

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, HELD DECEMBER 15, 2009, AT 6:00 P.M., AT THE CITY COUNCIL CHAMBERS BUILDING, 826 NORTH MAIN STREET, COTTONWOOD, ARIZONA.

CALL TO ORDER AND ROLL CALL

Mayor Joens called the regular meeting to order at 6:00 p.m. Roll call was taken as follows:

COUNCIL MEMBERS PRESENT

Diane Joens, Mayor
Karen Pfeifer, Vice Mayor
Tim Elinski, Council Member
Duane Kirby, Council Member
Linda Norman, Council Member
Terence Pratt, Council Member
Darold Smith, Council Member

STAFF MEMBERS PRESENT

Doug Bartosh, City Manager	Marianne Jimenez, City Clerk
Steve Horton, City Attorney	Douglas A. LaSota, Magistrate
Rudy Rodriguez, Finance Director	Tim Costello, City Engineer
Jody Fanning, Police Chief	Scott Mangarpan, Project Mgr.
Roger Biggs, Utilities Administrative Manager	Jon Rolph, VISTA Worker
Kyla Allen, Executive Assistance to the City Manager	

PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was led by Miss Rachael Sealey, a pupil at the Verde Valley Christian School. Mayor Joens presented Miss Sealey with a certificate of appreciation for her participation.

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

Mr. Bartosh stated four new police cadets graduated last Friday from the Northern Arizona Regional Training Academy. One was recognized as the Honor Cadet while another had the highest academic achievement and firearms qualification. They would soon enter the field training program. A Planning and Zoning hearing was scheduled for December 21 to discuss and reconsider the conditional use permit for the Mago statue. The meeting had been relocated to the Public Safety Building to better handle the anticipated crowd of interested parties. As mentioned in the Manager's Report, there was an appeal of the Census address report. There were 300 incorrect addresses which staff was working to correct. Last

weekend the police department sponsored Shop with a Cop for 30 needy children. The fire department had been involved with charity work for Toys for Tots.

Council Member Kirby stated that together with Council Members Norman and Smith and Vice Mayor Pfeifer, he had ridden in the Christmas parade.

Vice Mayor Pfeifer stated she had attended the dedication ceremony of the new Catholic church last Tuesday.

Council Member Norman stated she and the Vice Mayor had participated in the Shop with a Cop activities.

Mayor Joens reported the following:

- Council meetings were now broadcast on live television and could be viewed on channel 20 on Cable ONE the first and third Tuesdays of each month. Council proceedings could also be viewed on www.verdevalleytv.com.
- Steve Woodham was introduced. He had volunteered to do an internship and would assist our VISTA workers helping underserved youth.
- Mr. John Cornelius had raised \$17,000 at a disabled veterans' fundraiser. The money was donated to the Veterans Hospital in Prescott for use with disabled veterans' guest services.
- She had met with Richard Hehn, educational specialist with the Verde Valley Medical Center and she had volunteered to serve on a steering committee for a project with obese children.
- Along with Vice Mayor Pfeifer and Council Member Elinski she had turned on the lights of the city's Christmas tree December 5.
- The Verde Front planning meeting was held last Monday. Results would be announced later.
- She, Mr. Bartosh, and Council Member Elinski had met with residents of the Crestview neighborhood at a Coffee Talk and discussed street issues. There were also questions about annexation which the residents were updated on.
- On Friday she attended an event with Yes the Arc to learn how disabled people on Social Security could go back to work. She was presented with a plaque "In special recognition of outstanding support and commitment to persons with developmental disabilities".
- On Sunday she spoke at a Compassionate Friends candle lighting ceremony.

CALL TO THE PUBLIC

There were no comments from the public.

PRESENTATION OF CERTIFICATES TO VERDE VALLEY CHRISTIAN SCHOOL YOUTH MEMBERS FOR CONDUCTING SEVERAL COMMUNITY TRASH PICKUPS

Ms. Allen introduced Ms. Christe Sealey who has organized a group of young volunteers who cleaned up litter around the city. Mayor Joens presented certificates of appreciation to Ms. Sealey and the volunteers: Brayanne Bachler, Lindsay Bachler, Matthew Bachler, Tabitha Bachler, Anna Bramblett, Jonah Bramblett, Jordan Bramblett, Sarah Bramblett, Timothy Bramblett, Ethan Church, Faith Knister, Rachael Sealey, Kaia Speed, Carina Strobel, Emma Williams, and Ross Williams.

INTRODUCTION OF THE TEMPORARY VOLUNTEERS IN SERVICE TO AMERICA (VISTA) WORKER

Ms. Jiménez introduced Katelyn Cohen who would finish her one year term of VISTA service with the city starting with Youth Count in the Camp Verde Teen Center, which has since closed. VISTA has permitted her to finish her term with Cottonwood and would continue to pay her salary. She would implement youth development programs that the city wished to start up for disadvantaged youth.

PRESENTATION OF THE CATHOLIC CHARITIES' VOLUNTEER INCOME TAX ASSISTANCE PROGRAM

Carol Quasula, of Catholic Charities, introduced Tania Sims, Volunteer Coordinator for Catholic Charities, who discussed its Volunteer Income Tax Assistance program which was designed, along with other education programs, to help ensure that federal tax credit assistance reached the underserved: those of low to moderate income, those disabled, the elderly, those with limited English. Families with incomes below \$49,000 annually were eligible for tax refunds of up to \$5,600. A site staffed with four people would be open in Cottonwood every Saturday starting February 13. A request was made for volunteers for the Cottonwood site.

APPROVAL OF MINUTES—Regular Meetings of 11/3/09, 11/17/09, & 12/1/09 & SPECIAL MEETING OF 11/10/09

Mayor Joens stated the minutes of 11/1/09 did not mention the reason she had not attended the Council meeting was because she had been at the Arizona Town Hall meeting, and it should be entered into the permanent record.

Council Member Elinski moved to approve the minutes of 11/3/09, 11/17/09, 12/1/09 and the special meeting of 11/10/09. Council Member Pratt seconded the motion, which carried unanimously.

OLD BUSINESS

ORDINANCE NUMBER 555—AMENDING THE MUNICIPAL CODE OF THE CITY OF COTTONWOOD, ARIZONA, BY DELETING THE EXISTING TITLE 10, VEHICLES AND TRAFFIC AND REPLACING IT WITH A NEW TITLE 10, VEHICLES AND TRAFFIC; SECOND & FINAL READING

Chief Fanning stated this new Title 10 updated and replaced the old Title 10 pertaining to vehicles and traffic. It better defined violations and made violations misdemeanors which were easier for the court and police officers to deal with and would allow use of Civilians on Patrol for such issues as parking violations. Other items dealt with included covered loads and golf carts. Staff requested approval of the ordinance.

Mayor Joens asked if anyone from the public wished to address this matter. There were no comments from the public.

Council Member Kirby asked what the parking regulations were on Twelfth Street where people parked on the sidewalk.

Chief Fanning stated officers had been sent to the area to notify violators of the ordinance. Such educational warnings would be given for several weeks before commencing enforcement. While parking on the sidewalk was not permitted, people could park on the street despite its narrow width.

Council Member Smith moved to approve Ordinance Number 555 which deletes existing Title 10, Vehicles and Traffic of the Cottonwood Municipal Code and replaces it with new Title 10, Vehicles and Traffic. Council Member Kirby seconded the motion, which carried unanimously.

Mayor Joens asked the City Clerk to read Ordinance Number 555 by title only.

ORDINANCE NUMBER 555

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AMENDING THE MUNICIPAL CODE OF THE CITY OF COTTONWOOD, ARIZONA, BY DELETING THE EXISTING TITLE 10, VEHICLES AND TRAFFIC AND REPLACING IT WITH A NEW TITLE 10, VEHICLES AND TRAFFIC.

CONSENT AGENDA

LIQUOR LICENSE APPLICATION FOR WALGREENS #05567 LOCATED AT 550 SOUTH MAIN STREET

ACCEPTANCE OF A GOVERNOR'S OFFICE OF HIGHWAY SAFETY GRANT FOR THE POLICE

DEPARTMENT

ACCEPTANCE OF THE ARIZONA CRIMINAL JUSTICE SYSTEM GRANT FOR THE POLICE DEPARTMENT

RESOLUTION NUMBER 2489--APPROVING A MEMORANDUM OF UNDERSTANDING WITH YAVAPAI COUNTY FOR THE USE OF OFFICE SPACE IN A CITY FACILITY

Mayor Joens asked if anyone wanted to pull an item for discussion. No Council Member chose to do so and there were no comments from the public.

Council Member Pratt moved to approve the consent agenda. Council Member Norman seconded the motion, which carried unanimously.

Mayor Joens asked the City Clerk to read Resolution Number 2489 by title only.

RESOLUTION NUMBER 2489

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE YAVAPAI COUNTY ATTORNEY AND THE CITY FOR THE USE OF OFFICE SPACE.

NEW BUSINESS

RESOLUTION NUMBER 2484--AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR STATE HOUSING FUNDS (WHICH MAY INCLUDE FEDERAL FUNDING THROUGH THE HOME INVESTMENT PARTNERSHIP PROGRAM), CERTIFYING THAT SAID APPLICATION MEETS THE COMMUNITY'S HOUSING AND COMMUNITY DEVELOPMENT NEEDS AND THE REQUIREMENTS OF THE STATE HOUSING PROGRAMS, AND AUTHORIZING ALL ACTIONS NECESSARY TO IMPLEMENT AND COMPLETE THE ACTIVITIES OUTLINED IN SAID APPLICATION

Mr. Rolph stated at the last work session he had discussed the Owner Occupied Housing Rehabilitation program. This resolution authorized the City Manger to sign the application, something that state housing rules required. The application could not be submitted until the Council had approved the resolution.

Mayor Joens asked if anyone from the public wished to address this issue. There were no comments from the public.

Council Member Kirby moved to approve Resolution Number 2484 authorizing the submission of an application for state housing funds and authorize the City Manager to sign the application and contract or grant documents and to take all actions necessary to implement and complete the activities submitted in the said application. Vice Mayor Pfeifer

seconded the motion, which carried unanimously.

Mayor Joens asked the City Clerk to read Resolution Number 2484 by title only.

RESOLUTION NUMBER 2484

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR STATE HOUSING FUNDS (WHICH MAY INCLUDE FEDERAL FUNDING THROUGH THE HOME INVESTMENT PARTNERSHIP PROGRAM), CERTIFYING THAT SAID APPLICATION MEETS THE COMMUNITY'S HOUSING AND COMMUNITY DEVELOPMENT NEEDS AND THE REQUIREMENTS OF THE STATE HOUSING PROGRAMS, AND AUTHORIZING ALL ACTIONS NECESSARY TO IMPLEMENT AND COMPLETE THE ACTIVITIES OUTLINED IN SAID APPLICATION.

AWARD OF LEASE PURCHASE FINANCING FOR PUBLIC SAFETY VEHICLES AND CARDIO EQUIPMENT FOR THE NEW RECREATION CENTER

Mr. Rodriguez stated financing for public safety vehicles had been discussed at earlier budget sessions. Bids had been requested on financing a motorcycle, three police units, and a half-ton pickup with an animal control bed as well as the cardio equipment to be used at the recreation center. Total financing requested was for \$379,450. Of the eight bids solicited there were five responses. Almost all listed exceptions. National Bank of Arizona's bid had the best interest rate and the best terms and also fit our required parameters.

Council Member Smith asked what the residual was on these leases and what happened to the vehicles at the end of these leases.

Mr. Rodriguez stated the residual was one dollar. Depending on the mileage and condition of the vehicles they could be retained for police use or transferred to other departments.

Mayor Joens asked if anyone from the public wished to address this issue. There were no comments from the public.

Council Member Pratt moved to award the contract for the designated lease purchase financing for fiscal year 2010 to National Bank of Arizona. Vice Mayor Pfeifer seconded the motion, which carried unanimously.

AWARD OF BID FOR THE REMODELING OF THE FORMER FOXWORTH-GALBRAITH BUILDING FOR THE UTILITIES DEPARTMENT

Mr. Bartosh stated bids had been solicited for the remodeling of the Foxworth building. Architect estimated costs were for an amount of \$1.17 million. The low bid was from Kinney Construction at \$868,100 which staff recommended the Council approve. The bid amount

included bid alternate number one.

Council Member Elinski asked why the Request for Qualification (RFQ) process was not used to hire the contractor instead of the low bid method.

Mr. Bartosh stated this was a straight remodel project. A minimal amount of qualifications were required since there was not much specialized work involved. The benefit from a low bid was thought to be greater than would be achieved with a RFQ, and the bids confirmed that. Kinney Construction had built the new transit center.

Mayor Joens stated the bid was reasonable and put money back into the economy.

Mr. Mangarpan stated it was a standard design bid. We knew exactly what we wanted and any competent licensed contractor was able to perform what was requested.

Mayor Joens asked what the completion date was.

Mr. Horton it was 90 days for the utility portion and an additional 90 days for the police evidence portion. The time span for all work was six months.

Mayor Joens asked if anyone from the public wished to address this issue. There were no comments from the public.

Council Member Norman moved to accept the bid from Kinney Construction Services for the remodel of the new utility, community development, and police department complex project for the bid amount of \$868,100 and authorize the Mayor to execute the contract for said services. Council Member Smith seconded the motion, which carried unanimously.

SCOPE OF WORK FROM BURNS, WALD-HOPKINS, SHAMBACH ARCHITECTS FOR CONSTRUCTION ADMINISTRATION SERVICES RELATING TO THE NEW UTILITIES DEPARTMENT COMPLEX

Mr. Bartosh stated as was consistent with large projects like this, we often retained the services of the architectural company to provide contracting and construction administrative services on the contract. The scope of work was negotiated with the architect and the price agreed upon was for \$44,510 to oversee the completion of this project.

Council Member Kirby asked if the firm was doing Mr. Mangarpan's job.

Mr. Mangarpan stated the firm had been hired at this stage of the project so they could respond to any issues that arose regarding the building or its design. Staff would review submittals and pay applications similar to what was being done with the recreation center. It was considered standard procedure.

Mayor Joens asked if anyone from the public wished to address this issue. There were no

comments from the public.

Council Member Pratt moved to approve the additional services proposal submitted by BWS Architects to provide contract and construction administrative services relating to the new utility, community development, and police department complex project, with compensation to be provided on a fee-for-service basis in an amount not to exceed \$44,510. The motion was seconded by Vice Mayor Pfeifer, and carried unanimously.

REJECTION OF BIDS RECEIVED FOR THE NEW RECREATION CENTER FURNITURE AND AUTHORIZATION TO STAFF TO FURTHER INVESTIGATE OTHER OFFICE FURNITURE CONTRACTORS IN THE STATE OF ARIZONA

Mr. Faust stated the budget authorized for recreation center furniture, fixtures and equipment had been set at \$186,000. The architects, in accordance with our contract, solicited bids all of which came back over budget or incomplete. Although over budget, Target Interiors was the low bidder. Negotiations were conducted and Target offered several lower priced alternatives, but staff was dissatisfied with the amount and quality of products offered. Staff requested that the Council reject all bids, believing that more favorable results could be achieved through direct negotiations with local suppliers.

Council Member Elinski moved to reject all bids. Vice Mayor Pfeifer seconded the motion, which carried unanimously.

RECONSIDERATION OF THE RED ROCK SKYDIVING LEASE PREVIOUSLY APPROVED BY THE COUNCIL ON APRIL 24, 2009

Mr. Costello stated the lessee had requested this contract, previously approved by the Council, be brought again before the Council for re-consideration. The lease was for a period of three years which had been predicated on the airport's plan to develop the landing zone used by Red Rock Skydiving at the airport. The revised 5-year airport plan, did not envision use of that land for at least five years. Staff and the Airport Commission were in agreement that an extension of the lease for a period of five years was warranted.

Council Member Smith moved to approve the lease with Red Rock Skydiving. Council Member Pratt seconded the motion.

Mayor Joens asked if anyone from the public wished to address this issue. There were no comments from the public.

A vote was taken on the motion, which carried unanimously.

ORDINANCE NUMBER 557--AMENDING THE MUNICIPAL CODE BY DELETING SECTION 2.40.090 MUNICIPAL COURT ENHANCEMENT FUND; AND ADDING A NEW SECTION 2.40.090 MUNICIPAL COURT ENHANCEMENT FUND; TO CHAPTER 2.40, MUNICIPAL COURT; FIRST READING

Judge LaSota stated this ordinance referred to the court enhancement fund which would be used to improve court related technology. Such fees were generally between \$20 and \$30 at other courts. This request was to allow for a range of \$10 to \$50 which would help build the fund for needed improvements and allow for fee increases in the future should those be determined to be desirable. The fees were determined, and could even be waived, at the discretion of the court.

Mayor Joens asked if anyone from the public wished to address this issue.

Dr. Bob Richards, of Cottonwood, asked what revenue was currently being generated and what the associated costs were.

Council Members Kirby and Pratt both stated that it was all spelled out in the ordinance.

Mayor Joens asked the City Clerk to read Ordinance Number 557 by title only.

ORDINANCE NUMBER 557

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AMENDING THE MUNICIPAL CODE BY DELETING SECTION 2.40.090 MUNICIPAL COURT ENHANCEMENT FUND; AND ADDING A NEW SECTION 2.40.090 MUNICIPAL COURT ENHANCEMENT FUND; TO CHAPTER 2.40, MUNICIPAL COURT.

CONSIDERATION OF SENDING A LETTER TO REPRESENTATIVE ANN KIRKPATRICK REGARDING THE NATIONAL SCENIC AREA DESIGNATION FOR THE SEDONA AREA

Mayor Joens stated she had spoken with Ms. Virginia Turner of Representative Ann Kirkpatrick's office, who had requested a letter from the city stating its official position on the issue of the creation of a National Scenic Area near Sedona.

Mr. Bartosh stated the Sedona city council had voted against the National Scenic Area (NSA) and had sent Representative Kirkpatrick a letter confirming their decision. In it, their council stated that if Representative Kirkpatrick moved forward with the creation of the NSA, the legislation would prohibit land trades. Representative Kirkpatrick's office had requested letters of official opinion from other local municipalities.

Mr. Bob Gillies, of Cottonwood, stated the boundaries of the proposed NSA had been modified from those of the Forest Service's Amendment 12. They included portions of three classified wilderness areas. It appeared to be a planning boundary lacking "on the ground" definition. The boundary should be describable to avoid future disputes. Because language in the bill to create the NSA continued to change, the Sedona City Council chose not to commit itself to support it at this time. Existing Forest Service regulations effectively blocked land exchanges, so creating a NSA to do so would be inappropriate.

Mayor Joens stated her support for Amendment 12 and the preservation of that land through forest management. Her inclination would be to make a motion exactly like that of Sedona's.

Council Member Pratt agreed.

Mayor Joens stated she liked the part where if Congresswoman Kirkpatrick went ahead and implemented the NSA Amendment 12 terms would be included. She suggested Cottonwood submit the same suggestions as Sedona's city council had.

Vice Mayor Pfeifer agreed.

Mayor Joens moved to direct the City Manager to convey to Congresswoman Kirkpatrick the following: 1) Because of concerns about unintended consequences of a NSA designation, lack of flexibility for the Forest Service, the public, and future generations when addressing the land use issues, the Council does not support a NSA designation; 2) The Cottonwood City Council does support the Coconino Forest management plan as reviewed every 10-20 years, with the inclusion of Amendment 12 as it pertains to the prohibition of land exchanges for private development and which has been totally successful since its adoption; 3) If, however, legislation is introduced to form a NSA, the Cottonwood City Council respectfully submits the suggestions of the Sedona city council in the bill markup for such language. Council Member Kirby seconded the motion, which carried unanimously.

Mr. Bartosh asked for clarification who should sign the letter.

Mayor Joens stated the City Manager should.

CLAIMS & ADJUSTMENTS

Council Member Norman moved to pay the claims and adjustments. Council Member Kirby seconded the motion, which carried unanimously.

ADJOURNMENT

Council Member Smith moved to adjourn. Mayor Joens seconded the motion, which carried unanimously. The regular meeting adjourned at 7:43 p.m.

Diane Joens, Mayor

Marianne Jiménez, City Clerk

CERTIFICATION OF MINUTES

I hereby certify that the attached is a true and correct copy of the minutes of a regular meeting of the City Council of the City of Cottonwood held on December 15, 2009. I further certify that the meeting was duly called, and that a quorum was present.

Marianne Jiménez, City Clerk

Date