

A G E N D A

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, TO BE HELD JUNE 5, 2012, 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.H.) Comments are limited to a 5 minute time period.
- VI. PRESENTATION OF CERTIFICATE DESIGNATING COTTONWOOD, ARIZONA, AS A BICYCLE FRIENDLY COMMUNITY, BY THE LEAGUE OF AMERICAN BICYCLISTS.
- VII. APPROVAL OF MINUTES—Regular Meeting of 5/15/12.

Comments regarding agenda items are limited to a 5 minute time period per speaker.
- VIII. OLD BUSINESS—None.
- IX. CONSENT AGENDA—No items.
- X. NEW BUSINESS—The following items are for Council discussion, consideration, and possible legal action.
 1. RESOLUTION NUMBER 2642—APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH YAVAPAI COUNTY, EMERGENCY SERVICES DEPARTMENT FOR THE CONTINUATION OF UNIFIED EMERGENCY SERVICES.
 2. ANNUAL CONSIDERATION OF APPOINTMENT OF A VICE MAYOR.
 3. COUNCIL REPRESENTATIVE APPOINTMENTS TO VARIOUS COMMITTEES RELATED TO INTERGOVERNMENTAL MATTERS.

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4. CONSIDERATION OF APPROVING FUNDS IN THE AMOUNT OF \$3,500 FROM THE COUNCIL'S CONTINGENCY FUND FOR FENCING MATERIALS FOR THE COMMUNITY GARDEN AND A "LET'S MOVE" LUAU.

- XI. CLAIMS & ADJUSTMENTS

- XII. PINE SHADOWS COLLECTIONS MATTER - EXECUTIVE SESSION--A.R.S. § 38-431.03.(A)(3) AND/OR (4) DISCUSSION OR CONSULTATION FOR LEGAL ADVICE WITH THE ATTORNEY OR ATTORNEYS OF THE PUBLIC BODY; DISCUSSION OR CONSULTATION WITH THE ATTORNEYS OF THE PUBLIC BODY IN ORDER TO CONSIDER ITS POSITION AND INSTRUCT ITS ATTORNEYS REGARDING THE PUBLIC BODY'S POSITION REGARDING CONTRACTS THAT ARE THE SUBJECT OF NEGOTIATIONS, IN PENDING OR CONTEMPLATED LITIGATION OR IN SETTLEMENT DISCUSSIONS CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION.

- XIII. ADJOURNMENT

Pursuant to A.R.S. § 38-431.03.(A) the Council may vote to go into executive session on any agenda item pursuant to A.R.S. § 38-431.03.(A)(3) Discussion or consultation for legal advice with the attorney or attorneys of the public body.

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.

Notice is hereby given that pursuant to A.R.S. §1-602.A.9 , subject to certain specified statutory exceptions, parents have a right to consent before the State or any of its political subdivisions make a video or audio recording of a minor child. Meetings of the City Council are audio and/or video recorded, and, as a result, proceedings in which children are present may be subject to such recording. Parents in order to exercise their rights may either file written consent with the City Clerk to such recording, or take personal action to ensure that their child or children are not present when a recording may be made. If a child is present at the time a recording is made, the City will assume that the rights afforded parents pursuant to A.R.S. §1-602.A.9 have been waived.

**City of Cottonwood, Arizona
City Council Agenda Communication**



 [Print](#)

Meeting Date:	June 5, 2012
Subject:	Resolution Number 2642--Approving an Intergovernmental Agreement with Yavapai County for Unified Emergency Management.
Department:	City Clerk
From:	Marianne Jimenez, City Clerk

REQUESTED ACTION

Consideration of Resolution Number 2642, which approves the annual Intergovernmental Agreement for Unified Emergency Management with Yavapai County.

SUGGESTED MOTION

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

"I move to approve Resolution Number 2642 approving the Intergovernmental Agreement with Yavapai County for Unified Emergency Management."

BACKGROUND

The City has entered into an annual Intergovernmental Agreement with Yavapai County for Emergency Management since 1986. The Agreement establishes a unified emergency management organization for the purpose of preparing plans for the preservation and safety of life and property and making provision for the execution of these plans in the event of enemy attack upon the United States and/or in the event of any peacetime natural, technological, or manmade emergency or disaster within the County or City.

The City's contribution to Yavapai County for management of the unified emergency management organization for the 2012-13 fiscal year is \$4,843.95, which is the same amount the City paid last fiscal year.

JUSTIFICATION/BENEFITS/ISSUES

Yavapai County has the capability to manage a unified emergency management organization in compliance with National Incident Management System and is able to include emergency operations of the City in the county Disaster Response Plan covering emergencies and disasters.

COST/FUNDING SOURCE

Funding to cover the contribution to the County for this service is budgeted out of the general fund.

ATTACHMENTS:

Name:	Description:	Type:
📄 res2642.doc	Resolution Number 2642	Cover Memo
📄 6-5-12_Emergency_Mgmt_IGA.pdf	IGA	Cover Memo

RESOLUTION NUMBER 2642

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH YAVAPAI COUNTY, EMERGENCY SERVICES DEPARTMENT FOR THE CONTINUATION OF UNIFIED EMERGENCY SERVICES.

WHEREAS, Yavapai County and the City of Cottonwood have the authority to enter into this agreement pursuant to Arizona Revised Statutes, § 11-952, § 26-307, and § 26-308; and

WHEREAS, Yavapai County and the City of Cottonwood, recognize the need to cooperate in providing emergency services to our residents; and

WHEREAS, the City and County recognize the need for the establishment of a unified emergency services organization for the purpose of preparing plans for the preservation and safety of life and property and making provisions for the execution of these plans in the event of an enemy attack upon the United States of America and/or in the event of any nuclear or non-nuclear disaster within the County or City.

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

THAT, the Intergovernmental Agreement with Yavapai County for providing emergency services for the 2012-2013 fiscal year to City and County residents is hereby approved.

PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, THIS 5TH DAY OF JUNE 2012.

Diane Joens, Mayor

APPROVED AS TO FORM:

ATTEST:

Steve Horton, Esq., City Attorney

Marianne Jiménez, City Clerk

**INTERGOVERNMENTAL AGREEMENT FOR THE ESTABLISHMENT OF
UNIFIED EMERGENCY MANAGEMENT**

THIS AGREEMENT, made and entered into this _____ day of _____ 2012, by and between YAVAPAI COUNTY, a political subdivision of the State of Arizona, hereinafter called "County" and the CITY OF COTTONWOOD, a municipal corporation of the State of Arizona, hereinafter called "City" as follows:

WHEREAS the County has established an Office of Emergency Management and;

WHEREAS the County has the capability to manage a unified emergency management organization in compliance with National Incident Management System (NIMS) guidelines and;

WHEREAS the parties are empowered to enter into this agreement pursuant to ARS " 11-952, 26-307, and 26-308.

NOW, THEREFORE, in consideration of the covenants contained herein, and for other good and valuable consideration, the receipt and the sufficiency of which is hereby acknowledged by each party to the other, it is hereby agreed as follows:

1. The County and the City shall establish a unified emergency management organization for the purpose of preparing plans for the preservation and safety of life and property and making provisions for the execution of these plans in the event of enemy attack upon the United States of America and/or in the event of any peacetime natural, technological, or manmade emergency or disaster within the County or City. See Attachment A for list of definitions. See Attachment B for a comprehensive list of services provided.
2. The unified emergency management organization is hereby designated as the Yavapai County Joint Office of Emergency Management.
3. The County will perform the following services with the City:
 - a. Include emergency operations of the City in the County Disaster Response Plan (DRP) covering emergencies and disasters;
 - b. Aid and advise the City with regards to training of employees that may be responsible for emergency management/homeland security duties;
 - c. Review the City Disaster Response Plan for completeness, compatibility and compliance with the National Incident Management System (NIMS), County Disaster Response Plan and State Emergency Operations Plans and provide improvement and updates as necessary.

- d. Provide assistance to the City to develop/update emergency management plans, procedures, and programs in each of the following areas, such list not to be exclusive: Continuity of Government, Direction and Control, Law and Order, Fire Services, Emergency Evacuation, Shelter, Public Services, Recovery, Mitigation, Persons with Special Needs, Radiological Safety, Warning and Public Information, Transportation, Communications, Mass Care and Mass Casualty. The above plans and programs will be coordinated with and approved by the various City departments effected by said plans and programs;
 - e. Assist the City with developing and/or updating a current inventory of all equipment and supplies available in the City for use in the event of any disaster;
 - f. Provide a current inventory of all equipment and supplies available in the County to assist the City in the event of any disaster;
 - g. Provide technical assistance in obtaining Federal or State funds which may become available to the City for emergency services purposes, and in the acquisition of surplus or other property for emergency services purposes by the City;
 - h. Complete and submit all report requirements emanating from State or Federal Government Agencies;
 - i. In the event of disaster confined to the City, provide emergency assistance as requested, within the limits of the ability of the County to so provide, and coordinate assistance furnished by other agencies in accordance with mutual aid agreements, State and/or Federal laws.
4. That the City shall:
- a. By this agreement become a member of the Yavapai County Joint Office of Emergency Management;
 - b. Appoint an Emergency Management Coordinator who shall be responsible for the organization, administration, and operations of local emergency management, subject to the direction and control of the chief executive officer or governing body. Upon request by City officials, the county will provide assistance with emergency management under normal and/or emergency or disaster conditions.

- c. Accept joint responsibility to maintain and keep current the Yavapai County Disaster Response Plan and Guides as it relates to the City;
- d. Accept responsibility to maintain and keep current the City Disaster Response Plan and Guides;
- e. In relation to emergency management issues, delegate to the County such lawful authority and responsibility as shall be deemed necessary by the City;
- f. Budget and contribute to the County for the fiscal year commencing July 1, 2012 and ending June 30, 2013, the sum of \$4,843.95.

5. It is hereby mutually agreed:

- a. The Yavapai County Office of Emergency Management will include representation of all signatory parties;
- b. The Yavapai County Office of Emergency Management shall be comprised of a County Director appointed by the Yavapai County Board of Supervisors, and other personnel as deemed necessary by the County Board of Supervisors;
- c. The County Emergency Management Director who is and shall be appointed by the Yavapai County Board of Supervisor's, shall act as the Director of the Yavapai County Joint Office of Emergency Management;
- d. The term of this agreement is for one year commencing July 1, 2012, and may be extended from year to year by mutual agreement of the parties prior to June 30 of the term, stating the compensation to be paid for service during such extended term and other charges;
- e. Pursuant to ARS ' 38-511, the parties may cancel this agreement, without penalty or further obligation, if any person significantly involved in initiating, negotiating, securing, drafting, or creating the agreement on behalf of that party is, at any time while the agreement or any extension of the agreement is in effect, an employee or agent of any other party to the agreement in any capacity or a consultant to any other party of the agreement with respect to the subject matter of the agreement. In the foregoing event, that party may further elect to recoup any fee or commission paid or due to any person significantly involved in initiating, negotiating, securing, drafting, or creating this agreement on behalf of that party from any other party to the agreement arising as a result of this agreement.

YAVAPAI COUNTY
A political subdivision of the State of Arizona

By: _____ Date: _____
THOMAS THURMAN
Chairman, Board of Supervisors

ATTEST:

_____ Date: _____
JULIE AYERS
County Clerk

Pursuant to ARS ' 11-952(D), the undersigned Deputy County Attorney has determined that this agreement is in proper form and within the powers and authority granted under the laws of the State of Arizona to Yavapai County.

_____ Date: _____
DAVID S. HUNT
Deputy County Attorney

CITY OF COTTONWOOD
A municipal corporation of the State of Arizona

By: _____ Date: _____
DIANE JOENS
Mayor

ATTEST:

_____ Date: _____
MARIANNE JIMENEZ
City Clerk

Pursuant to ARS ' 11-952 (D), the undersigned City Attorney has determined that this agreement is in proper form and is within the powers and authority granted under the laws of the State of Arizona to the City of Cottonwood.

_____ Date: _____
STEVEN HORTON
City Attorney

Attachment A

LIST OF DEFINITIONS

"EMERGENCY," as defined in ARS ' 26-301, means the existence of conditions of disaster or of extreme peril to the safety of persons or property within the territorial limits of the county, city, or town, which conditions are, or are likely to be, beyond the control of the services, personnel, equipment, and facilities of such political subdivision as determined by its governing body and which require the combined efforts of other political subdivisions.

"DISASTER," as defined in Section 102, Public Law 93-288, means any hurricane, tornado, storm, flood, high-water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, explosion, or other catastrophe in any part of the United States which, in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance to state and local governments under the Disaster Relief Act of 1974.

Attachment B

Yavapai County

EMERGENCY MANAGEMENT / HOMELAND SECURITY

Services provided by County Emergency Management/Homeland Security under the IGA for the establishment of unified Emergency Management:

SERVICES:

- 24/7 Real Time Hazard Alert/notifications/bulletins
- 24/7 Emergency alternative communications capability
- Emergency/Disaster Response & Recovery Notification, Operations, Coordination and Staff augmentation
- Disaster Response Plan, Continuity Plan development and maintenance
- Homeland Security Grant Participation
- Risk/Hazard Analysis
- Staff Training (EOC, Disaster Plan, Continuity Plans)
- Free Freedom Corps Training
- Liaison to State and Federal Resources
- Public Education Program development and implementation assistance
- Hazard mitigation analyses and plan development.
- Exercise Development/Training/Implementation/Evaluation
- Emergency Management, NIMS, Homeland Security Training
- EPA/LEPC Representation
- Special Studies/Projects
- Damage Assessments
- Provide brochures, booklets, pamphlets, checklists or other information in support of local Emergency Management issues or initiatives.
- Other Emergency Management support as needed.

RATE: \$.43 per person, per year based on the latest census.

**City of Cottonwood, Arizona
City Council Agenda Communication**



 **Print**

Meeting Date:	June 5, 2012
Subject:	Annual Consideration of Appointment of a Vice Mayor.
Department:	City Clerk
From:	Marianne Jimenez, City Clerk

REQUESTED ACTION

Council consideration of appointment of a Vice Mayor to serve at the pleasure of the City Council.

SUGGESTED MOTION

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

I move to appoint _____ to serve as the Vice Mayor of the City.

BACKGROUND

When Mayor Joens was elected Mayor she suggested the position of Vice Mayor be considered annually to ensure the council has an appropriate chance to provide input and choose whether to give rotating Council Members a chance to serve as Vice Mayor,

The Municipal Code provides for the designation of the Vice Mayor by the City Council as follows:

Section 2.04.020 Vice mayor. The council shall designate one of its members as Vice Mayor, who shall serve at the pleasure of the council. The vice mayor shall assume the powers and duties of the mayor during the absence or disability of the mayor.

JUSTIFICATION/BENEFITS/ISSUES

N/A

COST/FUNDING SOURCE

N/A

ATTACHMENTS:

Name:

Description:

Type:

No Attachments Available

City of Cottonwood, Arizona City Council Agenda Communication



 Print

Meeting Date:	June 5, 2012
Subject:	Council Representative Appointments to Various Committees Related to Intergovernmental Matters.
Department:	City Clerk
From:	Marianne Jimenez, City Clerk

REQUESTED ACTION

Council consideration of appointing Council representatives to represent the city on various committees related to intergovernmental/regional matters.

SUGGESTED MOTION

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

BACKGROUND

City Council members are requested to represent the City of Cottonwood on a number of committees that deal with regional matters that may affect the city. Several committees request formal appointment of the city's representatives.

The following is a list of the current appointed Council representatives to the committees and organizations requiring a city representative:

Northern Arizona Council of Governments (NACOG)--Mayor Joens with Council Member Norman as alternate.

Northern Arizona Municipal Water Users' Association(NAMWUA)--Vice Mayor Pfeifer with Mayor Joens as alternate.

Yavapai County Water Advisory Committee (WAC)--Mayor Joens with Council Member Elinski as alternate.

Northern Arizona Intergovernmental Public Transportation Authority(NAIPTA)--Council Member Norman with Vice Mayor Pfeifer as alternate.

Verde Valley Transportation Planning Organization (VVTPO)--Council Member

Norman with Council Member Dowling as alternate.

Verde River Basin Partnership--Mayor Joens with Council Member Pratt as alternate.

Cottonwood Personnel Board--Vice Mayor Pfeifer.

Verde Valley Land Preservation Institute (VVLPI)--Council Member Pratt with Council Member Dowling as alternate.

Verde Valley Regional Organization (VVREO)-Council Member Norman with Vice Mayor Pfeifer as alternate.

JUSTIFICATION/BENEFITS/ISSUES

COST/FUNDING SOURCE

N/A

ATTACHMENTS:

Name:

Description:

Type:

No Attachments Available

City of Cottonwood, Arizona City Council Agenda Communication



 Print

Meeting Date:	June 5, 2012
Subject:	Request for Council Contingency Funds for the Community Orchard and Summer Luau.
Department:	
From:	Marianne Jimenez, City Clerk

REQUESTED ACTION

Council consideration of approving funds in the amount of \$3,500 from the Council's Contingency Fund for fencing materials for the community orchard and a Let's Move luau.

SUGGESTED MOTION

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

"I move to approve \$3,500 from Council Contingency Funds to be used for fencing materials for the community orchard and a summer luau."

BACKGROUND

In February of 2011 the Council approved Resolution Number 2573 which approved the city joining the First Lady's "Let's Move" national campaign to solve the challenge of childhood obesity within a generation. The four pillars of the campaign are: 1) Help parents make healthy family choices, 2) Create healthy schools, 3) Provide access to healthy and affordable foods, and 4) Promote physical activity.

Some of the projects and events held this past year as part of the Let's Move campaign were the creation of the community orchard and the summer luau held at the Cottonwood pool in conjunction with the Fit Kids program sponsored by the Verde Valley Medical Center.

The community orchard, located on Willard Street north of Mesquite Drive, is doing well and is filled with apple, peach, fig, and apricot trees. It is being proposed to add fencing along Willard Street to protect the area. The materials to install a four feet high vinyl picket fence along this area is estimated to cost approximately \$2,500.

This year's summer luau, which is scheduled to be held in August, is once again being held in conjunction with the Fit Kids program which will supply the food. Other items required for the luau are raffle prizes, leis, tickets, decorations, etc. Last year the raffle prizes (a Nintendo Wii with a Dance 2 video game and passes to the recreation center) were provided by Bobbi

Gooslin through the Dr. Jay Fleishman Foundation. Mayor Joens personally purchased the leis and decorations.

The remaining funds available in the council's contingency for this fiscal year are \$9,517. Funding in the amount of \$2,500 for the fencing and up to \$1,000 for the luau are being requested from this year's Council's Contingency Funds.

JUSTIFICATION/BENEFITS/ISSUES

The community orchard will provide healthy fruit to the community and adding fencing along the orchard will help protect the area.

Hosting a luau in conjunction with Fit Kids will provide a healthy meal food demonstration and physical activity for children not only for the day, but in the future for the kids who win a Wii with a fun exercise video game and passes to the recreation center.

COST/FUNDING SOURCE

Council contingency funds.

ATTACHMENTS:

Name:	Description:	Type:
No Attachments Available		



CLAIMS REPORT OF JUNE 5, 2012

FUND TOTAL	VENDOR NAME	DESCRIPTION	TOTAL \$0.00
CLAIMS EXCEPTIONS REPORT OF JUNE 5, 2012			
FUND	VENDOR NAME	DESCRIPTION	TOTAL
All	City of Cottonwood	Payroll 05/25/12	\$397,543.71
Library	Balanced Heating and Air Conditioning	PO 19100 Library HVAC	\$18,402.00
Utilities	D&K Farming	Sludge Hauling PO 19045	\$8,445.84
Utilities	Envirogen Technologies, LLC	PO 19033 Arsenic Maintenance	\$34,712.16
Airport	Kinney Construction Services	PO 19099 Airport Solar Project	\$86,914.00
Library	Tech Logic	PO 19102 Antenna Reader	\$8,395.00
All	Arizona Public Employers Health Pool	May Insurance Premiums	\$143,103.22
Gen	AZ State Treasurer	Court Fines April 2012	\$16,326.92
All	Cottonwood Municipal Utilities	Utilities	\$6,656.51
Hurf	Crafco, Inc	Crack Seal Supplies	\$5,098.94
Utilities	HD Supply Waterworks	Supplies	\$9,536.97
Gen	Larry Green Chevy	Reibmursement	\$24,756.76
All	United Fuel	Fuel	\$10,889.46
Utilities	US Postmaster	Postage	\$5,350.00
Gen	VV Chamber of Commerce	Bed Tax April 2012	\$11,442.80
All	APS	Utilities	\$17,537.07
Gen	CDW Government	Computers-Lease Purchase	\$11,289.61
Utilities	KP Ventures Drilling	PO 19097 Well Construction	\$59,250.33
Gen	Richardsons LLC	Custodial City wide and Rec Center	\$18,984.04
Utilities	Southwest Industrial Coatings	PO 19068 Water tank repainting	\$25,173.00
TOTAL			\$919,808.34