

MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, HELD NOVEMBER 13, 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
Jesse Dowling, Council Member
Tim Elinski, Council Member
Ruben Jauregui, Council Member
Terence Pratt, Council Member
Linda Norman, Council Member

STAFF MEMBERS PRESENT

Doug Bartosh, City Manager
Matt McLean, Deputy Clerk
Steve Horton, City Attorney

PRESENTATION OF FOR OUR CITY COTTONWOOD SHINE AWARDS FOR OUTSTANDING VOLUNTEERISM DURING THE OCTOBER 27, 2012, COMMUNITY CLEANUP

Mayor Joens went over the success of the community-wide cleanup held on October 27, 2012, and presented shine award certificates for being an outstanding volunteers during the cleanup to Jolin Kentzler, Tristen Hillman, Braiden Campbell, Jobe Wolfe, Chemin Alldredge, Verline "Vie" Baskerville, Gisela Bustamante, and Geraldo Angulo.

Mayor Joens also thanked all of the planners that put in many hours to make this a successful event.

APPROVAL OF MINUTES—WORK SESSION OF OCTOBER 9, 2012

Council Member Jauregui moved to approve the minutes. The motion was seconded by Vice Mayor Pfeifer and carried unanimously.

APPLICATION TO ADD SAMPLING PRIVILEGES TO THE CURRENT LIQUOR STORE LIQUOR LICENSE FOR THE SUZY Q LOCATED AT 962 NORTH MAIN STREET (LINDA S. HARRISON, OWNER/AGENT)

Mr. McLean stated this was an application to add sampling privileges to the Suzy Q located next to the Kentucky Fried Chicken on Main Street.

Council Member Jauregui asked if they met the 5,000 square foot requirement.

Mr. McLean stated that he was not positive on the floor space there.

Council Member Jauregui stated that issue came up before.

Mr. McLean stated they are supposed to have 5,000 square feet, but that is determined by the liquor board, not the Council.

Rob Harrison, representing Suzy Q, addressed the council and stated he would answer any questions about the application for the sampling permit.

Council Member Jauregui asked Mr. Harrison if there is enough floor space.

Mr. Harrison stated the liquor board requires 5,000 square feet, but the town council can approve the item. They have 3,000 square feet at their location.

Mayor Joens stated they often don't listen to us.

Council Member Jauregui stated since they don't meet the requirement, we can't really approve it, we can only make a recommendation to the liquor board.

Mr. Harrison stated he understands that, and it has been granted for smaller retail locations in the past. It was just something we thought we would try. It streamlines the tasting for them, since they have to go through a permit process with the liquor board every time they want to do one.

Council Member Pratt stated this won't be on a daily basis.

Mr. Harrison stated this would be special occasions, maybe one a month if we have a new product or a new winery or something.

Council Member Pratt moved to approve the application to add sampling privileges to an active liquor license held by Linda S. Harrison for Suzy Q located at 962 S. Main Street. The motion was seconded by Council Member Norman and carried unanimously.

Council Member Jauregui stated there was an issue on the square footage which is less than the state requires, so should that motion have that recommendation for approval also in the motion.

Council Member Pratt stated he would think the state would consider that separately. We're recommending with the knowledge that it is only 3,000 square feet. As Mr. Harrison has stated, at times they have waived it.

Council Member Jauregui stated if that makes it clear, because that is one of the things the

gentlemen brought up, that the council could recommend overriding that 5,000 foot stipulation, so it should be in the motion.

After further discussion regarding the wording of the motion, Mr. Horton stated what the statute appears to say is that if they have a beer and wine store license, and he doesn't know which kind of license they have, they need to have the 5,000 square feet. If they have a liquor license that requirement doesn't appear to apply as he read the statute.

Mr. Harrison stated they do have a series 9 liquor license.

Council Member Jauregui asked if that would cover it.

Mr. Harrison stated maybe he misread it, but he didn't see the requirement for the license type.

Mr. Horton stated it is on the upper right hand corner of the application and by the initials on item number one on the application; they acknowledge that the premises has to contain at least 5,000 square feet to be eligible for sampling privileges for beer and wine store for a series 10 applicant. They are a series 9 and that may be why they will process it. But that is up to the department.

Council Member Pratt stated so that doesn't apply then.

Mr. Horton stated that is how he reads it.

Mayor Joens questioned Council Member Jauregui if all his questions were answered to his satisfaction.

Council Member Jauregui stated to the satisfaction of the statute, yes.

APPLICATION FOR EXTENSION OF PREMISES/PATIO LIQUOR LICENSE PERMIT FOR THE OLD TOWN RED ROOSTER CAFE LOCATED AT 901 NORTH MAIN STREET (SHANE D. SMITH, LICENSEE)

Mayor Joens asked if there were any questions from the public on this item, and there were none.

Council Member Dowling moved to approve the application for the Extension of Premises/Patio Liquor License Permit for the Old Town Red Rooster Café located at 901 N. Main Street. The motion was seconded by Council Member Elinski and carried unanimously.

POSSIBLE TERMINATION OF THE MEMO OF UNDERSTANDING WITH COTTONWOOD COMMUNITY GARDENS, LLC

Mayor Joens stated the council approved the use of about one acre of land at Riverfront

Park for a community garden back in November of 2008. There was a Memorandum of Understanding (MOU) with Cottonwood Community Gardens, LLC., which was approved by the council for the purpose of establishing and maintaining the community garden. Over the past three years the garden has been overseen by dedicated members of the community who have worked very, very, hard to keep up with it. Bobbi Jo Gooslin has conducted gardening classes with children and is the person that has been in charge of registrations for the garden. Ms. Gooslin has donated hundreds of hours of her personal time and funds to keep the garden productive. She recently approached her stating she would like to stay involved but would be willing to accept assistance with the great amount of work involved in the project. The City Clerk stated she would volunteer to accept and keep track of the community garden registrations and the monthly common area cleanups. If the council approves her assuming this responsibility, the Memorandum of Understanding with Cottonwood Community Gardens, LLC., will be terminated as per Section 4 of the MOU.

Council Member Jauregui asked what Section 4 says.

Mr. Horton stated it may be cancelled for any reason 30 days by written notice.

Mayor Joens stated she did talk to Bobbi today and she would like to stay on to kind of assist the community service workers who go down and help in the garden.

Council Member Elinski asked if there would be any change in the day to day operations of the garden.

Mayor Joens stated they would still be able to come into the City Clerk's office and register. She would also be handing out information to them that explains that everybody has to help in the common areas.

Council Member Dowling asked if at some point we are just making room for a new Memorandum of Understanding by getting rid of the old one.

Mayor Joens stated we are not going to have a Memorandum of Understanding. The city is going to manage it. Most of the council sees the benefit of the community garden and as we get our Riverfront plant it will be watered with reclaimed so it will be able to leave some of our ditch water for the river, which is a plus. Working with the mayor and council's Let's Move program we are talking about some exciting things that we would like to maybe do that would involve the children of the community.

Council Member Dowling moved that we terminate the Memorandum of Understanding related to the community garden. The motion was seconded by Council Member Elinski.

Mayor Joens asked if there was anyone from the public that would like to comment on this item.

Vice Mayor Pfeifer stated we need to include the City Clerk's involvement in this.

Mayor Joens asked Mr. Horton if we need to include the City Clerk's involvement in this.

Mr. Horton stated you can. He thought that the City Clerk understands what her involvement will be if we terminate the MOU.

The motion carried unanimously.

ADJOURNMENT

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

The special meeting adjourned at 6:55 p.m.