

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, HELD OCTOBER 19, 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

Steve Horton, City Attorney
Marianne Jiménez, City Clerk
Dan Lueder, General Services General Manager
Rudy Rodriguez, Development Services General Manager
Mike Casson, Fire Chief
Casey Rooney, Economic Development Director
Scott Mangarpan, Project Manager
Morgan Scott, Staff Engineer

PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was led by Mr. Nat Munn, a member of the Parks & Recreation Commission. Mayor Joens presented him with a certificate of appreciation for leading the Pledge of Allegiance.

READING OF COUNCIL'S MISSION AND VISION STATEMENT

Council Member Elinski read the Council's Mission Statement and Council Member Kirby read the Council's Vision Statement.

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. Lueder stated the AirFest had 1,750 people through the gate and 500 breakfasts were

served. The disc golf course would be completed and ready for play by Friday.

Vice Mayor Pfeifer stated she had been asked to speak to the third graders at St. Joseph's Catholic School about government, elections, and what the city did.

Council Member Kirby made the following announcements:

- This past week he attended the training session and chaired the meeting of the Area Agency on Aging Advisory Council for NACOG. It was moving forward with programs to assist the elderly and make their lives more comfortable.
- The Elders Issues conference was held in Flagstaff on October 6 which he did not attend due to the weather.
- He had a meeting with Jesse Rodriguez about the Head Start program
- He would be going to the NACOG regional council meeting and the Head Start committee meeting October 28.

Mayor Joens made the following announcements:

- She attended the Governor's Rural Development Conference last Thursday and Friday. Mr. Don Cardon, President & CEO of the Arizona Commerce Authority explained the plan to dismantle the Department of Commerce and have a public/private partnership instead.
- Saturday was the day for the AirFest where those who participated in the war effort for World War II were recognized.
- She also that day attended the Verde Valley Cyclists picnic and later that evening attended Oktoberfest at the VFW.
- She attended Catholic Charities Vita training where volunteers who assisted with tax preparation for the needy were being sought.

CALL TO THE PUBLIC

Ms. Kami Mulcaire, owner of Bedrock, stated in December 2009 a city ordinance, 10.16.070 was passed. It was the Covered and Secure Loads ordinance and required all loads in the city limits be covered and securely tied down. She was concerned about not being notified of the new ordinance that was passed and approved by the Council. She was concerned that the Council was passing ordinances without properly notifying the general public of any changes.

Mr. Horton stated it could have been part of the Parking Code amendments which was adopted by reference and available at City Hall for the public to review.

Mayor Joens asked Ms. Jiménez if assistance could be given to Ms. Mulcaire with the details of that law and Ms. Jiménez acknowledged she would do so.

APPROVAL OF MINUTES—REGULAR MEETING OF OCTOBER 5, 2010

Council Member Norman moved to approve the minutes of October 5, 2010. Council Member Elinski seconded the motion, which carried unanimously.

UNFINISHED BUSINESS

ORDINANCE NUMBER 567—AMENDING THE COTTONWOOD CITY CODE BY ADDING A NEW SECTION 13.28, BACKFLOW PROTECTION AND PREVENTION CODE, TO TITLE 13, PUBLIC SERVICE; SECOND AND FINAL READING

Mr. Lueder stated the City Manager, who was ill, had requested this item be tabled until the November 2, 2010, meeting as he wanted to be in attendance for this item.

Council Member Kirby stated there were a lot of people here who came specifically because of this. The absence of the City Manager was not a particular concern to him. The Council said it would talk about it and there were people from all over the community who wanted to talk about it.

Council Member Pratt stated he was fine with tabling it as the City Manager had a lot of input and he would like to see him involved in the conversation.

Council Member Elinski agreed and stated that it was unfortunate so many people had shown up and hopefully they would come back.

Mayor Joens stated it would be excellent to have him here and he had asked and stated he wanted to be here. It was not a life threatening matter.

Mr. Horton stated there was the option to take the matter up and then have a motion to table it.

Mayor Joens asked if comments could be taken tonight and Mr. Horton stated, yes.

Council Member Pratt stated he supported that.

Mayor Joens stated those who wished to speak so the Council could take their comments into consideration could do so.

Mr. Ray Strom, of Cottonwood Ranch, stated he agreed it was time to set a policy where as the Mayor said, "citizens understood what was needed". He also commented that the Council was addressing a new ordinance without properly understanding or providing adequate information for understanding of why the new ordinance was needed. He also was concerned that the new ordinance could not be handled properly by the utility department. He believed that this new ordinance required more research before it was approved by the Council.

There were two other speaker forms submitted from people who wished to speak at the next meeting. Mayor Joens asked the City Clerk to bring them back on November 2.

Council Member Smith moved to table the ordinance. Council Member Pratt seconded the motion, which carried with a dissenting vote by Council Member Kirby.

CONSENT AGENDA

RESOLUTION NUMBER 2543—APPROVING A LIBRARY SERVICES AGREEMENT WITH THE YAVAPAI COUNTY LIBRARY DISTRICT TO PROVIDE LIBRARY DISTRICT FUNDS AND BOOKS

AGREEMENT WITH THE VERDE VALLEY SENIOR CITIZENS ASSOCIATION TO PROVIDE FUNDING TO SUPPLEMENT THE SENIOR SERVICES AND PROGRAMMING OFFERED AT THE VERDE VALLEY SENIOR CENTER.

AGREEMENT WITH THE OLD TOWN ASSOCIATION FOR THE PROMOTION, DEVELOPMENT, AND ENHANCEMENT OF OLD TOWN COTTONWOOD

WINE FESTIVAL LIQUOR LICENSE APPLICATIONS FROM ALCANTARA L.L.C., FREITAS VINEYARD, JAVELINA LEAP VINEYARD & WINERY, JEROME WINERY, AND PAGE SPRINGS CELLARS, FOR THE WALKIN' ON MAIN/CITY OF COTTONWOOD 50TH ANNIVERSARY EVENT SCHEDULED FOR NOVEMBER 13, 2010, IN OLD TOWN

ACCEPTANCE OF A RIGHT-OF-WAY THROUGH THE KINDRA HEIGHTS SUBDIVISION FOR ACCESS TO A CITY WELL SITE

Mayor Joens asked if any Council Member or member of the public wished to have any of these items pulled for discussion. There were no requests to do so.

Council Member Pratt moved to accept the consent agenda. Council Member Elinski seconded the motion, which carried unanimously.

NEW BUSINESS

MEMORANDUM OF UNDERSTANDING WITH THE NORTHERN ARIZONA COUNCIL OF GOVERNMENTS FOR THE DEVELOPMENT OF THE BUSINESS ASSISTANCE CENTER PROGRAM AND SERVICES

Mr. Rooney stated the ribbon cutting for the new Business Assistance Center (BAC) across the street was scheduled for November 10, at 10 a.m. The Memorandum of Understanding (MOU) detailed the partnership between the City, the Northern Arizona Council of Governments (NACOG) and Yavapai College (YC). Some of the development costs were being provided by NACOG and YC. In order for NACOG to purchase equipment, the Council had to approve the MOU.

Council Member Pratt stated it was a great thing for Cottonwood to have this business center. He noticed there was minimal cost with maintenance, upkeep and utilities, which we did anyhow.

Mr. Rooney stated he knew there might be some concern about the cost of the facility. The city owned the building and fixed it up with paint and carpet. His office and that of I.T. were there and the water and electric bill had to be paid whether the business assistance center was there or not. The phone and internet had not yet been addressed. This was a partnership between the city, the Cottonwood Economic Development Council (CEDC), NACOG, and Yavapai College. They were all putting money into the game to make this successful. He had asked Ginger Johnson at Yavapai College to verify what they were supplying to us and her reply was 3 laptops, 3 workstations, a 44 inch flat screen TV for video conferencing, 4 training tables, 4 desk chairs, 2 guest chairs, and 8 upholstered stacking chairs. NACOG would provide computers, staff, including a full-time person for 8 months, marketing, and a project manager who was a specialist in business development.

Council Member Pratt moved to approve the Memorandum of Understanding with Northern Arizona Council of Governments for the development of the Business Assistance Center program and services. Council Member Norman seconded the motion, which carried. Council Member Kirby was absent for the vote.

RELEASE OF LOT 28 FROM THE THIRD PARTY TRUST HELD WITH READ HOMES FOR THE MESQUITE HILLS SUBDIVISION PHASE I

Mr. Scott stated a year ago, Read Homes, developer of the Mesquite Hills subdivision, came before the Council and asked to have 58 of their 60 lots released from the third party trust. The third party trust was a tool the city used to guarantee all improvements required of the subdivision were completed. At that time two lots were withheld. One was withheld because sidewalks within the subdivision were not complete and it could not be sold until the sidewalks were completed. The second lot, Lot 28, being discussed tonight, was withheld to ensure the completion of the improvements at the intersection of State Route 89A and Mingus Avenue. Those improvements were now completed and Read Homes was requesting that this lot be released from the third party trust.

Mayor Joens asked if there were any comments from the public and there were none.

Council Member Smith moved to release Lot 28 from the third-party trust from the Mesquite Hills Subdivision Phase I. Council Member Elinski seconded the motion, which carried unanimously.

AWARD OF A PROFESSIONAL SERVICES CONTRACT TO IXP CORPORATION TO COMPLETE A FACILITY AND EQUIPMENT NEEDS STUDY FOR A NEW EMERGENCY COMMUNICATIONS CENTER IN THE AMOUNT OF \$75,000

Mr. Mangarpan stated he requested Council approval to proceed with a contract for facilities and equipment needs study by iXP Corporation for a new emergency communications center. The existing facility was shoehorned into the Public Safety Building and was cramped and inadequate and not part of the original design for that building. Replacement of the facility had been discussed for years to handle the new equipment and responsibilities and staffing needed for that service.

This was a study by iXP Corporation to look at what it would take to create a new facility; equipment-wise, space-wise, and also the possibility of other agencies in the Verde Valley combining efforts with this facility. There were a couple options. We could do what we were doing now, serving Cottonwood Police Department, Clarkdale Police Department, Jerome Police Department, Prescott Area Narcotics Taskforce, and Dead Horse State Park. We were seriously looking at picking up other police department's dispatch from other agencies in the Verde Valley. There was also the possibility of working with the Sedona Fire District to incorporate their fire dispatch, which covered most of the Verde Valley, into this facility. This study would be an attempt to identify who could participate and how.

The city had done the Request for Qualifications (RFQ) process and narrowed the list down to three firms to be interviewed. iXP Corporation was identified as the most qualified. They would only be doing this study which did not lead into any design process. They were not the type of firm that did design. They only did this type of study which meant there was no hidden agenda when results were given to us. Negotiations had been conducted to determine the scope of work and price. No results were being predicted ahead of time and all sorts of results could come out of this. Things would depend on what they recommended and what others agencies were willing to participate. At a minimum we should get a new 9-1-1 set-up for our police department dispatch. The city had the lot behind Public Safety which would be a logical place to put it. Site utilities and parking could be doubled-up on. The study may recommend something else. Although it was a national company, staff for the study would be coming from Phoenix.

Council Member Smith asked how long it would take to complete the study if it was approved.

Mr. Mangarpan stated it would probably be done by January or February. The toughest part would be scheduling and meeting with the other agencies and get their buy-in to even participate in the study, so time would not be wasted talking to agencies that were not interested. Then we would get into the details of how they might participate.

Council Member Smith asked if the city would like to have it located behind the police station.

Mr. Mangarpan stated if it was being done just for the City of Cottonwood that made the most sense. If other agencies participated and we got into a larger scale with Sedona Fire's participation, we had to look at whether that site was adequate or even the proper one.

Council Member Pratt asked since it served, will serve, or potentially serve other agencies, would we get some money from that or would this be a free service to other agencies.

Mr. Mangarpan stated the initial plan was the city would be responsible for this study. If other agencies were going to be involved in the design and construction they would be involved in the cost. He suggested that we could build it and bring other agencies in as tenants.

Mr. Horton stated that discussion was had at some length in this procurement process and the decision was taken, because of the relative interest of the various stakeholders and potential partners, that Cottonwood would write this needs assessment. To the extent stakeholders were interested in coming on board, then there would be the cost of admission.

Mr. Mangarpan stated it was hard to figure who to charge or how much if we did not know who was interested in participating.

Mayor Joens asked if they did not have some idea who was interested because of earlier discussions.

Mr. Mangarpan stated they had an idea who was interested, but would not know until dollars were put in front of them and what it would cost them to lease space from us or have services from this facility.

Mayor Joens stated the fact was we needed this facility for ourselves.

Mr. Mangarpan stated at a minimum it would be done for the service Cottonwood was providing now.

Vice Mayor Pfeifer stated we needed to get our dispatchers out of the closet. They were working in really small quarters.

Chief Casson stated he had sat in on meetings with other area chiefs and they were all interested in this system and regional facilities, but they all wanted to see if it would be cost efficient for them. They were waiting for us to take the first step forward and would then fall into line with us. Conditions in dispatch were very difficult.

Mayor Joens asked if there were any comments from the public.

Mr. Bob Oliphant, of Cottonwood Ranch, asked for more information about where the corporation was located and who its chief financial officer was, the qualifications of the experts it intended to send to work with the city, and how long it had been in business, so the public would have a better understanding of the corporation itself.

Mr. Mangarpan stated one principal and two other engineers/designers working on this project all worked out of the Phoenix office. One had 25 years experience with both police and dispatch center studies and design and was a former Sedona police officer who was familiar with the entire Verde Valley working conditions. Everyone else had at least 15-20 years of experience in either fire or police or both. Another was a computer and electronics specialist.

Mr. Horton stated this was part of a RFQ process which was a matter of public record.

Council Member Pratt stated the selection committee was made up of a good representation of people with experience who knew what was needed.

Chief Casson stated the \$75,000 cost of this study would be added as part of the project's capital cost and be included as part of any capital buy-in by any agency that did decide to come on and who would absorb some of our original costs.

Council Member Norman stated those who wanted more information on the company might look at their website.

Council Member Smith moved city staff proceed with the award of a professional service contract to iXP Corporation to complete a facility and equipment needs study for a new emergency communications center in the amount of \$75,000 subject to the final approval of the contract details by the City Attorney. Council Member Elinski seconded the motion, which carried unanimously.

Mr. Horton stated for the Council's information he had met that afternoon with Mr. Mangarpan about the draft service agreement and identified a couple areas where Mr. Mangarpan would go back to them and we should have an agreement within a week or so.

INTER-LOCAL CONTRACT FOR COOPERATIVE PURCHASING BETWEEN THE CITY OF COTTONWOOD AND THE HOUSTON-GALVESTON AREA COUNCIL FOR THE PURCHASE OF A FIRE APPARATUS THROUGH THE HOUSTON-GALVESTON AREA COUNCIL'S COOPERATIVE PURCHASING PROGRAM

Mr. Rodriguez presented a proposal to purchase a new fire apparatus between the City and the Houston-Galveston Area Council's Cooperative Purchasing Program. This new apparatus had been allocated for \$500,000 in the current budget. During the budget process the Council talked about funding this through the 0.2 percent sales tax the City currently had. The idea was to order the apparatus, get it built, and have it delivered to us right about the same time we would be going out for lease-purchase, extinguishing one lease-purchase agreement we had and starting this off so we would not have much of an impact on our 0.2 percent sales tax being accrued.

Council Member Kirby stated this was not the apparatus planned to fight a four-story fire.

Chief Casson stated, no. It was to replace a truck that was set to go into reserve status but caused it to become a front line vehicle for the second fire company that was formed with the SAFER grant. If acquired, it would become one of two primary first step fire engines and the 1996 unit would go back into reserve status. Based on quality for dollar spent, staff felt this was the best buy.

Council Member Smith stated it was common practice for the chief or other staff member to go to the builder's to observe construction progress. He asked if that would be the case now.

Chief Casson stated the contract price included a preliminary trip to the manufacturer. A

team of two to three people would be sent to the manufacturer once the agreement was finalized to evaluate and ensure that according to the engineers and manufacturer everything matched what had been negotiated and worked out with the vendor. Once they were at the 80 percent completion point, we would make another trip with a couple of people to ensure all the specifications had been built into that apparatus before we took delivery.

Council Member Kirby moved to waive the city's standard procurement procedures pursuant to Section IV.VI.C of the City's Financial Operations Guide to allow for the purchase of a fire apparatus through the Houston-Galveston Area Council's cooperative purchasing program; to authorize the purchase of a fire apparatus through this program for a maximum total purchase price of \$498,868; to authorize the City Attorney and the Administrative Services General Manager to negotiate the final terms of the agreement, and the Mayor to execute the agreement once it is finalized; and to authorize staff to work to reduce the final cost of the equipment by taking steps that include but are not limited to authorizing payment for the chassis upon its delivery to the assembly plant in Wyoming, Minnesota in exchange for a discount of \$6,860. Council Member Pratt seconded the motion, which carried unanimously.

CLAIMS & ADJUSTMENTS

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

ADJOURNMENT

Council Member Kirby moved to adjourn. Council Member Smith seconded the motion, which carried unanimously. The regular meeting adjourned at 7:22 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 19, 2010. I further certify that the meeting was duly called, and that a quorum was present.

Marianne Jiménez, City Clerk

Date