

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, HELD APRIL 20, 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
Darold Smith, Council Member
Terence Pratt, Council Member

STAFF MEMBERS PRESENT

Doug Bartosh, City Manager
Marianne Jiménez, City Clerk
Dan Lueder, Development Services General Manager
Rudy Rodriguez, Administrative Services General Manager
Richard Faust, Community Services General Manager
Steve Horton, City Attorney

PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was led by Britney Lawler, a sophomore at Mingus Union High School. Mayor Joens presented Miss Lawler 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 made the following announcements:

- Move-in has begun at the new Development Services Building which would house Utilities, Planning, and Engineering Services at 111 North Main Street. A grand opening would be held at a future date.
- Economic Development Director, Casey Rooney, on Sunday, escorted a group of Australian tourism directors.
- The grand opening for Arizona Stronghold Vineyards was held. He understood they made \$18,000 from bottle signings and each one of the tasting rooms made \$8,000.
- The fire and police departments would be putting on the "Every 15 Minutes"

presentation at Mingus Union High School on Thursday and Friday this week, which simulates a serious alcohol or drug related traffic accident where one of the students die and they run them through the experience of that.

- Bids were being solicited for repair of the Aspen Shadows wall.
- Bids were being solicited for annual chip seal and roadway maintenance with the emphasis on collector streets. Striping would also be done.
- The Brian Mickelsen half marathon was held last weekend and attracted about 350 participants.
- Kinney Construction, the general contractor who was doing the work at the Development Services Building, out of the 20 subcontractors they hired, 13 were Cottonwood contractors and 18 of them were Verde Valley contractors.

Council Member Pratt stated he had attended the bottle signing and thought the event was most successful.

Council Member Kirby stated he had chaired the quarterly meeting of the Advisory Council on Aging on Wednesday, the 14th and this week he would attend the bi-monthly NACOG meeting in Flagstaff.

Vice Mayor Pfeifer stated she wanted to draw attention to the Verde Valley Birding and Nature Festival this week.

Mayor Joens announced the following:

- The economic roundtable discussed economic development in the Verde Valley and could be observed on www.verdevalleytv.com. People who could not watch on cable television could watch it on the internet as well as episodes of "Inside the City".
- ADEQ and E-Waste Harvesters would partner with the city on May 8 for a clean-up of unwanted electronic equipment and batteries, in conjunction with Clarkdale and the Stewards of Public Lands, at no cost to the city.
- She attended a ribbon cutting ceremony on April 15 with the Chamber of Commerce Ambassadors at the Golden Cobra Fitness Center.
- The same day she also attended the Chamber mixer at the Oak Creek Winery.
- On April 16 she spoke to the Verde Valley Leadership Group about her experience and role as mayor and the role of the city manager in a council/manager form of municipal government.
- On April 17 she attended the opening of the Verde Valley Humane Society in their new building. Ms. Jiménez attended in place of the City Manager.
- She attended the pasta dinner for the Brian Mickelsen marathon Friday evening.
- On Saturday she attended the Old Town Yard and Art show.
- Yesterday she attended the Fit Kids board meeting for the Verde Valley Medical Center.
- The Verde Valley Birding and Nature Festival would be held on April 22. On Friday its keynote event would be held at the Civic Center, featuring speaker Bill Thompson, editor of *Bird Watching Digest*, who would discuss the perils and pitfalls of birding.

- On Friday, the Verde Valley campus of Yavapai College would hold its annual art show. Relay for Life would hold its annual cancer walk at 6 p.m. and the Humane Society would hold a fund raiser for its Adopt for Life Center.

CALL TO THE PUBLIC

Dr. Bob Richards, of Cottonwood, stated Saturday the Verde Valley Voices would give a concert at the Verde Baptist Church at 3 p.m.

PROCLAMATION—YOUTH WEEK, MAY 1-6, 2010

Mayor Joens proclaimed the week of May 1 as Youth Week.

PRESENTATION BY REPRESENTATIVES OF NORTHERN ARIZONA HEALTH CARE REGARDING THE FIT KIDS OF ARIZONA PROGRAM

Mr. Matt Leversee, Manager of Fit Kids of Arizona, from Northern Arizona Health Care, gave a presentation on the Fit Kids of Arizona program that provided children and their families the tools and techniques for conquering childhood obesity.

PRESENTATION OF THE COTTONWOOD CHAMBER OF COMMERCE'S QUARTERLY BEAUTIFICATION AWARD - COTTONWOOD RECREATION CENTER

Ms. Lana Tolleson, President and CEO of the Cottonwood Chamber of Commerce, presented the Mayor and Council with the Chamber's quarterly beautification award for the improvement brought to the city by the completion of the Cottonwood Recreation Center.

APPROVAL OF MINUTES—REGULAR MEETING OF APRIL 6, 2010

Council Member Pratt moved to approve the minutes of the regular meeting of April 6, 2010. The motion was seconded by Council Member Norman, and carried unanimously.

OLD BUSINESS

ORDINANCE NUMBER 563--AMENDING THE MUNICIPAL CODE BY DELETING SECTION 9.12.030 ALCOHOLIC BEVERAGES, IN ITS ENTIRETY AND ADDING A NEW SECTION 9.12.030 ALCOHOLIC BEVERAGES; SECOND & FINAL READING

Mr. Faust stated this ordinance would allow for a more uniform policy pertaining to alcohol consumption at parks and recreation facilities and provided the requirement for such consumption for use at the new Recreation Center banquet hall wing, as well as at the Civic Center. The policy would also allow the use of the facilities by local governing boards to authorize alcohol consumption as long as it did not include the sale of such beverages at city facilities.

Council Member Pratt stated all arguments had been aired at the first reading of the ordinance.

Council Member Kirby stated his concerns regarding use of alcohol in public facilities and the risk over-intoxification would bring.

Mr. Faust stated that would be a police enforcement issue.

Mr. Horton stated it was a matter of common sense enforcement.

Council Member Kirby stated his objection to this ordinance was because of the direction the city seemed to be taking regarding the acceptance of alcohol at municipal facilities, as well as the placing of many liquor license applications on the consent agenda.

Mr. Faust stated the policy demanded that renters of facilities provide security.

Mr. Bartosh noted the policy had been in effect at the softball field for some time. When needed, enforcement was available.

Mayor Joens stated participation was matter of personal choice for citizens.

Dr. Bob Richards, of Cottonwood, stated the Council should table the item because he was concerned the new city policy toward alcohol, when added to the new state law allowing guns, would create intolerable situations.

Council Member Pratt moved to approve Ordinance Number 563. Council Member Elinski seconded the motion, which carried with a dissenting vote by Council Member Kirby.

Mayor Joens asked the City Clerk to read the second and final reading of Ordinance Number 563 by title only.

ORDINANCE NUMBER 563

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, AMENDING THE MUNICIPAL CODE BY DELETING SECTION 9.12.030 ALCOHOLIC BEVERAGES, IN ITS ENTIRETY AND ADDING A NEW SECTION 9.12.030 ALCOHOLIC BEVERAGES.

CONSENT AGENDA

NEW LIQUOR LICENSE APPLICATION FOR SAMUEL W. PILLSBURY (PILLSBURY WINE COMPANY NORTH) LOCATED AT 1012 NORTH MAIN STREET

NEW LIQUOR LICENSE APPLICATION FOR ELVIRA VARELA (HACIENDA INN) LOCATED AT 1330 EAST COTTONWOOD

WINE FESTIVAL/WINE FAIR LIQUOR LICENSE APPLICATIONS FOR RAY F. FREITAS (FREITAS VINEYARD) FOR EVENTS TO BE HELD AT 1012 N. MAIN STREET ON APRIL 23-25, 2010 & APRIL 30, AND MAY 1-2, 2010

SPECIAL EVENT LIQUOR LICENSE APPLICATION FOR LAURA C. FLETCHER (VERDE VALLEY HUMANE SOCIETY) FOR AN EVENT TO BE HELD AT 1502 W. MINGUS AVENUE ON APRIL 23, 2010

CHANGE OF START DATE FOR THE SMARTWORKSPPLUS AGREEMENT

Council Member Elinski moved to approve the consent agenda. The motion was seconded by Vice Mayor Pfeifer.

Council Member Kirby stated he abstained and asked if somebody votes no on the consent agenda did that negate the whole consent agenda.

Mr. Horton stated no, I think a substantive no vote would be to not approve all the items on the consent agenda. You also have the prerogative to pull any or all items off the consent agenda.

Council Member Kirby stated if I vote no on this.

Mr. Horton stated then he was voting no on all the items.

Mr. Kirby stated he abstained.

NEW BUSINESS

WAIVER OF COTTONWOOD MUNICIPAL CODE SECTION 9.12.030 FOR AN EVENT AT THE COTTONWOOD RECREATION CENTER - COMMUNITY BANQUET HALL

Mr. Faust stated staff requested a waiver of the Municipal Code to allow the consumption of wine and beer at the Cottonwood Recreation Center banquet hall for the Verde Valley Realtors' Association (VVRA) mixer scheduled for April 29, 2010. The Code currently prohibited such consumption at most municipal recreation facilities. Current policy allowed the Council to waive the ordinance on behalf of requests by both the public and city staff on a case-by-case basis. The VVRA and staff requested such a waiver for a gathering of about 180 people. Staff would provide the applicant with all information regarding policies, including insurance, damage, and liability issues for rental of the facility.

Council Member Pratt stated his pleasure that reputable local groups wished to utilize the new facilities.

Council Member Smith moved to approve a waiver of Cottonwood Municipal Code 9.12.030 and allowing the consumption of wine and beer at the Cottonwood Recreation Center

Community Banquet Hall for April 29, 2010. The motion was seconded by Council Member Pratt, which carried unanimously.

SPECIAL EVENT LIQUOR LICENSE APPLICATIONS FOR LANA R. TOLLESON (COTTONWOOD CHAMBER OF COMMERCE) FOR EVENTS SCHEDULED FOR JULY 15, SEPTEMBER 16, NOVEMBER 18, AND DECEMBER 9, 2010

Ms. Jiménez stated Ms. Tolleson had informed her just prior to the meeting that the date for the event scheduled for July 15, 2010, should be amended to read July 27, 2010.

Vice Mayor Pfeifer declared a conflict of interest.

Council Member Pratt moved to recommend approval of the Special Event Liquor License Applications for Lana R. Tolleson on behalf of the Cottonwood Chamber of Commerce for events scheduled for July 27, September 16, November 18, and December 9, 2010. The motion was seconded by Council Member Norman, and carried.

WINE FESTIVAL/WINE FAIR LIQUOR LICENSE APPLICATION FOR RODNEY F. SNAPP (JAVELINA LEAP VINEYARD AND WINERY) FOR AN EVENT TO BE HELD AT 740 E. MINGUS AVENUE ON JUNE 17, 2010

Ms. Jiménez stated this was a Chamber mixer being sponsored by Javelina Leap which would be serving the liquor at this event which was scheduled for June 17 at the Mountain View Villa Apartments.

Vice Mayor Pfeifer declared a conflict of interest.

Council Member Pratt moved to recommend approval of the Wine Festival/Wine Fair Liquor License Application for Rodney F. Snapp on behalf of Javelina Leap Vineyard & Winery for an event scheduled for June 17, 2010. The motion was seconded by Council Member Elinski, and carried.

CLAIMS & ADJUSTMENTS

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

EXECUTIVE SESSION—A.R.S. § 38-431.03(A)(7) DISCUSSIONS OR CONSULTATIONS WITH DESIGNATED REPRESENTATIVES OF THE PUBLIC BODY IN ORDER TO CONSIDER ITS POSITION AND INSTRUCT ITS REPRESENTATIVES REGARDING NEGOTIATIONS FOR THE PURCHASE, SALE OR LEASE OF REAL PROPERTY (FOR THE PROPERTY KNOWN AS GARDNER'S RECYCLING, ASSESSOR PARCEL NUMBERS 406-36-023, 406-36-021B, 406-34-011 AND 406-34-010)

EXECUTIVE SESSION—A.R.S. § 38-431.03(A)(7) DISCUSSIONS OR CONSULTATIONS WITH DESIGNATED REPRESENTATIVES OF THE PUBLIC BODY IN ORDER TO CONSIDER ITS

POSITION AND INSTRUCT ITS REPRESENTATIVES REGARDING NEGOTIATIONS FOR THE PURCHASE, SALE OR LEASE OF REAL PROPERTY (LEASE OF CITY PROPERTY AT RIVERFRONT PARK TO IMAGIFLIX)

Council Member Kirby moved to convene into executive session. The motion was seconded by Council Member Elinski, and carried unanimously.

After discussion under executive session, Council Member Kirby moved to convene back into regular session. The motion was seconded by Council Member Smith, and carried unanimously.

There was no discussion or action taken by the Council under regular session.

ADJOURNMENT

Council Member Pratt moved to adjourn. The motion was seconded by Council Member Smith, and carried unanimously.

The regular meeting adjourned at 8:30 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 April 20, 2010. I further certify that the meeting was duly called, and that a quorum was present.

Marianne Jiménez, City Clerk

Date