge a higher security deposit to a person that uses a wheelchair

## AMERICANS WITH DISABILITIES ACT (ADA)

### Title II

Covers activities of public entities (state and local governments). It requires public entities to make both new and existing housing facilities accessible to persons with disabilities. Housing covered by Title II of the ADA includes, for example, public housing authorities that meet the ADA definition of “public entity,” and housing operated by States or local government, such as housing on a state university campus.

### Title III

Requires that public and common use areas at housing developments are accessible.

City of Cottonwood, Arizona  
City Council Agenda Communication



Meeting Date: March 15, 2011

**Subject: Resolution Number 2580--Appointing a Member to the Judicial Review and Appointment Advisory Board**

Department: Human Resources

From: Iris Dobler, HR Manager

**REQUESTED ACTION**

Appointment of a member to the Judicial Review and Appointment Advisory Board for a three year term set to expire January 22, 2014, to fill the vacant position of an active member of the Arizona State Bar association who resides and/or practices in Yavapai County. An application has been received from one attorney: Shiloh Hoggard.

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

“I move to approve Resolution Number 2580 appointing Shiloh Hoggard a member of the Judicial Review and Appointment Advisory Board of the City of Cottonwood.”

**BACKGROUND**

Shiloh Hoggard has been a resident of Cottonwood for approximately five and one-half years, and has practiced law in Cottonwood since 2005. He currently works at his own law firm. Prior to living and working in Cottonwood, he was a Deputy County Attorney at the Maricopa County Attorney’s Office.

In addition to his work as an attorney, and as a member of this Board, he also serves on the City’s Industrial Development Authority committee, and at the Legal Clinic for the Old Town Mission.

As an attorney and resident in Cottonwood, Mr. Hoggard has the desire to see the Municipal Court function at its highest level. Shiloh has served on this Board since its creation, and is familiar with the purpose and needs of the Board, and would like to be reappointed to serve another term on this Board.

**JUSTIFICATION/BENEFITS/ISSUES**

There are currently two seats available on the Judicial Review and Appointment Advisory Board, one under the Attorney category and one under the General Public category. Both these seats became available when terms expired January 22, 2010. Applicants for the General Public seat are still being sought.

**COST/FUNDING SOURCE**

N/A

**REVIEWED BY:**

City Manager: \_\_\_\_\_

City Attorney: \_\_\_\_\_

**ATTACHMENTS**

Application from Shiloh Hoggard  
Resolution Number 2580

RESOLUTION NUMBER 2580

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, APPOINTING A MEMBER TO THE CITY'S JUDICIAL REVIEW AND APPOINTMENTS ADVISORY BOARD.

WHEREAS, the City Council created the Judicial Review and Appointments Advisory Board (the "Board") to recommend to the City Council the best qualified persons to become full-time or part-time City Magistrates, including the Presiding Magistrate as provided for in Cottonwood City Code Section 2.36, and to evaluate the performance of incumbent full-time or part-time City Magistrates, and to advise the City Council about retaining them in office; and

WHEREAS, the term of Shiloh Hoggard, as an active member of the Arizona State Bar Association, expired January 22, 2011; and

WHEREAS, it therefore is necessary to fill this seat on the Board in order to maintain the requisite number of members.

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

THAT, Shiloh Hoggard is hereby appointed a member of the Judicial Review and Appointments Advisory Board, as an active member of the Arizona State Bar Association, to serve a 3-year term beginning March 17, 2011, and ending March 17, 2014.

PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, 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



CITY OF COTTONWOOD  
 816 NORTH MAIN STREET  
 COTTONWOOD, AZ 86326  
 Phone (928) 634-0060 x217  
 Fax (928) 634-3727  
 Revised January 11, 2010

APPLICATION FOR Judicial Review and Appointments Advisory Board  
 (BOARD/COMMISSION/COMMITTEE)

NAME Hoggard Shiloh Keith  
 (Last) (First) (Middle)

MAILING ADDRESS \_\_\_\_\_  
 (Route or Box) (City) (State) (Zip)

STREET ADDRESS Same  
 (Number & Street) (City) (State) (Zip)

HOME PHONE \_\_\_\_\_ WORK/MESSAGE PHONE \_\_\_\_\_

EMAIL ADDRESS: Shiloh@hoggard-law.com

**PLEASE TYPE OR PRINT CLEARLY IN INK ONLY.**

Professional Memberships, Registrations, Licenses, Etc. State Bar of Arizona,  
Navajo Nation Bar Association, Arizona Council of School Attorneys,  
Verde Valley Bar Association, licensed to practice law in  
the federal courts in Arizona and several tribal courts.

Education Juris Doctor, University of Arizona College of Law, 2004  
Bachelor of Arts, Brigham Young University, 2001  
Virgin Valley High School, 1994

Work Experience Member, Law Office of Shiloh K. Hoggard, P.L.L.C., 2010-Present  
Associate, Ledbetter Law Firm, PLLC, 2005-2010  
Deputy County Attorney, Maricopa County Attorney's Office, 2004-2005

Please describe your qualifications for serving on Board/Commission/Committee: \_\_\_\_\_

I have served on this Board since its creation and I am very familiar with the purpose and needs of this Board. As an attorney and resident in Cottonwood, I have a desire to see the Municipal Court function at its highest level.

List any community service organizations or projects you have been involved with (include a brief description of activities):

Judicial Review and Appointments Advisory Board

Industrial Development Authority

Legal Clinic, Old Town Mission (2005 - Mar. 2010)

Have you ever been convicted of, or pled "no contest" to any crime, including any convictions that were later set aside or expunged? \_\_\_\_\_ YES  NO

Does the City of Cottonwood employ any relative of yours? \_\_\_\_\_ YES  NO

Are you currently a resident of Cottonwood? If so, how long have you been a resident of the City?

Yes, approximately 5 1/2 years

Signature  Date 11-30-10

*NOTE: All applicants are strongly encouraged to attend the Council meeting at which their application will be considered. It is important for Council members to be able to assess applicants' qualifications and backgrounds during the selection process, and be able to ask questions for clarification.*

*Generally, the Council will conduct a brief interview process during the Council meeting.*

*Council meetings are held the first and third Tuesday of every month. Council agendas can be found under the City Council tab on the City website: [www.cottonwoodaz.gov](http://www.cottonwoodaz.gov).*

City of Cottonwood, Arizona  
City Council Agenda Communication



Meeting Date: March 15, 2011  
**Subject:** Resolution Number 2581—Approving a Service Agreement with the Cottonwood-Oak Creek School District for a School Resource Officer.  
Department: Police Department  
From: Jody Fanning, Chief of Police

**REQUESTED ACTION**

Request approval of the Service Agreement with the Cottonwood-Oak Creek School District for a School Resource Officer.

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

“I move to approve Resolution Number 2581, which approves a Service Agreement with the Cottonwood Oak Creek School District for a School Resource Officer position at Tavasci Elementary School.”

**BACKGROUND**

The signature requested is for the service agreement between the Cottonwood Police Department and Cottonwood Oak Creek School District to provide a school resource officer at the Tavasci Elementary School. This is the last year of the three (3) year Safe School Grant.

**JUSTIFICATION/BENEFITS/ISSUES**

This service agreement is identical to that used for the last couple of years, with the exception of the salary and employee related expenses cost, which generally increases each year with the officers salary. This agreement allows the school district to apply for grant funding to maintain this SRO position at Tavasci Elementary School. The grant they receive pays for 10 months of this officer’s annual salary, carrying most of the financial burden for this position.

The presence of a School Resource Officer is unequivocally beneficial to students and teachers alike. This officer is able to respond quickly in the event of an emergency or conflict, teaches police/safety oriented courses at the school and attends special school functions.

**COST/FUNDING SOURCE**

Funding is through Arizona Department of Education, School Safety Program.

**REVIEWED BY:**

City Manager: \_\_\_\_\_

City Attorney: \_\_\_\_\_

**ATTACHMENTS**

Service Agreement  
Resolution Number 2581

RESOLUTION NUMBER 2581

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, APPROVING A SERVICE AGREEMENT BETWEEN THE COTTONWOOD/ OAK CREEK SCHOOL DISTRICT AND THE CITY, ACTING THROUGH ITS POLICE DEPARTMENT TO IMPLEMENT THE SCHOOL SAFETY PROGRAM IN THE DISTRICT.

WHEREAS, pursuant to A.R.S. § 11-952 the parties have the authority to enter into agreements for joint and/or cooperative action; and

WHEREAS, in 1994 the Arizona Legislature created the Joint Legislative Committee on School Safety for the purpose of providing funding for school safety programs and law-related education programs by Arizona school districts, which utilize the services of certified peace officers serving as School Resource Officers; and

WHEREAS, the Cottonwood Oak Creek School District and the City desire to work in cooperation with one another to further the goals of the approved School Safety Program; and

WHEREAS, among other provisions, the Cottonwood Police Department will assign one School Resource Officer to the School District to work 40 hours a week for 10 months per year to perform job assignments as specified under the School Safety Program, in exchange for compensation from the District to support this position as set forth in the agreement.

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

THAT, the Service Agreement with the Cottonwood/Oak Creek Elementary School District to implement the School Safety Program is hereby approved.

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

RESOLUTION NUMBER 2581

Page 2

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Diane Joens, Mayor

ATTEST:

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Marianne Jiménez, City Clerk

APPROVED AS TO FORM:

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Steven B. Horton, Esq.  
City Attorney

# SERVICE AGREEMENT

between

## COTTONWOOD OAK CREEK SCHOOL DISTRICT

and

## COTTONWOOD POLICE DEPARTMENT

This SERVICE AGREEMENT ("Agreement") is entered into this 14<sup>th</sup> day of September, 2010 by and between the Cottonwood Oak Creek School District ("District") and the Cottonwood Police Department, City of Cottonwood, Arizona ("Department").

In 1994 the Arizona Legislature created a Joint Legislative Committee on School Safety ("JLSS") for the purpose of approving funding for school safety programs and law-related education programs ("School Safety Programs") developed by Arizona school districts, which utilize the services of School Resource Officers. An appropriation was made from the state general fund to the Arizona Department of Education to place School Resource Officers in Arizona schools in accordance with approved School Safety Programs.

The District and the Department desire to work in cooperation with one another to further the goals of the approved School Safety Program. The purpose of this Agreement is to implement the School Safety Program in the District and to define the roles and responsibilities of the parties to this Agreement.

The Department, through this Agreement, will assign one School Resource Officer (SRO) to the District to perform the services listed in paragraph two herein. Therefore, in consideration of the mutual promises and undertakings contained herein, the parties hereby agree as follows:

### 1. TERM OF AGREEMENT

This agreement shall begin on July 1, 2010, and shall terminate on the June 30, 2011.

### 2. RESPONSIBILITIES OF PARTIES

The parties to this Agreement understand and accept the Arizona Department of Education School Safety Program Guidelines ("Guidelines"). The parties accept their roles and responsibilities as established by the Guidelines, which are incorporated by reference herein.

### 3. SRO POSITION DESCRIPTION AND SERVICES

The SRO shall fulfill his/her duties as a sworn law enforcement officer for the State of Arizona and shall be responsible for:

- Establishing liaison with school administrators, staff, students and parents.
- Informing students of their rights and responsibilities as lawful citizens through presentation of law-related education in the classroom.
- Networking with community agencies that may or do provide services to the school.
- Acting as a resource in the investigation of school related criminal activities.
- Participating in the Parent Advisory Committee activities, if requested.
- Participating in campus activities, student organizations, and athletic events when feasible and appropriate.
- Providing a visible deterrence to crime while presenting a positive impression of a law enforcement officer.
- Providing information when requested to students, parents and staff in law-related situations.
- Working full-time, 40 hours a week, 10 months per year, in the job assignment as specified by the District's grant application and the Arizona Department of Education School Safety Program Guidance Manual.

- Maintaining a Monthly Activity Log for tracking work performed and present this Activity Log to the assigned supervisor and school administration on monthly basis.
- Participating in an annual performance evaluation to be performed by the assigned school administrator.
- Attending grant required Law-Related Training programs provided by the Arizona Foundation for Legal Services and Education (LRE).

**SUMMER BREAK INTERSESSION ACTIVITIES**

The SRO is under a 10-month contract and will be available to: (Examples of possible activities).

- Assist school administrators to plan school security improvements.
- Prepare law-related education lessons and/or presentations.
- Develop collaborations with community resources; identifying services offered that could benefit students.
- Conduct school safety assessments.
- Work with the school safety team to review and update the school safety plan.
- Plan in-service training.
- Collaborate with school administration to analyze criminal incident reports and disciplinary records to identify patterns and develop strategies to address programs.
- Attend training opportunities.
- Work with community-based and youth recreational and leadership development activities that complement and reinforce the School Safety Program.

**4. FINANCE PAYMENT**

Upon receiving the grant approval for fiscal year 2010-2011 and receipt of funds from the Arizona Department of Education, the District will pay monthly invoices submitted by the Department within 30 days of receipt of the invoice.

The District's total payment to the Department:

Salary and employee related expenses . . . . . \$65,000.00

Payment terms:

The District will remit a total of \$6,500.00 to the Department on a monthly basis for ten months.

**5. ACCOUNTING**

Funds distributed to the Department shall be handled and accounted for in accordance with the regular operating procedures established by the District.

Funds unencumbered as of June 30, 2011 and unexpended as of July 31, 2011, shall be transmitted to the District for reversion no later than August 31, 2011.

In the event that this Agreement is terminated prior to June 30, 2011, all unexpended funds in the possession of the Department shall be returned to the District within thirty (30) days of such termination.

**6. REPORTING AND RECORDS**

All books, accounts, reports, files, and other records related to this Agreement shall be kept for five (5) years after termination of this agreement. The assigned SRO shall establish and maintain procedures and controls that are acceptable to the Department for the purpose of assuring that no information contained in the SRO's records or obtained from the Department or from others carrying out its functions shall be disclosed by the SRO, or anyone under his supervision, except as is necessary in the performance of the officer's duties as described herein.

## 7. MODIFICATIONS AND TERMINATION

### (a) Termination

This Agreement may be terminated by either party if in its judgment such action is necessary due to: (a) funding availability; (b) statutory changes in the program; (c) either party's failure to implement or operate the approved School Program; or (d) either party's non-compliance with this Agreement. Any termination must be in writing, stating the reason therefore, be sent by certified mail and provide thirty (30) days' notice of termination to the other party.

### (b) Modifications

Any modification to this Agreement must be by written, mutual consent of the parties.

## 8. EMPLOYEE STATUS OF SRO

Except as otherwise provided in law, in the performance of this Agreement and the School Safety Program both parties hereto will be acting in their individual governmental capacities and not as agents, employees, partners, joint ventures, or associates of each other. The employees, agents, or subcontractors of one party shall not be deemed or construed to be the employees or agents of the other party.

The Department is the employer of the SRO. The District understands that the SRO is a sworn law enforcement officer and the District shall not interfere with the SRO's duties as a sworn law enforcement officer.

The Department agrees to consult with the District during the selection and hiring process, and to select an SRO that possesses the qualifications set forth in the Arizona Department of Education School Safety Program Guidelines. The Department shall have the final authority over the selection of SRO. The Department and the District will determine the SRO's hours consistent with the School Safety Grant guidelines.

The District shall provide office space that provides privacy for the SRO to conduct confidential business. The District shall supply the necessary equipment for an officer to effectively perform his/her duties as provided in the District's grant application.

The District shall provide a complete copy of the grant application and award to the SRO by July 31, 2010, or on the date that the officer begins service at the District.

The District shall send the SRO to law-related education training on an annual basis and provide for all related travel expenses as provided in the grant.

The Department shall have the sole authority over discipline of the SRO. The Department and District will jointly obtain or prepare a written document describing the general chain of command and channels of communication for the SRO.

The District and Department may assign tasks to the SRO in relation to the School Safety Program. Although the SRO is a Department employee placed under supervision of the District, all efforts will be made to ensure cooperation and coordination of the School Safety Program between the District and the Department. If a problem occurs, the District shall attempt to resolve the problem at the site level between the officer and administration. If the problem is not resolved at the site level, the Department and the District will resolve the problem through communication between administrators of the District and Department.

The District shall conduct an annual performance evaluation of the SRO and share such evaluation with the SRO's Department supervisor.

Limited to this paragraph only, and in accordance with A.R.S. § 23-1022(D), for the purpose of Worker's Compensation, the officer is deemed to be an employee of both the District and the Department. The Department shall be solely liable for the payment of Workers' Compensation benefits.

In accordance with A.R.S. § 23-1022(E), both the Department and the District shall post and maintain the following notice:

"All employees are hereby further notified that they may be required to work under the jurisdiction or control within the jurisdictional boundaries of another public agency pursuant to an intergovernmental agreement or contract, and under such circumstances they are deemed by the laws of Arizona to be employees of both public agencies for the purposes of Workers' Compensation."

#### **9. DISPOSING OF PROPERTY:**

Each party is the owner of any personal property it purchases or pays for under the Agreement. When the Agreement expires or is terminated, each party will be entitled to exclusive possession and control of the personal property and may dispose of it as it sees fit, however, any such disposal shall be in strict compliance with all applicable local, county, state and federal law.

#### **10. ENTIRE AGREEMENT**

This Agreement contains the entire understanding of the parties hereto. There are no representations or other provisions other than those contained or referenced herein, and any amendment or modification of this Agreement shall be made only in writing and signed by the parties to this Agreement.

#### **11. INVALIDITY OF PART OF THE AGREEMENT**

The parties agree that should any part of this agreement be held to be invalid or void, the remainder of the agreement shall remain in full force and effect and shall be binding upon the parties.

#### **12. GOVERNING LAW**

This agreement shall be construed under the laws of the State of Arizona and shall incorporate by reference all laws governing the intergovernmental agency agreements and mandatory contract provisions of state agencies required by statute or executive order.

#### **13. COMPLIANCE WITH NON-DISCRIMINATION LAWS**

The Department and District shall comply with Title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act, and State Executive Order No. 75-5 which, among other directives, mandate that all persons, regardless of race, color, religion, sex, age, national origin, sexual orientation, or political affiliation, shall have equal access to employment opportunities. The Department and the District shall comply with the Rehabilitation Act of 1973, as amended, which prohibits discrimination in the employment or advancement in employment of qualified persons because of physical or mental handicap, and the Americans with Disabilities Act.

#### **[14]. DISPUTE RESOLUTION NOTICE**

If there is a dispute related to this Agreement or any of the terms contained herein, and the dispute is subject to the mandatory arbitration provisions of A.R.S. 12-133, the parties shall submit the matter to binding arbitration in compliance with A.R.S. 12-1518.

#### **15. CONFLICT OF INTEREST**

The parties acknowledge that this Agreement is subject to cancellation provisions pursuant to A.R.S. § 38-511, the provisions of which are incorporated herein and made a part hereof.

16. NOTICES

All notices, requests for payment, or other correspondence between the parties regarding this agreement shall be mailed or delivered to the respective parties at the following address:

David Snyder, Director of Business Services  
Cottonwood Oak Creek School District  
1 N Willard Street  
Cottonwood, AZ 86326

Police Chief  
Cottonwood Police Department  
199 S 6<sup>th</sup> St  
Cottonwood AZ 86326

- 17. The parties agree that the Mayor of the City of Cottonwood, and the President of the Governing Board of the Cottonwood Oak Creek School District, are hereby empowered to execute and bind their respective entities to this Service Agreement.

IN WITNESS THEREOF, the parties hereto have executed this AGREEMENT on the date written below.

District: Cottonwood-Oak Creek School District #6 Agency: City of Cottonwood

Dated: September 14, 2010

Dated: \_\_\_\_\_

By: [Signature]

By: \_\_\_\_\_

Title: Governing Board President

Title: Mayor

ATTEST:

\_\_\_\_\_

Dated: \_\_\_\_\_

Marianne Jiménez, Cottonwood City Clerk

In accordance with A.R.S. § 11-952, this Agreement has been reviewed by the undersigned who have determined that this Agreement is in proper form and within the powers and authority granted to each respective public body.

This 14 day of September 2010.

This \_\_\_ day of \_\_\_\_\_, 2010.

[Signature]  
Attorney for District

\_\_\_\_\_  
Cottonwood City Attorney

City of Cottonwood, Arizona  
City Council Agenda Communication



Meeting Date: March 15, 2011  
**Subject: E- Ticketing**  
Department: Police Department  
From: Jody Fanning Chief of Police

**REQUESTED ACTION**

Staff requests council consideration for the approval to purchase eCitation (E-Ticket) hardware and software for a cost of \$27,750.

**If the Council desires to approve this item the suggested motion is:** I move to authorize the acquisition of eCitation hardware and software for a total cost of \$27,250

**BACKGROUND:**

Cottonwood Police Department officers currently write approximately 3000 citations and warnings each year. These citations require a vast amount of hand written information. This is very time consuming and susceptible to clerical errors. An average hand written citation takes approximately 10 minutes to issue, 5 minutes for data entry at the Police Department by records staff and 4 minutes by court staff. This accounts for nearly 1000 hours of staff time annually.

**JUSTIFICATION/BENEFIT/ISSUES**

The eCitation system allows for automatic data entry from a driver's license and vehicle registration to the system. This information is then automatically uploaded to the Court computer system, removing the clerk data entry time and greatly reducing the officer's input time. It will also reduce most clerical errors and provide a better, cleaner electronic end product. There are many expanded capabilities of this product to include Spillman upload applications that will remove the data entry for Police records clerks. All of these applications will be looked at in the near future.

This technology is being utilized by many area police and municipal court systems to reduce staff data entry time and streamline processes. Feedback from these organizations has been overwhelmingly positive.

**COST/FUNDING SOURCE**

\$12,250 Police Department RICO Fund

\$9,000 Lease purchase proceeds remaining in escrow - General Fund

\$6,500 Court Enhancement fund

**REVIEWED BY**

City Manager: \_\_\_\_\_

City Attorney: \_\_\_\_\_

**ATTACHMENTS**

eCitation Brochure

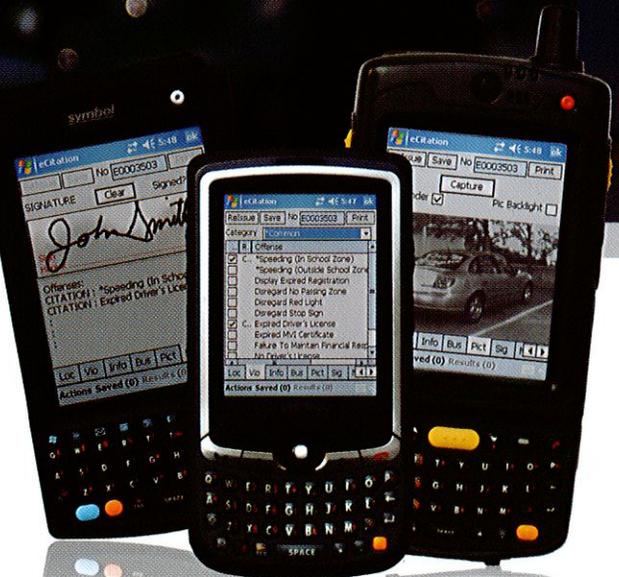
flexible. easy. fast.

Brazos Technology provides the most technically advanced mobile electronic citation solution on the market today. All of our solutions are built upon an extremely powerful architecture that provides complete flexibility for our customers with no required changes to existing IT infrastructure.

Instead of officers hand-writing citations and then having that information re-entered into the Court and/or Police RMS systems, the officer enters the citation information on an electronic device, and the citation information is automatically uploaded into whatever system the agency defines.

#### Features

- Entire application is 100% tailored to each agency
- Operates on any device with a Microsoft OS (MDC, PDA, cell phone, etc.)
- Auto-fills suspect information from any state DL or query returns
- Auto-fills vehicle information from VIN, registration sticker, and/or query returns
- Provides complete citation, statistical, and mapping reports
- Interfaces with any Police RMS, Court, and/or custom application
- Sync the device over 802.11 a/b/g, cellular, or batch connections
- Optional hosted or installed back-end collection and reporting



**"This is the smoothest project that we've ever had involving a technology vendor."**

Sgt. Terrill Elliott  
Portland, Texas PD



**Benefits**

- Reduces time spent on traffic stops
- Increases officer and violator safety
- Eliminates data entry errors on citations
- Eliminates data entry into Court and Police RMS systems
- Reduces total cost of processing citations
- Requires minimal IT support

**Ease of Operation**

Since all screens and ticket layouts are 100% tailored to each agency, your officers both recognize the fields and quickly adopt the technology. Many data entry options speed up the process of filling out the citation:

- Interface with existing mobile query software (NCIC returns)
- Read the 2D barcodes and magstripes on the back of the driver's license
- Read the VINs and registration stickers
- Pre-load streets, offenses, and many other fields
- Configure business rules to prevent saving or printing incomplete citations
- Automatically calculate court/arraignment dates

**Available Modules**

- Traffic Citations and Warnings
- Parking Citations and Warnings
- Accident/Crash Reporting
- Towed Vehicle Reports
- Field Interviews
- K9 Tracking
- Criminal Trespass Warnings
- Daily Activity Reports
- Code Enforcement
- Animal Control
- Custom Modules (to capture any data currently being collected via paper)



**Most Complete Solution Available**

The Brazos Solution is a fully functional electronic citation system that can connect to any existing system and can run on any device with a Microsoft operating system, such as MDCs, PDAs, or cell phones. This flexibility allows each agency to tailor the solution to maximize the value of an existing or new hardware or software investment.

Brazos Technology provides the back-end data collection and reporting capabilities in both hosted and locally installed models in order to accommodate the needs of agencies of all sizes. The solution is built for growth and flexibility - it is not simply an electronic citation solution. It is in fact built on an enterprise platform from which you can manage all of your handheld mobile devices. You can change the look and feel of the screens, add new users, add new devices, change the way the ticket printout looks, and much more - all from our web-based design and management platform.

**Outstanding Support**

Brazos Technology provides outstanding customer support before, during, and after the purchase of our solutions for all of our customers. Our support will ensure your solution remains usable and viable for many years.

**Minimal IT Support Required**

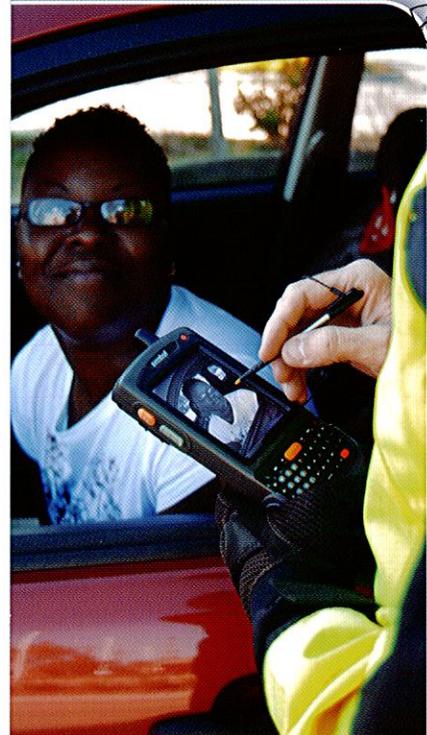
Brazos Technology has focused on mobile data collection since 2000, and we incorporate many features into our solution that further ensure long term viability and relevance. One such feature is no change to your current IT infrastructure is required in order to implement our solution. We also provide full administrative functionality to manage all users, devices, business rules and fields with no intervention from us.

**Trustworthy - Long Term Partner**

Brazos Technology is committed to delivering world-class solutions and becoming a true partner with our customers. Our R&D team is constantly developing new functionality that is relevant and usable for your officers in order to maximize your mobile investment.

Our unparalleled infrastructure allows this solution to change with your agency without being "nickel and dimed" via change orders. Our goal is 100% customer referenceability, and we would be excited to add your agency's name to our list!

979.690.2811  
www.brazostech.com



City of Cottonwood, Arizona  
City Council Agenda Communication



Meeting Date: March 15, 2011

**Subject: Patrol Sergeant Replacement**

Department: Police

From: Chief Jody Fanning

**REQUESTED ACTION**

Council consideration of the replacement of a patrol sergeant position for the Police Department. This is due to the loss of one patrol sergeant position when the TLO position was introduced.

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

I move to approve the replacement of the vacant Patrol Sergeant position.

**BACKGROUND**

In 2009 we created the Terrorism Liaison Officer (TLO). This position was originally designed to be a shared position between the Police Department and Community Development Services. However the demand at Community Development has overwhelmed the position leaving little time for Police Department and/or patrol supervisor time. This has created a vacancy in the Patrol supervisor assignments making it difficult to maintain supervisor coverage.

**JUSTIFICATION/BENEFIT/ISSUES**

It is and has always been the police department's desire to provide the most professional law enforcement possible. The best way to accomplish this is to have direct supervision and control of line employees. We currently run 6 squads and we have 4 patrol sergeants. This will provide the 5<sup>th</sup> patrol sergeant who will allow us supervise the remaining 2 squads more efficiently. This will also provide for enhanced service for the citizens as they will have greater access to police supervision.

**COST/FUNDING SOURCE**

None. The position is already funded within the Department's budget.

**REVIEWED BY**

City Manager: \_\_\_\_\_

City Attorney: \_\_\_\_\_

**ATTACHMENTS**

City of Cottonwood, Arizona  
City Council Agenda Communication



Meeting Date: March 15, 2011  
Subject: **Governor's Office of Highway Safety Grant (Extrication Equipment)**  
Department: Fire  
From: Mike Casson, Fire Chief

**REQUESTED ACTION** Council authorization for the Fire Department's to apply for a Governor's Office of Highway Safety (GOHS) FY 2012 Grant for rescue extrication equipment.

**If the Council desires to approve this item the suggested motion is:** "I move to authorize the Fire Department to apply for a FY 2012 Governor's Office of Highway Safety Grant in the amount of \$10,000 to purchase rescue extrication equipment.

**BACKGROUND** The City of Cottonwood Fire Department serves a population of about 12,000 people. As Cottonwood is the commercial retail center for the entire Verde Valley, our population swells to nearly double on a daily basis. We are also becoming a destination wine tasting tourist center nestled in the valley between Jerome and Sedona/Oak Creek. The junction of State Highways 89A and 260 generates a great volume of traffic in the community. With the Phoenix Cement Plant nearby and construction activity throughout the area, we also have hundreds of large vehicles passing through the community daily. We respond to 150 to 200 rescue/vehicle accidents each year, as well as responding to assisting our neighboring communities on rescue/vehicle accidents throughout the upper Verde Valley. Dealing with this volume of activity and having added a second staffed engine company in 2009, the need for additional extrication equipment is critical.

**JUSTIFICATION/BENEFITS/ISSUE** We are requesting a grant from the Governor's Office of Highway Safety for \$10,000. We need to replace the aged rescue air bags on both of our engines at a cost of about \$4,400 for reliability and safety reasons. We also need to acquire a set of stabilization struts (to stabilize rolled over vehicles) at a cost of about \$5,600. This will expedite rescue activities and increase victim and rescuer safety in unstable situations.

**COST/FUNDING SOURCE** This is a full match grant that will reimburse for the cost of the equipment. Funding to make the purchase will come from the Fire Department existing capital budget funds.

**REVIEWED BY:**

City Manager: \_\_\_\_\_

City Attorney: \_\_\_\_\_

**ATTACHMENTS** On Line Grant Application accessible by applicant and password only.

City of Cottonwood, Arizona  
City Council Agenda Communication



Meeting Date: March 15, 2011

**Subject: Disc Golf Course Expansion**

Department: Development Services

From: Dan Lueder

**REQUESTED ACTION**

Consider a request to expand the Cottonwood Riverfront Park disc golf course from nine to eighteen holes.

**If the Council desires to approve this item the suggested motion is:** Move to approve expanding the Cottonwood Riverfront Park disc golf course from nine to eighteen holes.

**BACKGROUND**

On August 10, 2010 Council authorized establishing a nine hole disc golf course at Riverfront Park to encourage healthy exercise and bring economic development to Cottonwood. The cost to construct the first nine holes course was approximately \$6,000 and the funds utilized were budgeted in the Riverfront Park capital improvement line item. The course has been extremely well received and has garnered a reputation among the Arizona disc golf community as being one of the top nine hole courses in the state.

The grand opening tournament last November drew over 90 participants and the recently completed Ice Bowl Tournament had over thirty participants despite the cold and snow which closed the interstate and kept the large Flagstaff contingent from being able to attend. The Ice Bowl also served as a fund raiser for the Old Town Mission, raising \$376 and 130 pounds of food and hygiene products for the Mission. The course is also quite popular and we have noted that it is consistently used throughout the week. Page Springs Winery and Arizona Stronghold have approached the City about holding a tournament in late May which would draw a large number of participants. To take the next step and draw more tournaments which bring players and their tax dollars to Cottonwood it would be beneficial to have an eighteen hole course which eliminates the need to set up a temporary nine holes which was the case with the Ice bowl.

Discussions with Arizona State Parks have indicated that our original concept of expanding the course from Old Town down the jail trail connecting with the existing nine holes at Riverfront Park is not likely due to restrictions in the purchase of that property by the state and presence of some critical wildlife habitat. Staff has reviewed other options for expansion of the course and the consensus is that by extending the additional nine holes east towards the Ramada area between the softball fields and the river would have minimal impact and make use of an area owned by the City. It is anticipated that the cost to expand the additional nine holes would have the same \$6,000 cost as the original nine hole course. The original nine hole course resulted in the removal of a large amount of tumbleweeds and other invasive plants which in addition to being an unsightly nuisance, increase the danger of wildland fires.

Well designed disc golf courses are environmentally friendly and utilize an area's existing topography. Varied terrain is an advantage. Trees, shrubs, hills, creeks and lakes offer more obstacles and challenge to a course. There is no clear-cutting of trees, grading of land, costly fertilizer, or mowing maintenance necessary. Courses have been installed on old landfills, around reservoirs and in areas where there is a hundred year-flood buffer. In addition, the sport attracts positive and dedicated disc golf players and disc golf clubs who bring a beneficial element to the area.

### **JUSTIFICATION/BENEFITS/ISSUES**

Disc golf is an environmentally friendly health sport whose participants tend to take an active role in the course and the surrounding areas, making sure the course is in good shape and taken care of. The closest existing courses are in Flagstaff which has a limited season due to the climate. Establishing a disc golf course in Cottonwood would allow for year round play and draw a large number of participants who would also frequent our commercial establishments.

### **COST/FUNDING SOURCE**

General fund

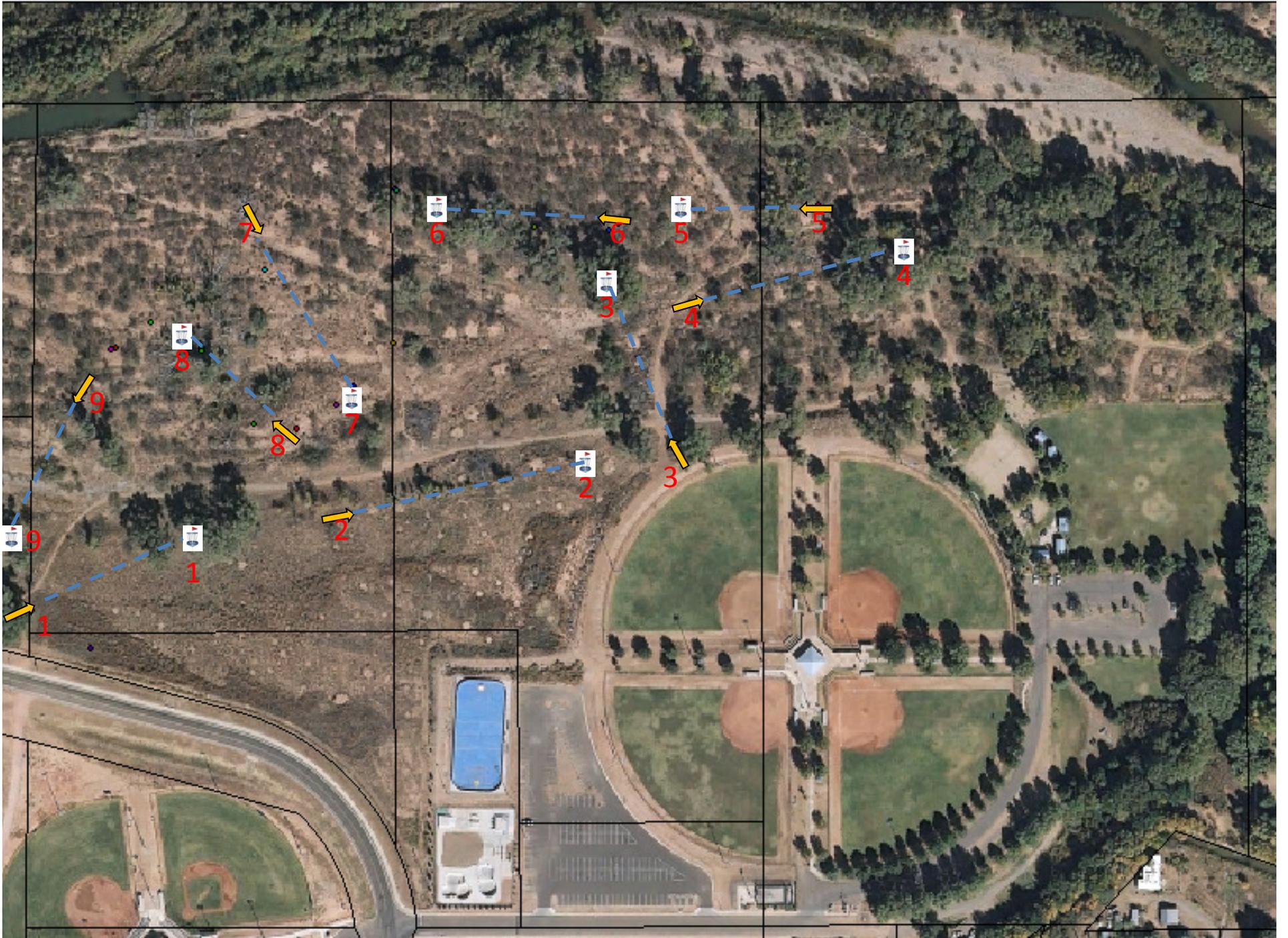
### **REVIEWED BY:**

City Manager: \_\_\_\_\_

City Attorney: \_\_\_\_\_

### **ATTACHMENTS**

Proposed course layout



City of Cottonwood, Arizona  
City Council Agenda Communication



Meeting Date: March 15, 2011

**Subject: Batting Cages**

Department: Development Services

From: Dan Lueder

**REQUESTED ACTION**

Consider a request from the Verde Valley Little League Association to construct two new batting cages at Riverfront Park.

**If the Council desires to approve this item the suggested motion is:** I move to authorize staff to negotiate an MOU or other form of agreement that authorizes the Verde Valley Little League to install, operate and maintain two batting cages at Riverfront Park, and to authorize the Mayor to execute the agreement once it is negotiated.

**BACKGROUND**

Staff was approached recently by the Verde Valley Little League which requested that they be allowed to construct two batting cages at Riverfront Park. The proposed location of the batting cages would be as shown on the attachment to this report and the cost for construction and maintenance of the new cages would be the responsibility of the Verde Valley Little League (a memorandum of understanding would be in place). These would be net batting cages similar to those shown in the picture attached to this report and would be installed in an area which is out of the way and not currently being utilized.

**JUSTIFICATION/BENEFITS/ISSUES**

The Verde Valley Little League provides recreational opportunities for the youth of our area and their board feels installation of the proposed batting cages would enhance their program.

**COST/FUNDING SOURCE**

**N/A**

**REVIEWED BY:**

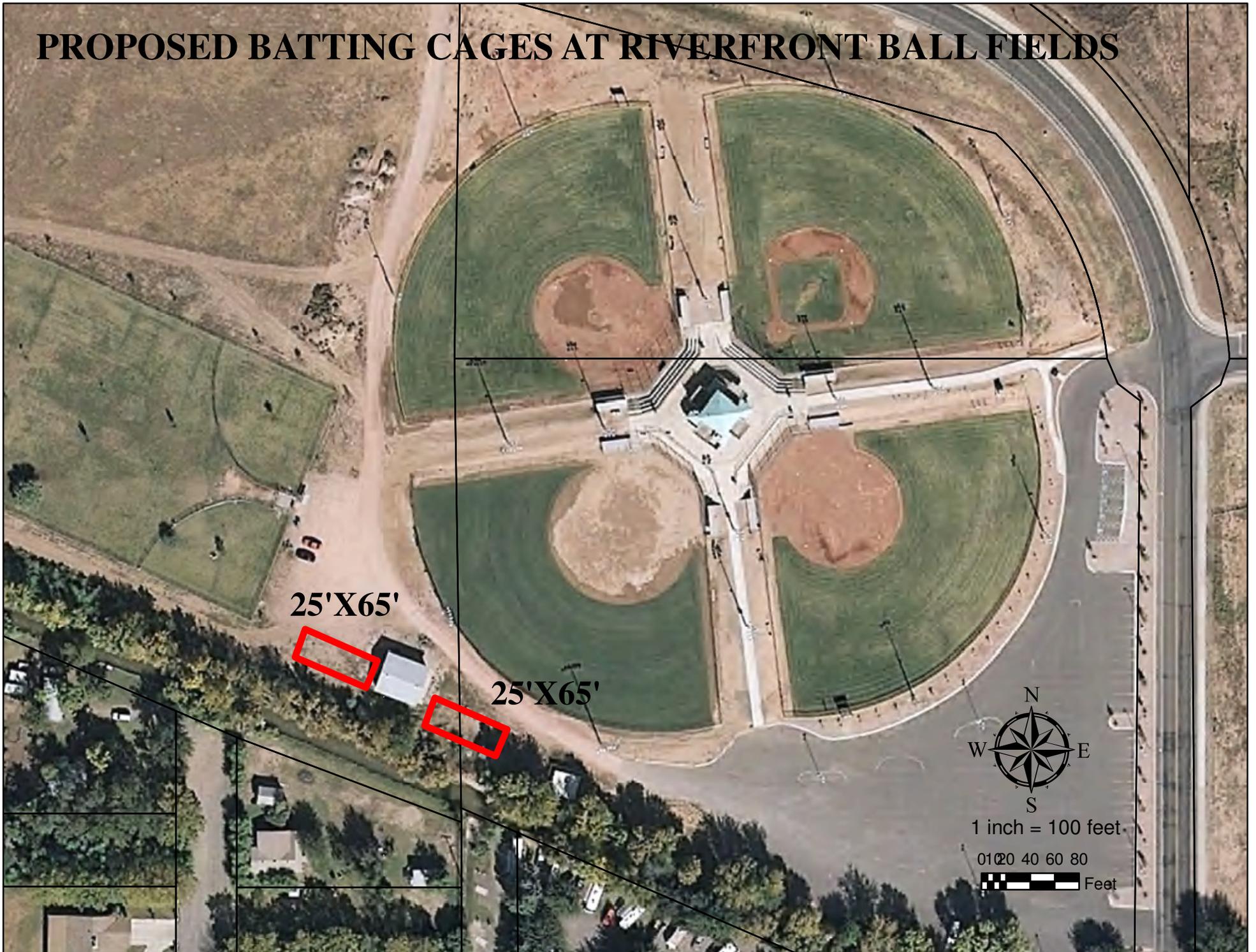
City Manager: \_\_\_\_\_

City Attorney: \_\_\_\_\_

**ATTACHMENTS**

Proposed Batting Cage Location Map  
Pictures of Batting Cage Examples

# PROPOSED BATTING CAGES AT RIVERFRONT BALL FIELDS



**25'X65'**

**25'X65'**



1 inch = 100 feet

0 20 40 60 80

Feet



City of Cottonwood, Arizona  
City Council Agenda Communication



Meeting Date: March 15, 2011

**Subject: Resolution Number 2582--IGA with Arizona State Parks Board**

Department: Development Services

From: Dan Lueder

**REQUESTED ACTION**

Consider approval of an Intergovernmental Agreement (IGA) with Arizona State Parks Board to operate the Dead Horse Ranch State Park's water and wastewater system.

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

I move to approve Resolution 2582 approving an IGA with the Arizona State Parks Board to operate the Dead Horse State Park water and wastewater systems.

**BACKGROUND**

With the current State fiscal crisis, the State Parks have had their budgets slashed dramatically and the staff at Dead Horse approached the utility department to request assistance with the operation of their water and wastewater systems. Staff discussed operation of the Dead Horse systems with Council on April 20, 2010 and was given direction to provide operation of the water and wastewater systems for the State Park. Staff has been operating the Dead Horse systems and has worked with the Arizona State Parks Department to develop an IGA to memorialize the terms of its operational commitment and what is being presented is a result of those discussions.

**JUSTIFICATION/BENEFITS/ISSUES**

Dead Horse State Park is a vital component of the Cottonwood area and brings a large number of visitors and the associated tax revenue to the City. Cutbacks in the State Park budget have significantly reduced the funds available to operate the park and they have reached out to the City for assistance in operating their water and wastewater systems.

**COST/FUNDING SOURCE**

N/A

**REVIEWED BY:**

City Manager: \_\_\_\_\_

City Attorney: \_\_\_\_\_

**ATTACHMENTS**

IGA

Resolution 2582

RESOLUTION NUMBER 2582

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH ARIZONA STATE PARKS BOARD, FOR ASSISTANCE WITH THE OPERATION OF THE POTABLE WATER AND WASTEWATER COLLECTIONS SYSTEMS WITHIN THE DEAD HORSE RANCH STATE PARK.

WHEREAS, Arizona State Parks has requested the City of Cottonwood assist them with the operation of the potable water and wastewater collections systems within the Dead Horse Ranch State Park; and

WHEREAS, the City has the structure and expertise in place to operate these systems which will provide Arizona State Parks with much needed cost savings to offset budget reductions; and

WHEREAS, both parties are authorized to enter into this agreement pursuant to A.R.S. § 11-951 through 11-954.

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

THAT, the Intergovernmental Agreement between the City of Cottonwood and the Arizona State Parks Board for assistance with the operation of the potable water and wastewater collections for Dead Horse Ranch State Park is hereby approved.

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

\_\_\_\_\_  
Diane Joens, Mayor

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
Steve Horton, Esq.  
City Attorney

\_\_\_\_\_  
Marianne Jiménez, City Clerk



## INTERGOVERNMENTAL AGREEMENT

Between  
Arizona State Parks Board  
and  
City of Cottonwood

ASP IGA Ref No. PR11-053

CITY Ref No.

RE: Water & Wastewater Services

Page 1 of 7

Issued: February 25, 2011

### I. Parties To This Agreement

The participants to this Intergovernmental Agreement, herein referred to as an "Agreement" or "IGA", is made and entered into between the following parties:

1. Arizona State Parks, hereinafter referred to as ASP, and
2. City of Cottonwood on behalf of the Utilities Department, hereafter referred to as City or Entity.
3. Together, these entities shall be identified as the "Party or Parties".

### II. Authorities

A. ASP authorization to enter into this contract is as follows:

1. A.R.S. § 11-951, et seq. authorizes public agencies to enter into Intergovernmental Agreements for the joint exercise of common power
2. A.R.S. §§ 41-511.04(6), enter into contracts; 41-511.05(2), make contracts, leases and contracts for the development and protection of state parks.
3. A.R.S. § 41-511.03, Purposes ; objectives authroizes the board to select, acquire, preserve, establish and maintain areas of natural features, scenic beauty, historical and scientific interest, and zoos and botanical gardens, for the education, pleasure, recreation, and health of the people, and for such other purposes as may be prescribed by law.

B. City authorizations to enter into this contract are as follows:

1. A.R.S. § 11-951, et seq. authorizes public agencies to enter into Intergovernmental Agreements for the joint exercise of common powers.
2. A.R.S. § 9-240.B(6) authorizes City to provide water services.
3. A.R.S. § 9-511 authorizes the City to engage in any business or enterprise that anyone else could engage in by virtue of a franchise from the City, and that would include both water and wastewater services.

### III. Purpose

ASP has requested the City assist them with operation of the potable water and wastewater collections systems within the Dead Horse Ranch State Park (Park). The City has the structure and expertise in place to operate these systems, which will provide ASP with much needed cost savings to offset budget reductions.

### IV. Responsibilities

A. CITY shall:

1. Provide daily inspection and complete logs for the potable water system and the main wastewater lift station.
2. Collect and analyze routine bacteriological samples.
3. Collect regulatory mandated samples other than routine bacteriological samples.
4. Maintain, recharge and operate the parks chlorine disinfection equipment for the potable water system.
5. Provide technical assistance and advice to the ASP and Dead Horse Park staff.
6. Complete reports and correspondence required by regulatory agencies having jurisdiction over the potable water and wastewater collection systems.



# INTERGOVERNMENTAL AGREEMENT

Between  
Arizona State Parks Board  
and  
City of Cottonwood

ASP IGA RefNo. PR11-053

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RE: Water & Wastewater Services

Page 2 of 7

Issued: February 25, 2011

**B. ASP shall:**

1. Be responsible for funding repairs and upgrades to the potable water system and all components. Prior approval is required by ASP Development Section for all repairs and upgrades.
2. Provide and fund equipment and chlorine for continual disinfection of the potable water system.
3. Be responsible for funding repairs and upgrades to the wastewater collection system and all associated sewer lift stations. Prior approval required by ASP Development Section for repairs and upgrades.

**V. Financial**

The City will not charge ASP or the Park for those duties listed under Section IV.A.

**VI. Duration, Default, Termination, Disposal of Property**

- A. **Duration:** The term of this Agreement shall commence upon date of last signature to this agreement and continue for one year with the option for four annual renewal years. Agreement amendments (modifications) shall only be effective if in writing and signed by all parties.
- B. **Default:** In the event that either party is in default of its obligations under this Agreement, and such default shall continue un-remedied for a period of 30-calendar days after written notice thereof, the other party to this Agreement (in addition to any other remedies existing at law or in equity) may elect, upon not less than 60-calendar days prior written notice, to terminate this Agreement.
- C. **Termination:** This Agreement may be terminated by either party upon 90-calendar days written notice to the other party of its intention to terminate.
- D. **Disposal of Property:** No property shall be acquired under this Agreement.

**VII. Notices**

- A. Any notice, demand or request required or authorized by this Agreement to be given or made to or upon the parties to this Agreement shall be deemed properly given or made if delivered to or by certified return receipt mail or by recognized overnight courier or facsimile transmission, effective upon electronic transmission confirmation or electronic mail to the following:

**FOR THE ASP:**

**Program Administrator:**  
 Park Manager or Designee  
 Dead Horse Ranch State Park  
 675 Dead Horse Ranch Road  
 Cottonwood, AZ 86326  
 Phone: 928-634-5283  
 Fax: 928-639-0417

**Contract Administration:**

Margaret Fernandez, Contract Officer  
 Arizona State Parks Procurement Division  
 1300 W. Washington, Room 220  
 Phoenix, AZ 85007  
 Phone: 602-542-6937  
 Email: mjf2@azstateparks.gov

**FOR THE CITY:**

Administrative Manager  
 City of Cottonwood  
 Utility Department  
 111 North Main Street  
 Cottonwood, AZ 86326  
 Phone: 928-634-0186  
 Email: rbiggs@ci.cottonwood.az.us

Development Services General Manager  
 City of Cottonwood  
 111 North Main Street  
 Cottonwood, AZ 86326  
 Phone: 928-634-0186  
 Email: dlueder@ci.cottonwood.az.us

- B. The designation of the person to or upon whom any notice, demand or request is to be given or made or the address of such person may be changed at any time by notice given in the same manner as provided in this section for other notices.



## INTERGOVERNMENTAL AGREEMENT

Between  
Arizona State Parks Board  
and  
City of Cottonwood

ASP IGA Ref No. PR11-053

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Issued: February 25, 2011

### VIII. General Terms and Conditions

- A. Amendment. This Agreement may be amended only in writing by the parties hereto.
- B. Applicable Law. In accordance with ARS § 41 -2501, et seq, and A.A.C. R2-7-101, et seq, Agreement shall be governed and interpreted by the laws of the State of Arizona and the Arizona Procurement Code.
- C. Arbitration. In accordance with A RS § 12-1518, the parties to agree to resolve all disputes arising out of or relating to this Agreement through arbitration, after exhausting applicable administrative review except as may be required by other applicable statutes.
- D. Audit. In accordance with A.R.S. § 35-214, the Entity shall retain and shall contractually require each subcontractor to retain all data, books and other records ("records") relating to this Agreement for a period of five years after completion of the Agreement. All records shall be subject to inspection and audit by the State at reasonable times. Upon request, the Entity shall produce the original of any or all such records.
- E. E-Verify. In accordance with ARS § 41-4401, Entity warrants compliance with all Federal immigration laws and regulations relating to employees and warrants its compliance with AAC Section A.R.S. § 23-214, Subsection A.
- F. Governor's Cancellation: All parties are put on notice that this Agreement is subject to cancellation pursuant to A.R.S. § 38-511.
- G. Non-Discrimination. All Parties shall comply with all applicable anti-discrimination laws and regulations, including A.R.S. § 41-1461 et seq. and Governor's Executive Order 2009-09.
- H. Indemnification Clause: Neither party to this Agreement agrees to indemnify the other Party or hold harmless the other Party from liability hereunder. However, if the common law or a statute provides for either a right to indemnify and/or a right to contribution to any Party to this Agreement, then the right to pursue one or both of these remedies is preserved.
- I. No Partnership or Joint Venture: Nothing contained in this Agreement shall be deemed or construed to create a partnership or joint venture between either party, and neither party shall be responsible in any way for the activities, debts, contracts, obligations or acts, negligent or otherwise, of the other, it being expressly agreed that this Agreement is an agreement between two independent parties in which the identity of each party is maintained as it was prior to this IGA.
- J. Non-Availability of Funds. In accordance with ARS § 35-154, every payment obligation of the State under the Agreement is conditioned upon the availability of funds appropriated or allocated for payment of such obligation. If funds are not allocated and available for the continuance of this Agreement, this Agreement may be terminated by the State at the end of the period for which funds are available. No liability shall accrue to the State in the event this provision is exercised, and the State shall not be obligated or liable for any future payments or for any damages as a result of termination under this paragraph.
- K. Scrutinized Businesses. In accordance with A.R.S § 35-391 and A.R.S. § 35-393, Entity certifies that the Entity does not have scrutinized business operations in Sudan or Iran.

### IX. Insurance

- A. Insurance Requirements for Governmental Parties to the IGA: None.
- B. Insurance Requirements for Any Contractors used by a Party to the IGA: (Note: this applies only to Contractors used by a governmental entity, not to the governmental entity itself.) The insurance requirements herein are minimum requirements and in no way limit the indemnity covenants contained in the Intergovernmental Agreement. The State of Arizona in no way warrants that the minimum limits contained herein are sufficient to protect the governmental entity or Contractor from liabilities that might arise out of the performance of the work under this Contract by the Contractor, his agents,



# INTERGOVERNMENTAL AGREEMENT

Between  
Arizona State Parks Board  
and  
City of Cottonwood

ASP IGA Ref No. PR11-053

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RE: Water & Wastewater Services

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Issued: February 25, 2011

representatives, employees or subcontractors, and Contractor and the governmental entity are free to purchase additional insurance.

1. **Minimum Scope And Limits Of Insurance:** Contractor shall provide coverage with limits of liability not less than those stated below.

a. **Commercial General Liability – Occurrence Form**

Policy shall include bodily injury, property damage, personal injury and broad form contractual liability.

General Aggregate \$2,000,000

Products – Completed Operations Aggregate \$1,000,000

Personal and Advertising Injury \$1,000,000

Blanket Contractual Liability – Written and Oral \$1,000,000

Fire Legal Liability \$ 50,000

Each Occurrence \$1,000,000

(1) The policy shall be endorsed to include the following additional insured language: **“The State of Arizona and Arizona State Parks shall be named as additional insureds with respect to liability arising out of the activities performed by or on behalf of the Contractor”.**

(Note that the other governmental entity(ies) is/are also required to be additional insured(s) and they should supply the Contractor with their own list of persons to be insured.)

(2) Policy shall contain a waiver of subrogation against the State of Arizona, its departments, agencies, boards, commissions, universities and its officers, officials, agents, and employees for losses arising from work performed by or on behalf of the Contractor.

b. **Business Automobile Liability**

Bodily Injury and Property Damage for any owned, hired, and/or non-owned vehicles used in the performance of this Contract.

Combined Single Limit (CSL) \$1,000,000

i. The policy shall be endorsed to include the following additional insured language: **“The State of Arizona and Arizona State shall be named as additional insureds with respect to liability arising out of the activities performed by or on behalf of the Contractor, involving automobiles owned, leased, hired or borrowed by the Contractor”.**

ii. Policy shall contain a waiver of subrogation against the State of Arizona, its departments, agencies, boards, commissions, universities and its officers, officials, agents, and employees for losses arising from work performed by or on behalf of the Contractor.

(Note that the other governmental entity(ies) is/are also required to be additional insured(s) and they should supply the Contractor with their own list of persons to be insured.)

c. **Worker's Compensation and Employers' Liability**

Workers' Compensation: Statutory Employers' Liability

Each Accident \$ 500,000





## INTERGOVERNMENTAL AGREEMENT

Between  
Arizona State Parks Board  
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City of Cottonwood

ASP IGA Ref No. PR11-053

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Issued: February 25, 2011

insurance. The State of Arizona reserves the right to require complete, certified copies of all insurance policies required by this Contract at any time. Do not send certificates of insurance to the state of Arizona's Risk Management Division.

6. **Subcontractors:** Contractor's certificate(s) shall include all subcontractors as insureds under its policies or Contractor shall furnish to the State of Arizona separate certificates for each subcontractor. All coverages for subcontractors shall be subject to the minimum requirements identified above.
7. **Approval:** Any modification or variation from the *insurance requirements* in this IGA must have prior approval from the State of Arizona Department of Administration, Risk Management Division, whose decision shall be final. Such action will not require a formal contract amendment, but may be made by administrative action.
8. **Exceptions:** In the event the Contractor or sub-contractor(s) is/are a public entity, then the Insurance Requirements shall not apply. Such public entity shall provide a Certificate of Self-Insurance. If the contractor or sub-contractor(s) is/are a State of Arizona agency, board, commission, or university then none of the above shall apply.



# INTERGOVERNMENTAL AGREEMENT

Between  
Arizona State Parks Board  
and  
City of Cottonwood

ASP IGA Ref No. PR11-053

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Issued: February 25, 2011

## X. Intergovernmental Agreement Requirements

Attached is the authenticated copy of the City's action authorizing participation to enter into this Agreement.

## IX. Agreement Signature Authority

- A. By signing below, the signer certifies the authority to enter into this Agreement and has read the foregoing and agrees to accept the provisions herein.
- B. This Agreement may be executed in two or more counterparts each of which shall be deemed an original and all of which together shall constitute one instrument.
- C. All Parties to this Amendment acknowledge that signatures by electronic means are acceptable and legally binding.

### RESERVED FOR ARIZONA STATE PARKS

### RESERVED FOR CITY OF COTTONWOOD

Signature \_\_\_\_\_ Date \_\_\_\_\_

Renée E. Bahl, Executive Director

Typed Name and Title

Arizona State Parks Board

Entity Name

1300 W. Washington

Address

Phoenix, AZ 85007

City State Zip

Signature \_\_\_\_\_ Date \_\_\_\_\_

Diane Joens, Mayor

Typed Name and Title

City of Cottonwood

Entity Name

827 North Main Street

Address

Cottonwood AZ 86326

City State Zip

### RESERVED FOR THE ATTORNEY GENERAL

### RESERVED FOR THE CITY OF COTTONWOOD ATTORNEY

Attorney General has been reviewed pursuant to A.R.S. 11-952 by the undersigned Assistant Attorney General who has determined that it is in proper form and is within the powers and authority granted under the laws of the State of Arizona to those parties to the Agreement represented by the Attorney General this

25 day of February, 2011

TOM HORNE

The Attorney General

I have reviewed the Intergovernmental Agreement between Arizona State Parks Board and the City of Cottonwood and declare this agreement to be in proper form and within the powers of authority granted to the City of Cottonwood under the laws of the State of Arizona this

\_\_\_\_ day of \_\_\_\_\_, 2011

STEVE HORTON

City Attorney

Assistant Attorney General Signature

City Attorney Signature

BLANK

### RESERVED FOR THE CITY CLERK

The City Clerk of the City of Cottonwood, do hereby certify that the foregoing and attached Intergovernmental Agreement between the Arizona State Parks Board and the City of Cottonwood, was passed and adopted by the City Council of the City of Cottonwood, at the regular meeting held this \_\_\_\_ day of \_\_\_\_\_, 2011

**ATTEST:**

**Approved as to Form:**

City Clerk Signature

City of Cottonwood, Arizona  
City Council Agenda Communication



Meeting Date: March 15, 2011  
**Subject: Pavement Marking Bid**  
Department: Development Services  
From: Dan Lueder

**REQUESTED ACTION**

Consider award of the pavement marking contract to the low bidder, Traffic Safety Inc.

**The suggested motion is:** "I move to award the pavement marking contract to the low bidder, Traffic Safety Inc. in the amount of \$46,402 for the first year of the contract."

**BACKGROUND**

Pavement markings, such as double yellow centerline stripes and white bike lanes, are painted by an independent contractor twice a year. The same contractor applies thermoplastic crosswalk and stop bars.

The bid was advertised according to city policy and three bids were received by the due date of February 24, 2011, the results of which are attached. The contract being presented is for one-year with a provision to extend the contract for an additional year at the City Council's sole discretion.

**JUSTIFICATION/BENEFITS/ISSUES**

Pavement marking and thermoplastic crosswalk and stop bars are a critical component of traffic safety within the City of Cottonwood. The low bidder, Traffic Safety Inc. of Prescott Valley has been awarded the city's contract for pavement marking services for the past 10 years and their work has been satisfactory.

**COST/FUNDING SOURCE**

Street Department operational budget.

**REVIEWED BY:**

City Manager: \_\_\_\_\_

City Attorney: \_\_\_\_\_

**ATTACHMENTS**

Bid Results



City of Cottonwood, Arizona  
City Council Agenda Communication



Meeting Date: March 15, 2011  
**Subject: Hiring a Procurement Manager**  
Department: Administrative Services  
From: Jesus R. Rodriguez, CGFM – Administrative Services General Manager

**REQUESTED ACTION**

Staff is requesting approval to establish the position of Procurement Manager to assist Mr. Robert Combs with developing a Procurement Division under the Administrative Services General Manager.

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

I move to establish the position of Procurement Manager to assist Mr. Robert Combs with developing a Procurement Division under the Administrative Services General Manager.

**BACKGROUND**

At the March 1 Council meeting, staff received approval to contract with Mr. Robert Combs to assist the City of Cottonwood in developing a Procurement Division. Staffing was discussed with Mr. Combs in order to make the implementation of a new division viable. His recommendation was at minimum we would need a Procurement Manager to become trained in the new division procedures and guidelines and at a later date seek the services of a Buyer.

At the last meeting we asked for the two staff members, however, after discussions with the City Manager, it became apparent that it would be more advantageous to have Mr. Combs initially train a Procurement Manager. The additional position of Buyer will be brought back to council at a later date once the Manager is completely up to speed with the operations of the new division. We will also assess the need for the Buyer prior to bringing it before the council.

**JUSTIFICATION/BENEFITS/ISSUES**

The Procurement Manager will serve to accomplish some of the goals of the Procurement Division:

1. Consolidating most if not all procurement functions to one central division
2. Free up staff in other departments, wherever possible, to do more of their work
3. Increase our buying power through consolidation of materials and supplies acquisition
4. Establish a procurement network with other governmental entities
5. Track quantifiable savings attributed to the division.

At this time the Finance Department would like to replace the Accounting Technician position that is currently frozen with the Procurement Manager position. This position will be able to eliminate some of the redundancy in our Accounts Payable Module by automating purchase orders and linking them to our accounts payables.

We anticipate that this division will support itself, in both tangible and intangible dollars, through actual savings by consolidating purchases and freeing up time that other departmental staff can use to do more of their jobs.

**COST/FUNDING SOURCE**

The salary range for the Procurement Manager will be set comparable to other similar positions with comparable responsibilities throughout the organization.

**Estimated costs involved:**

<b>ITEM</b>	<b>EXTENSION</b>
Procurement Manager (including benefits)	\$66,300
Operating supplies & contractual services	42,000
Software – using current Public Purchasing	0
Equipment	2,000
Total Estimated Annual Cost	<u><u>\$110,300</u></u>

As a reminder, this 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**



February 24, 2011

The Honorable Mayor Diane Joens  
City of Cottonwood  
827 N. Main St.  
Cottonwood, AZ 86326

Mayor Joens,

The Board of Directors of the Verde Valley Regional Economic Organization wish extend to you and your fellow councilors a very appreciative THANK YOU for officially supporting our regional economic development efforts in the Verde Valley. Part of what will make our economic development efforts successful will be up to date communications. So, we are requesting that you appoint either a councilor or a person from your community to officially represent your community at our monthly board meetings. Your representative is referred to in our bylaws as a "Board Associate". The role of the Board Associate is to provide for two-way communication between your council and our board of directors. They will also be encouraged to participate in Board meetings based on the agenda.

Also in support of the business of Verde Valley Regional Economic Organization, Board Associates will be asked to sign a confidentiality statement. This statement asks VVREO board members and those attending VVREO board meetings to "not disclose, divulge, or make accessible confidential information belonging to, or obtained through their affiliation with VVREO to any person, including relatives, friends, and business and professional associates, other than to persons who have a legitimate need for such information and to whom VVREO has authorized disclosure."

VVREO board meetings are held usually on the first Friday of each month from 9 am to 11 am at the Yavapai County Building, Board of Supervisors Chambers, located at 10 Sixth Street in Cottonwood.

We hope that you will make this appointment at a council meeting in the near future. Once the appointment is made, please forward that person's name and contact information to me, Robyn Prud'homme-Bauer, at [rcpbauer@gmail.com](mailto:rcpbauer@gmail.com) or mail to POB 57, Cottonwood AZ 86326. Our representative will receive a monthly notice of the meeting and the agenda.

Again, we thank you for your support and look forward to working with you in **building sustainable economic prosperity** in the Verde Valley.

Sincerely,

A handwritten signature in black ink that reads "Robyn Prud'homme-Bauer". The signature is written in a cursive, flowing style.

Robyn Prud'homme-Bauer, Chairperson  
[rcpbauer@gmail.com](mailto:rcpbauer@gmail.com)  
928-300-1964

P.O. Box 57, Cottonwood AZ 86326

City of Cottonwood, Arizona  
City Council Agenda Communication



Meeting Date: March 15, 2011  
**Subject: Canvass of Primary Election – Resolution Number 2583**  
Department: City Clerk's  
From: Marianne Jiménez, City Clerk

**REQUESTED ACTION**

Council acceptance of the final results of the city's primary election held on March 8, 2011, that were submitted by the Yavapai County Elections Department, and approval of Resolution Number 2583 which declares and adopts the results of the city's primary election.

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

"I move to accept the final results of the city's March 8, 2011, primary election as submitted by the Yavapai County Elections Department, and approve Resolution Number 2583 declaring and adopting the results of the election."

**BACKGROUND**

The city's regularly scheduled primary election was held on March 8, 2011, for the purpose of nominating/electing candidates to fill the three upcoming Council Member vacancies on the City Council and the Mayor's seat. Per state law, and city Ordinance Number 13, any candidate receiving the majority of all votes cast is declared to be elected outright in the primary.

The total ballots cast at the primary election were 1847. Therefore, Council Member candidate Ruben Jauregui, having received a majority of all votes cast, has been elected to office for one of the three Council Member seats. Incumbent Mayor Diane Joens, having received a majority of all votes cast, has been re-elected Mayor.

Terence Pratt, Mary Eichman, Jesse Dowling, and Duane Kirby are the four candidates whose names will be included on the ballot for the General Election scheduled for May 17, 2011, in a run-off for the two remaining Council Member seats.

Once the Council canvasses the election and accepts the final unofficial results of the primary election the results then become the official primary election results.

**JUSTIFICATION/BENEFITS/ISSUES**

State law requires the City Council canvass the results of the election not less than six nor more than twenty days after the election.

**COST/FUNDING SOURCE**

N/A

**REVIEWED BY:**

City Manager: \_\_\_\_\_

City Attorney: \_\_\_\_\_

**ATTACHMENTS**

- Unofficial Final Results from the Yavapai County Elections Department
- Resolution Number 2583

RESOLUTION NUMBER 2583

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, DECLARING AND ADOPTING THE RESULTS OF THE PRIMARY ELECTION HELD ON MARCH 8, 2011.

WHEREAS, the City of Cottonwood, Yavapai County, Arizona, did hold a primary election on the 8th day of March 2011; and

WHEREAS, the election returns have been presented to and have been canvassed by the City Council.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Cottonwood, Yavapai County, Arizona, as follows:

Section 1: That the total number of ballots cast at said primary election as shown by the Election Summary Report were 1847.

Section 2: That the votes cast for the office of Mayor were as follows:

Diane Joens	Total Vote: 1374
	Write-in Votes: 69

Section 3: That the votes cast for the candidates for Council Member were as follows:

<u>Name</u>	<u>Total Votes</u>
Ruben Jauregui	956
Terence Pratt	750
Mary Eichman	739
Jesse Dowling	648
Duane Kirby	598
Darold Smith	582
Alan E. Lawhorn	337
Write-in Votes	12

Section 4: That it is hereby found, determined, and declared of record, that Diane Joens did receive a majority of all votes cast for the office of Mayor

RESOLUTION NUMBER 2583

Page 2

Section 5: That it is hereby found, determined, and declared of record, that Ruben Jauregui did receive a majority of votes cast for the office of Council Member.

Section 6: This Resolution shall be in full force and effective immediately upon its adoption.

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

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Diane Joens, Mayor

APPROVED AS TO FORM:

ATTEST:

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Steven B. Horton, Esq.  
City Attorney

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Marianne Jiménez, City Clerk

# Election Summary Report

Date:03/09/11

March 8, 2011

Time:14:51:01

Page:1 of 2

## Summary For Jurisdiction Wide, All Counters, All Races

### UNOFFICIAL FINAL RESULTS

Registered Voters 38489 - Cards Cast 12742 33.11%

Num. Report Precinct 22 - Num. Reporting 22 100.00%

Cottonwood Mayor		
	Total	
Number of Precincts	7	
Precincts Reporting	7	100.0 %
Vote For	1	
Times Counted	1847/5129	36.0 %
Total Votes	1443	
JOENS, DIANE	1374	95.22%
Write-in Votes	69	4.78%

Chino Valley Mayor		
	Total	
Number of Precincts	4	
Precincts Reporting	4	100.0 %
Vote For	1	
Times Counted	2256/5762	39.2 %
Total Votes	2227	
BUNKER, JIM	1103	49.53%
MARLEY, CHRIS	1117	50.16%
Write-in Votes	7	0.31%

Cottonwood Council		
	Total	
Number of Precincts	7	
Precincts Reporting	7	100.0 %
Vote For	3	
Times Counted	1847/5129	36.0 %
Total Votes	4622	
DOWLING, JESSE	648	14.02%
EICHMAN, MARY	739	15.99%
JAUREGUI, RUBEN	956	20.68%
KIRBY, DUANE	598	12.94%
LAWHORN, ALAN E.	337	7.29%
PRATT, TERENCE	750	16.23%
SMITH, DAROLD	582	12.59%
Write-in Votes	12	0.26%

Chino Valley Council		
	Total	
Number of Precincts	4	
Precincts Reporting	4	100.0 %
Vote For	3	
Times Counted	2256/5762	39.2 %
Total Votes	5681	
BEST, MIKE	975	17.16%
CONN, JAMES	826	14.54%
CROFT, DARRYL	1013	17.83%
MARRIOTT, CHARLOTTE	830	14.61%
TURNER, LON	1287	22.65%
WILLIAMS, DONNA	736	12.96%
Write-in Votes	14	0.25%

Camp Verde Mayor		
	Total	
Number of Precincts	2	
Precincts Reporting	2	100.0 %
Vote For	1	
Times Counted	1994/5540	36.0 %
Total Votes	1964	
BURNSIDE, BOB	1004	51.12%
GOETTING, STEVE	953	48.52%
Write-in Votes	7	0.36%

Dewey-Humboldt Mayor		
	Total	
Number of Precincts	3	
Precincts Reporting	3	100.0 %
Vote For	1	
Times Counted	972/2357	41.2 %
Total Votes	961	
NOLAN, TERRY	605	62.96%
WRIGHT, NANCY	353	36.73%
Write-in Votes	3	0.31%

Camp Verde Council		
	Total	
Number of Precincts	2	
Precincts Reporting	2	100.0 %
Vote For	3	
Times Counted	1994/5540	36.0 %
Total Votes	5147	
BUCHANAN, ALAN "BUCI"	1357	26.36%
GARRISON, NORMA	991	19.25%
GEORGE, BRUCE	1266	24.60%
GERMAN, CAROL	1503	29.20%
Write-in Votes	30	0.58%

Dewey-Humboldt Council		
	Total	
Number of Precincts	3	
Precincts Reporting	3	100.0 %
Vote For	3	
Times Counted	972/2357	41.2 %
Total Votes	2400	
DIBBLE, JOHN	549	22.88%
EITEMILLER, ROSEMARI	265	11.04%
HILES, DAVE	508	21.17%
LOBSTEIN, JEFF	439	18.29%
MCBRADY, MARK	631	26.29%
Write-in Votes	8	0.33%

# Election Summary Report

March 8, 2011

Summary For Jurisdiction Wide, All Counters, All Races

UNOFFICIAL FINAL RESULTS

Date:03/09/11

Time:14:51:01

Page:2 of 2

Registered Voters 38489 - Cards Cast 12742 33.11%

Num. Report Precinct 22 - Num. Reporting 22 100.00%

Prescott Valley Council		Total	
Number of Precincts	6		
Precincts Reporting	6	100.0 %	
Vote For	4		
Times Counted	5673/19701	28.8 %	
Total Votes	19183		
ANDERSON, RICHARD	3771	19.66%	
MALLORY, MARY	3475	18.11%	
MORENO, TEENI	1722	8.98%	
NYE, LORA LEE	3663	19.10%	
SCHMITT, HENRY	3403	17.74%	
WINFREY, REED	3109	16.21%	
Write-in Votes	40	0.21%	

