

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, HELD OCTOBER 16, 2012, 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
Linda Norman, Council Member

COUNCIL MEMBERS ABSENT

Jesse Dowling, Council Member
Ruben Jauregui, Council Member
Terence Pratt, Council Member

STAFF MEMBERS PRESENT

Doug Bartosh, City Manager
Marianne Jiménez, City Clerk, Deputy Clerk
Steve Horton, City Attorney
Richard Faust, Community Services General Manager
Jennifer Ruesch, Communication Specialists
Rowdy Scott, Communications Specialists
Al Hilberger, Facilities Maintenance Specialist
Britney Lawler, Youth Program Coordinator

Vanessa Ward, Library Manager
Gary Eisenga, Police Commander
Jason Little, Recreation Ctr. Mgr.
Hezekiah Allen, Events Coordinator
Jeff Clark, Library Clerk

PLEDGE OF ALLEGIANCE

Barbara Litrell led the Pledge of Allegiance.

BRIEF SUMMARY OF CURRENT EVENTS

Mayor Joens announced on October 3 she participated in a walk to school day; she attended the NACOG elder's conference where Mary Eichman was presented with the accomplished elder award; she remembered Joy Elizabeth Pratts who passed away last year on October 7; the Grape Stomp was two Saturdays ago; on October 11 she attended the El Valle Artists Association's 40th anniversary; they had a bike MS meeting and they are talking about how to get the schools involved and having a Mayor's race with the mayor; and she also attended the Greater Arizona Mayor's Association meeting in Chino Valley.

CALL TO THE PUBLIC

There were no comments from the public.

PROCLAMATIONS

Mayor Joens proclaimed November 11, 2012, as Mitzvah (Good Deed) Day in Cottonwood, and Ms. Litrell explained what Mitzvah Day was.

Mayor Joens then proclaimed the week of October 22-26, 2012, as Arizona Cities & Towns Week; and October 16, 2012, as National Feral Cat Day.

INTRODUCTION OF NEW EMPLOYEES

The following new employees were introduced: Communication Specialists Jennifer Ruesch and Rowdy Scott; Library Clerk Jeff Clark; Facilities Maintenance Specialist Al Hilberger; and Youth Programs Coordinator Britney Lawler.

QUARTERLY EMPLOYEE SAFETY AWARD—JACK TEEL, PARKS & RECREATION HEAD LIFE GUARD

Hezekiah Allen reviewed why Parks & Recreation Head Life Guard Jack Teel was selected to receive the quarterly Employee Safety Award, and he was presented with a certificate and check.

RECOGNITION OF COMMUNITY AWARDS

MARY EICHMAN—ACCOMPLISHED ELDER AWARD (AWARDED BY THE AREA AGENCY ON AGING & NORTHERN ARIZONA COUNCIL OF GOVERNMENTS)

Mayor Joens announced that Mary Eichman had been awarded the Accomplished Elder Award by the Area Agency on Aging and the Northern Arizona Council of Governments for her service to the community.

APPROVAL OF MINUTES—Regular Meeting of 10/2/12

Council Member Elinski moved to approve the minutes. The motion was seconded by Council Member Norman and carried unanimously.

UNFINISHED BUSINESS

ORDINANCE NUMBER 589—AMENDING THE MUNICIPAL CODE BY DELETING CHAPTER 2.52, LIBRARY, OF TITLE 2, ADMINISTRATION AND PERSONNEL; AND ADDING A NEW CHAPTER 2.52, LIBRARY; SECOND & FINAL READING

Ms. Ward stated the revisions were all basically housekeeping such as changing the title of director to manager and referring to the library board of trustees as library advisory board.

Mayor Joens stated this was the second reading so we already discussed this in length at a

former meeting. She read the following statement from the communication form, "This allows for up to two non-resident members while providing the flexibility to appoint city residents to those seats in the event that there are no non-residents interested in serving at a time the vacancy occurs." She questioned Mr. Horton if you had a resident and a non-resident but the council preferred the resident would that be okay.

Mr. Horton stated the way it is drafted, yes, it would. The way they decided to draft it was to give the Council maximum flexibility to allow for an appointment when there was only city residents that applied.

Mayor Joens stated the council was very supportive of this because 50 or 60 percent of our patrons at the library are from outside of the city, and in our effort to become more regional we have asked staff to put a couple of positions on this library advisory board who can be outside of the city and represent those people that live outside of the city.

Mayor Joens then asked Mr. Bartosh about the statement in the ordinance that read, "We will support the operation and adequate growth of the library during each fiscal year." She questioned what adequate growth means.

Mr. Bartosh stated he was trying to remember what the budget is for new books.

Ms. Ward stated it was \$40,000.

Mayor Joens stated a couple of really lean years during our budget crises sometimes we didn't get the \$40,000, so she was happy to hear that they are getting some new book money.

Vice Mayor Pfeifer moved to approve Ordinance Number 589. The motion was seconded by Council Member Norman and carried unanimously.

Mayor Joens requested the City Clerk read Ordinance Number 589 by title only.

ORDINANCE NUMBER 589

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, AMENDING THE MUNICIPAL CODE BY DELETING CHAPTER 2.52, LIBRARY, OF TITLE 2, ADMINISTRATION AND PERSONNEL; AND ADDING A NEW CHAPTER 2.52, LIBRARY.

CONSENT AGENDA

RESOLUTION NUMBER 2671—APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE TOWN OF CLARKDALE FOR TRANSPORTATION SERVICES

RESOLUTION NUMBER 2672—APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH

YAVAPAI COUNTY FOR TRANSPORTATION SERVICES

WINE FESTIVAL LIQUOR LICENSE APPLICATIONS FROM ALCANTARA, ARIZONA STRONGHOLD VINEYARDS, BURNING TREE CELLARS, JAVELINA LEAP ESTATE VINEYARD, PILLSBURY WINE COMPANY NORTH, & THE WINE CELLAR, FOR THE WALKIN' ON MAIN EVENT SCHEDULED FOR NOVEMBER 10, 2012, IN OLD TOWN

APPROVAL OF A JOB ORDER CONTRACTING QUOTE IN THE AMOUNT OF \$118,629.48 FROM TIFFANY CONSTRUCTION FOR INSTALLATION OF SIDEWALK AND CURB IMPROVEMENTS OF BOTH SIDES OF CACTUS STREET AND THE SOUTH SIDE OF PINAL STREET BETWEEN CACTUS AND MAIN STREETS IN OLD TOWN

Council Member Norman moved to approve the consent agenda. The motion was seconded by Council Member Elinski and carried unanimously.

Mayor Joens requested the City Clerk read Resolution Numbers 2671 and 2672 by title only.

RESOLUTION NUMBER 2671

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE TOWN OF CLARKDALE, ARIZONA, FOR PUBLIC TRANSPORTATION SERVICES FOR CLARKDALE RESIDENTS.

RESOLUTION NUMBER 2672

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH YAVAPAI COUNTY, FOR PUBLIC TRANSPORTATION SERVICES FOR YAVAPAI COUNTY RESIDENTS.

NEW BUSINESS—The following items are for Council discussion, consideration, and possible legal action.

RESOLUTION NUMBER 2668—APPOINTING MEMBERS TO THE CITY'S YOUTH COMMISSION

Mr. Little stated it was time to appoint seven vacated seats on the commission and the commission would like to fill one of those seats with last year's alternate, Ashleigh Makuch. The commission was looking to fill the other seats vacated with an addition six individuals that were being recommended who were all highly qualified and did quite well in the interview process. If council agrees to approve this item the new terms of office will be established expiring August 1, 2013. He then gave an update on the 27 youth commission graduates.

Ashleigh Makuch stated the youth commission was recommending to Council that the empty seats are filled by the following applicants and requested they come up and tell the council why they wanted to serve on the youth commission: Carrington Midkiff, Rachel Valentine, Krista Earl, Wyatt Midkiff, Marshall Shill, and Sirilale Saengsawang.

Ms. Makuch stated the commission also recommended to the council that they have two alternate members, Gabriele Makuch and Santana Maccioli who introduced themselves to the council.

Lacey O'Connell explained the process the applicants go through to be considered for a commission seat. She also stated they would be back in January to give the council an update on their progress and would like to invite them to their meetings this year.

Mayor Joens stated that the youth commission members and candidates were very important to the city council. Their purpose was to advise the council because they were closer to the youth and counted on them to let the council know what the community needs in the way of youth services.

Vice Mayor Pfeifer moved to adopt Resolution 2668 appointing members to the Cottonwood Youth Advisory Commission and establishing their terms of office. The motion was seconded by Council Member Norman and carried unanimously.

Mayor Joens requested the City Clerk read Resolution Number 2668 by title only.

RESOLUTION NUMBER 2668

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, APPOINTING YOUTH COMMISSION MEMBERS AND ESTABLISHING THEIR TERMS OF OFFICE.

RESOLUTION NUMBER 2669—APPROVING A LEASE AGREEMENT WITH THE YUMA COUNTY INTERGOVERNMENTAL PUBLIC TRANSPORTATION AUTHORITY FOR THE USE OF WHEELCHAIR ACCESSIBLE BUSES FOR THE COTTONWOOD AREA TRANSIT & VERDE LYNX SYSTEMS

Mr. Faust stated they were looking at leasing two 33 passenger buses from Yuma County Intergovernmental Public Transportation Authority. One bus didn't make it in, so we were looking at one other bus. At the same time we were informed by ADOT that there were two larger buses available from Sierra Vista. Staff is requesting this item be tabled to allow staff more time to research the buses in Sierra Vista.

Council Member Norman asked if they would be looking to trade.

Mr. Faust stated they would look at our two newest RBOC units that could be traded.

Council Member Norman moved to table item number 2 under new business. The motion was seconded by Vice Mayor Pfeifer and carried unanimously.

RESOLUTION NUMBER 2670—DECLARING, FOR PURPOSES OF SECTION 1.150-2 OF THE FEDERAL TREASURY REGULATIONS, OFFICIAL INTENT TO BE REIMBURSED IN CONNECTION WITH CERTAIN CAPITAL EXPENDITURES RELATING TO THE ACQUISITION OF TWO UTILITY DEPARTMENT VEHICLES

Mr. Bartosh stated we wanted to make sure that we had a reimbursement resolution on file in anticipation that we would reimburse the city budget through a lease purchase program. Our 2012 lease purchase program still had sufficient funding available that allowed us to pay these two vehicles off, so we no longer needed this resolution.

This item was removed from the agenda and the council took no action on it.

REQUEST FROM THE OLD TOWN ASSOCIATION FOR ADDITIONAL FUNDING FROM THE CITY

Mr. Bartosh stated the Old Town Association President, Lindsey Higginson, had reported to the council what their strategic plans were for the future in marketing Old Town. They asked the council if they would be amenable to granting the Old Town Association another \$6,000 in support to help upgrade their website and a few other projects that they had working. Since that time, Ms. Higginson has approached the Cottonwood Economic Development Committee (CEDC) and requested the money. The CEDC awarded \$3,000 to the OTA in anticipation that the council would be willing to also offer \$3,000 from the council's contingency fund.

Council and staff discussed all the activity and events that have been coming to Cottonwood.

Council Member Elinski moved to approve \$3,000 to the Old Town Association from the council contingency fund. The motion was seconded by Vice Mayor Pfeifer and carried unanimously.

ORDINANCE NUMBER 590—AMENDING THE MUNICIPAL CODE BY DELETING CHAPTER 10.20.40 RESTRICTED PARKING AREAS RESERVED FOR THE PHYSICALLY DISABLED; OF TITLE 10, VEHICLES AND TRAFFIC; AND ADDING A NEW CHAPTER 10.20.40, RESTRICTED PARKING AREAS RESERVED FOR THE PHYSICALLY DISABLED; FIRST READING

Commander Eisenga stated this is another version that we hope will sustain some of the citations that were issued for the adjacent areas of the handicap parking spaces. The main business this affects is Wal-Mart, which has large parking areas that are reserved for the larger handicap vans. The police are trying to keep those areas free and clear for the loading and unloading of handicap passengers. Any citations that had been written are from COP volunteers and the citations were being dismissed because the chapter wasn't clearly written.

Mary Eichman, stated she is at Wal-Mart a lot and there should be a sign there that states van accessible only and it should be clarified for the public.

Commander Eisenga stated he could talk with Wal-Mart management about the possibility of posting signs out there.

Mr. Horton stated he has talked with the judge regarding revising this ordinance. The primary reason these citations were being dismissed was due to disabled people parking in those extra hash marked areas for loading and unloading. We have tried to clear that up here.

Mayor Joens requested we should educate the public about the rule, and then requested the City Clerk read Ordinance Number 590 by title only.

ORDINANCE NUMBER 590

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, AMENDING THE MUNICIPAL CODE BY DELETING CHAPTER 10.20.40 RESTRICTED PARKING AREAS RESERVED FOR THE PHYSICALLY DISABLED; OF TITLE 10, VEHICLES AND TRAFFIC; AND ADDING A NEW CHAPTER 10.20.40, RESTRICTED PARKING AREAS RESERVED FOR THE PHYSICALLY DISABLED.

APPROVING A PROPOSED SETTLEMENT AGREEMENT BETWEEN THE CITY AND BLUE CANYON INVESTORS, AUTHORIZING THE MAYOR TO SIGN THE SETTLEMENT AGREEMENT AND ANY ADDITIONAL DOCUMENTS REQUIRED TO CONCLUDE THE SETTLEMENT, AND DISMISS THE CITY'S SUPERIOR COURT ACTION TAKEN AGAINST BLUE CANYON INVESTORS

Mr. Horton stated between the summer of 2007 to 2011 there was an under billing at the Pine Shadows Mobile Home Community. We fixed the problem that lead to the under billing and spoke with the current owners. Our attempt to collect the debt was originally unsuccessful and with the Council's consent, filed a collections actions lawsuit seeking to recover the past due amounts. We held a formal mediation conference and we were able to reach what he thinks is a very fair and appropriate resolution. We were seeking \$270,000 and settled for \$140,000.

Mayor Joens asked if we are taking measures to prevent this from happening again.

Mr. Horton stated we not completely sure how this happened. It should have been caught by the software and flagged, but that didn't happen. The software has been fixed and it is being replaced. The people that should have been looking for it are no longer with the city.

Council Member Norman moved to approve the proposed settlement agreement with Blue Canyon Investors and authorize the Mayor to sign the settlement agreement and any additional documents required to conclude the settlement and dismiss the superior court action. The motion was seconded by Vice Mayor Pfeifer and carried unanimously.

CLAIMS & ADJUSTMENTS

Mayor Joens moved to pay the claims. The motion was seconded by Council Member Norman and carried unanimously.

ADJOURNMENT

Mayor Joens moved to adjourn. The motion was seconded by Vice Mayor Pfeifer and carried unanimously.

The regular meeting adjourned at 7:33 p.m.

Diane Joens, Mayor

ATTEST:

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 October 16, 2012. I further certify that the meeting was duly called, and that a quorum was present.

Marianne Jiménez, City Clerk

Date