

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, HELD FEBRUARY 2, 2010, 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

Marianne Jiménez, City Clerk
Richard Faust, Parks & Recreation Director
Mike Casson, Fire Chief
Kyla Allen, Executive Assistant to the City Manager

Rudy Rodriguez, Finance Director
Steve Horton, City Attorney
Rick Contreras, Fire Marshall

PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was led by Killian Quasula, a kindergarten pupil at Verde Valley Christian School. Mayor Joens presented Miss Quasula 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

Ms. Jiménez stated City Manager Doug Bartosh was unable to be at the meeting.

Council Member Kirby stated he had participated in the Senior Commission's first meeting with its new members.

Vice Mayor Pfeifer stated that together with Council Members Norman and Smith, she had attended the State Trust Lands Annexation meeting. She and Council Member Norman had been talking about taking the bus and she had a nineteen grandson who did not have a car. Her goal was to show him how easy it was to ride the bus system and catch the Lynx to Sedona. They had a real good time and it taught him it wasn't so bad to ride the bus.

Ms. Allen stated an employee had been the subject of identity theft under the guise of participating in the 2010 Census. Official Census forms would not be distributed until March 1, 2010. The Census did not ask for bank account numbers, driver's license numbers, or Social Security numbers. She had taken steps to pass this information on by e-mail to all staff members.

Mr. Horton stated in a previous meeting the Council had given direction to the City Manager to explain the budget situation one-on-one with employees. Today he had conducted two meetings for all the staff at which Mr. Rodriguez had explained the budget situation. Staff was encouraged to ask questions and provide comments as directed by the Council.

Mayor Joens stated the funeral of Beth Carrigan would be Friday, February 5, at 4:30 p.m., at Wescott Funeral Home.

CALL TO THE PUBLIC

Mr. Fred Piper stated he was opposed to the proposed rate increases for water and wastewater. He believed there were many people who had not been but who should be connected to the sewer to help share the costs involved. Regarding water, he was still served by a line that required regular flushing. He also stated he was opposed to a roundabout at the Willard Street/Mingus Avenue intersection.

PRESENTATION OF FIRE DEPARTMENT AWARD TO KEITH & KRYS VOGLER

Mayor Joens, Fire Chief Casson and Fire Inspector Rick Contreras presented a plaque to Keith & Krys Vogler for being selected to receive the Cottonwood Fire Department's 2009 Community Outreach award for their work with the U.S. Marine Corps "Toys for Tots" program in the Verde Valley.

APPROVAL OF MINUTES—WORK SESSIONS OF 11-10-09 & 1-12-10, SPECIAL MEETING OF 1-12-10, & REGULAR MEETING OF 1-19-10

Vice Mayor Pfeifer stated page 10 of the minutes for January 19, 2010, had Council Member Smith agreeing with himself instead of Council Member Pratt and should be corrected.

Council Member Kirby moved to approve the minutes as corrected. Vice Mayor Pfeifer second the motion, which carried unanimously.

UNFINISHED BUSINESS—None.

CONSENT AGENDA

EXTENSION OF PATIO/PREMISES LIQUOR LICENSE APPLICATION SUBMITTED BY LARRY WAYNE PRITCHARD (PLAYERS SPORTS BAR & GRILL LOCATED AT 1100 S. HIGHWAY 260)

Mayor Joens asked if any Council Member or member of the public wished to discuss this item. There were no comments from the public.

Council Member Norman moved to approve the consent item. Vice Mayor Pfeifer seconded the motion, which carried unanimously.

NEW BUSINESS

CONSIDERATION OF ESTABLISHING ON-LINE BILL PAYMENT SERVICES

Mr. Rodriguez stated work had progressed on this item to the point where staff wished to request Council direction. It pertained only to the water department, not the sewer department. Our billing software supplier had been contacted about the possibilities of on-line billing. Their response was the minimum cost to activate such service would be \$6,712.20 annually. The direction staff required was whether to pursue this matter further or shelve it for the time being because there would be associated credit card fees which would have to be absorbed or passed on to any customer using this service. Most banks already had their own bill pay services which customers could use. We offered ACH debiting, a service which automatically debited customer accounts monthly which customers were encouraged to sign up for.

Mayor Joens asked why processing for the water and sewer were different and if they would be combined in the future.

Mr. Rodriguez stated the software used for the sewer was much more limited in capability than that used for water. Policies for the two departments needed to be integrated, after which billing could be integrated. Work was being done to see when this would be achieved.

Council Member Elinski stated the extra costs involved would have to be passed on to customers considering the current budget situation.

Mayor Joens stated this matter would be best discussed after the billing of sewer and water had been combined.

Council Member Pratt agreed with the comments of Mayor Joens and Council Member Elinski. This was not the time to do it.

Council Member Smith asked what Mr. Rodriguez preferred to do.

Mr. Rodriguez stated continuing with the current systems would be easiest while working toward consolidation of the two systems.

Mayor Joens stated the Council consensus was that this issue should be postponed until a later time.

AWARD OF BID FOR PURCHASE OF OFFICE FURNITURE AND FURNISHINGS FOR THE NEW RECREATION CENTER

Mr. Faust stated staff requested the Council consider awarding the purchase of furniture and furnishings for the recreation center to Salt Creek Office Furniture of Scottsdale, Arizona, in the amount of \$149,399.05.

On December 15, 2009, the Council rejected all furniture bids from the architectural firm BRS because the quotes were over budget.

The Council's direction was: 1) to obtain higher quality design, durability, and better warranty options through authorized state procurement cooperatives; 2) use more "green" products and materials; and 3) obtain better prices and delivery times. A cooperative vendor was located with a showroom where products could be viewed and assessed. A purchase using cooperative guidelines met the criteria expected by the Council and provided optimum prices. The price of \$189,600 was about \$3,000 over the original price estimate but staff believed it to be a good value. It included \$149,399.05 for furniture for the office, conference room, lounge, break room, and banquet hall chairs.

Council Member Pratt stated his support for the proposal, especially since it supported an in-state family business.

Council Member Smith moved to approve the purchase of office furniture and recreation center furnishings from Salt Creek Office Furniture in the amount of \$149,399.05. The motion was seconded by Council Member Pratt.

Council Member Norman asked about the \$7,000 installation charge in the specifications.

Mr. Faust stated that was for shipping, delivery, and assembly on site.

The motion carried unanimously.

ORDINANCE NUMBER 560-- AMENDING SECTION 12.12.020, USE OF PUBLIC PARKS AND RECREATION, SUBSECTION G. DOMESTIC ANIMALS, OF THE COTTONWOOD PARKS AND RECREATION CODE 1993, BY DELETING SUBSECTION G. DOMESTIC ANIMALS, IN ITS ENTIRETY AND ADDING A NEW SUBSECTION G. DOMESTIC ANIMALS AND DOG PARK RULES AND REGULATIONS; FIRST READING

Mr. Faust stated in September 2008 the Council authorized a Memorandum of Understanding with the Cottonwood Dog Park Association addressing rules, regulations, and signage within the park. It had not been made an ordinance, which was the intent at this time, as it was desired to have the ability to enforce rules and regulations by the Cottonwood Police Department. The language had been revised with a view to enforceability as part of the 1993 Parks & Recreation Code. He read the proposed changes under the ordinance.

Council Member Pratt asked if dog park users had had input on these rules.

Mr. Faust stated their main concern was about the pit bull ruling, but they were comfortable with these rules. Courtesy rules would also be posted at the park.

Council Member Pratt stated his support for the proposed ordinance.

Mayor Joens stated she hoped the city would be sure that all the dogs using the park had their tags.

Mr. Faust stated in discussions with animal enforcement it had been expressed they wished to visit the park up to five times a day with a view to enforcing compliance with licensing dogs.

Vice Mayor Pfeifer asked if park users were aware that dog tags were renewable every January.

Mr. Faust stated he didn't know. There would be a transition period of education before full enforcement was put into effect.

Mayor Joens stated many park users came from outside the city but would still need licenses from their local authorities demonstrating vaccinations had been received.

Mr. Faust stated the police would exercise discretion in such cases.

Mayor Joens asked the City Clerk to read the first reading of Ordinance Number 560.

ORDINANCE NUMBER 560

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AMENDING SECTION 12.12.020, USE OF PUBLIC PARKS AND RECREATION, SUBSECTION G. DOMESTIC ANIMALS, OF THE COTTONWOOD PARKS AND RECREATION CODE 1993, BY DELETING SUBSECTION G. DOMESTIC ANIMALS, IN ITS ENTIRETY AND ADDING A NEW SUBSECTION G. DOMESTIC ANIMALS AND DOG PARK RULES AND REGULATIONS.

Mayor Joens stated she had an item she would like to see put on a future agenda for Council discussion. Part M stated the Parks & Recreation Director, in conjunction with the City Manager, could close a facility for its preservation or public safety reasons. That seemed to conflict with Section 2.16 of the Municipal Code where it was stated that it was the function of the City Manager to exercise general supervision over parks and other public property which were under the control and jurisdiction of the Council. Any permanent closure of a park should be legislated by the Council.

Mr. Faust stated the wording had been intended only for temporary closures and would be changed. Other such housekeeping issues would also be addressed.

ORDINANCE NUMBER 561-AMENDING SECTION 12.12.010, USE OF PUBLIC PARKS AND RECREATION, SUBSECTION I. FIREARMS AND OTHER EXPLOSIVE DEVICES, OF THE COTTONWOOD PARKS AND RECREATION CODE 1993, BY DELETING SUBSECTION I. FIREARMS AND OTHER EXPLOSIVE DEVICES, IN ITS ENTIRETY AND ADDING A NEW SUBSECTION I. FIREARMS AND OTHER EXPLOSIVE DEVICES, FIRST READING

Mr. Faust stated this was another document that required housekeeping attention. Signs in our parks used to say firearms were restricted in our parks. State statutes preempted the municipal Parks Code which did need to conform to state statute. This was an action in ordinance format whereby people with authorized concealed weapons permits would be allowed to enter a park area. Previously, no firearms were permitted. The change would bring our ordinance into compliance with state statute. The current Parks & Recreation Code, Section 12.12.020 (Use of Public Parks and Recreation Facilities), Definitions, stated:

I. Firearms and Other Explosive Devices Prohibited

Firearms and other explosive devices, including compressed-air weapons, were prohibited in all parks or recreation facilities, (Fourth of July fireworks program authorized through the City Manager's office and at the discretion of the City Fire Chief, are exempt from this ordinance).

Staff recommended this definition be changed as follows:

I. Firearms and Other Explosive Devices

Firearms would be banned at all City parks of one square mile or less, and in improved or developed areas of any parks larger than that, except as authorized by ARS 13-3108.C.5. All other explosive devices, including compressed-air weapons, are prohibited in all parks or recreation facilities. The Fourth of July fireworks program authorized through the City Manager's office and at the discretion of the City Fire Chief, would be exempt from this ordinance.

Council Member Kirby stated it would be clearer if rather than "larger than that" the wording was changed to "larger than one square mile".

Mr. Horton stated the change would be made.

Council Member Pratt stated his support for the changes.

Mayor Joens stated she was bothered that the state could come and tell the city it had to allow guns in city parks. She felt that guns in parks were not necessary.

Mr. Faust stated the change requested by Council Member Kirby would be made.

Mayor Joens asked the City Clerk to read the first reading of Ordinance Number 561.

ORDINANCE NUMBER 561

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AMENDING SECTION 12.12.010, USE OF PUBLIC PARKS AND RECREATION, SUBSECTION I. FIREARMS AND OTHER EXPLOSIVE DEVICES, OF THE COTTONWOOD PARKS AND RECREATION CODE 1993 (AS AMENDED), BY DELETING SUBSECTION I. FIREARMS AND OTHER EXPLOSIVE DEVICES, IN ITS ENTIRETY AND ADDING A NEW SUBSECTION I. FIREARMS AND OTHER EXPLOSIVE DEVICES.

SPECIAL EVENT LIQUOR LICENSE APPLICATION FOR THE COTTONWOOD CHAMBER OF COMMERCE FOR AN EVENT SCHEDULED FOR FEBRUARY 18, 2010, AT VERDE VALLEY RENTALS LOCATED AT 403 SOUTH 6TH STREET

Vice Mayor Pfeifer declared a conflict of interest and removed herself from the dais.

Ms. Jiménez stated this item had been added at the last minute to the agenda to accommodate a request by the Chamber of Commerce who otherwise would not have had time to have it approved and processed prior to the day of their event. The application was for a Chamber mixer scheduled to be held at Verde Valley Rentals, located at 403 South Sixth Street.

Council Member Smith moved to approve the special event liquor license application for the Cottonwood Chamber of Commerce for an event scheduled for February 18, 2010. Council Member Norman seconded the motion, which carried.

CLAIMS & ADJUSTMENTS

Council Member Kirby moved to pay the claims. Council Member Elinski seconded the motion, which carried unanimously.

AMENDMENT OF CITY MANAGER'S EMPLOYMENT CONTRACT—PURSUANT TO A.R.S. § 38-431.03.(A)(1) DISCUSSION OR CONSIDERATION OF EMPLOYMENT, ASSIGNMENT, APPOINTMENT, PROMOTION, DEMOTION, DISMISSAL, SALARIES, DISCIPLINING OR RESIGNATION OF A PUBLIC OFFICER, APPOINTEE OR EMPLOYEE OF ANY PUBLIC BODY, EXCEPT THAT, WITH THE EXCEPTION OF SALARY DISCUSSIONS, AN OFFICER, APPOINTEE OR EMPLOYEE MAY DEMAND THAT THE DISCUSSION OR CONSIDERATION OCCUR AT A PUBLIC MEETING; THE COUNCIL MAY VOTE TO CONVENE INTO EXECUTIVE SESSION SUBJECT TO THE CITY MANAGER'S RIGHT TO COMPEL THE COUNCIL TO DISCUSS THIS MATTER IN OPEN MEETING

Mayor Joens stated Mr. Bartosh had stated to her his willingness to have the matter discussed in open session. He desired the Council discuss altering his contract so that his severance pay would equal to six months salary rather than three as was currently the case.

This would create parity with the contract that had been agreed to for the City Attorney.

The Council consensus was that in the City Manager's absence the matter should be tabled.

Council Member Smith moved to table the matter. The motion was seconded by Council Member Kirby, and carried unanimously.

ADJOURNMENT

Council Member Kirby moved to adjourn. Council Member Norman seconded the motion, which carried unanimously. The regular meeting adjourned at 7:11 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 February 2, 2010. I further certify that the meeting was duly called, and that a quorum was present.

Marianne Jiménez, City Clerk

Date