

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, HELD DECEMBER 3, 2013, 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 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
Randy Garrison, Council Member
Ruben Jauregui, Council Member
Terence Pratt, Council Member

STAFF MEMBERS PRESENT

Doug Bartosh, City Manager
Marianne Jiménez, City Clerk
Steve Horton, City Attorney
Morgan Scott, Development Services Operations Manager
Bruce Morrow, Transit Manager
Dan Lueder, Development Services General Manager

PLEDGE OF ALLEGIANCE

Pat Dierks from Rising Hope Food Pantry led the Pledge.

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 announced the following: The recycling center on West Mingus Avenue was operational now; the Christmas parade was this coming Saturday starting at 11 a.m.; the Chocolate Walk was Saturday and the VIP Chocolate Walk was on Friday night; the tree lighting would be held Saturday at 5:45 p.m.; and on Saturday from 3-5 p.m., the Allie Ollie Boutique was holding a fundraiser for the library at the recreation center.

Council Member Pratt stated there were two more events going on in town this weekend. On Saturday at Mingus Union High School was the Verde Valley Voices concert at 3:30 p.m., and on Sunday at 3 p.m., at the recreation center the annual holiday concert would be held.

Vice Mayor Pfeifer announced the Flying High Turkey Drive was a great success and the Cottonwood Chamber and the City of Cottonwood came in second to Prescott Valley in the challenge.

PRESENTATION BY ALVIN STUMP, DISTRICT ENGINEER FOR THE ARIZONA DEPARTMENT OF TRANSPORTATION, REGARDING THE PROPOSED PLAN FOR INTERSECTION ACCESS POINTS ON STATE ROUTE 260 BETWEEN THOUSAND TRAILS AND I-17

Mr. Stump stated this year the Transportation Board awarded funding to construct the last segment of SR 260 between Thousand Trails and I-17, which was contingent upon having consensus throughout the Verde Valley of what the improvements were. For the past several months representatives of all the communities had been meeting regularly to develop a plan for the project and an access management agreement. He then gave a PowerPoint presentation on the project which identified seven intersections that would be full intersections throughout the seven mile corridor; Thousand Trails, Coury Drive, intersections 4 and 5 which were not yet named, Cherry Creek Road, Horseshoe Bend Road, and Wilshire Road. Between Thousand Trails and Horseshoe Bend it would be a four-lane divided highway. As you got closer to the freeway between Horseshoe Bend and Wilshire, it would be urban fringe with 8 foot shoulders on the outside with a center raised median in the middle. Roundabouts were designed for these intersections so the mainline will have a level service of B for at least 20 years, which meant there would be a wait time of between 10 and 20 seconds at the intersections.

PRESENTATION BY DARRELL DIERKS REGARDING RISING HOPE FOOD PANTRY

Pat Dierks stated her husband Darrell was unable to attend the meeting because he was working at the food pantry. Rising Hope Food Pantry was a non-alliance member with St. Mary's Food Bank from Phoenix, which was where the majority of the food they distributed came from. They had recently formed an affiliation with Northern Arizona Food Bank in Flagstaff, and had established relationships with other food pantries in the area to share overages with each other. They had now served over 2,000 different families in their pantry and were giving out about 15,000 pounds of food a week. She explained the Yavapai Food Neighbors project which was starting in Cottonwood in December. They recruited food coordinator volunteers who recruited 10-15 friends and neighbors from their neighborhoods who were each given a grocery bag to be filled with canned goods over a two month period. The bags would then be picked up by the food coordinator who would take it to the collection site and then distributed to food pantries or other food programs such as Meals on Wheels. She invited everyone to come to Cottonwood Christian Assembly at 740 East Mingus on December 14 between 10 a.m., and 12:30 p.m., when the collected food would be distributed. They would have a sign-up table to participate in the program and were in need of volunteers.

CALL TO THE PUBLIC—There were no comments from the public.

APPROVAL OF MINUTES—SPECIAL MEETING OF NOVEMBER 5, 2013, WORK SESSIONS OF

NOVEMBER 12 & 19, 2013, AND REGULAR MEETING OF NOVEMBER 19, 2013

Mayor Joens stated she read the minutes thoroughly and they looked good to her. She asked if there were any corrections or amendments, and there were none.

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

CONSENT AGENDA

SPECIAL EVENT LIQUOR LICENSE APPLICATION FOR ERIN ROEDIGER, APPLICANT FOR THE NATIONAL MULTIPLE SCLEROSIS SOCIETY, ARIZONA CHAPTER, FOR AN EVENT SCHEDULED FOR MAY 14 & 15, 2014, AT THE COTTONWOOD KIDS PARK LOCATED AT 350 SOUTH 12TH STREET

Council Member Garrison moved to approve the consent agenda. The motion was seconded by Vice Mayor Pfeifer, and carried unanimously.

NEW BUSINESS

APPROVING AN AMENDMENT TO CONTRACT NUMBER YAV2-13-2014 WITH THE NORTHERN ARIZONA COUNCIL OF GOVERNMENTS (NACOG) FOR ADDITIONAL CSBG FUNDS FOR COTTONWOOD AREA TRANSIT

Mr. Morrow stated we already had a contract with NACOG to provide low-income transit for riders who qualified under the Community Services Block Grant. NACOG had found some more money that they offered the city for the program. It almost doubled the funds they had granted previously.

Mayor Joens asked if any members of the public wished to comment on this item.

A woman from the audience questioned if they were going to increase the stops and were they going to label the stops that were no longer stops.

Mr. Morrow stated they had a plan in place for adding another route that would use the stops that were not currently being used, which would be presented to the council at the next council meeting.

Council Member Pratt moved to accept the increased Community Service Block Grant funding from NACOG for bus vouchers for low-income riders and to authorize the Mayor to execute the revised Negotiated Service Agreement. The motion was seconded by Council Member Dowling, and carried unanimously.

RESOLUTION 2725 - APPROVING/RATIFYING THE RATES, FEES AND CHARGES AT THE SOLID WASTE TRANSFER STATION AND IMPLEMENTING A NEW FEE FOR THE RECYCLING OF CERTAIN ELECTRONIC ITEMS

Mr. Scott stated Waste Management had offered their best and final proposal to provide recycling of electronic equipment that had a few fees attached. They offered to pay the city five cents per pound for certain electronics (PCs, laptops, servers, hubs, routers, and modems) and would charge two cents per pound for others (printers, copiers, fax machines, stereo equipment, flat panel monitors, flat panel television, mice, keyboards, etc.) Staff suggested allowing citizens to drop off these items for free, and the money to cover those costs might come out of the five cents per pound rebate. What may be a larger financial burden to the city was the \$6.00 Waste Management would charge the city for older style CRT TVs and monitors. Staff recommended the council pass that fee on to the people dropping those items off.

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

Council Member Elinski moved to approve Resolution Number 2725. The motion was seconded by Council Member Pratt and carried unanimously.

Mayor Joens requested the City Clerk read Resolution Number 2725 by title only.

RESOLUTION NUMBER 2725

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, ESTABLISHMENT OF THE RATES, FEES, AND CHARGES FOR THE COTTONWOOD SOLID WASTE TRANSFER STATION.

AWARD OF A CONTRACT FOR LEASE PURCHASE FINANCING FOR ARSENIC TREATMENT EQUIPMENT

Mr. Bartosh stated the council gave approval for staff to pursue the purchase of our arsenic treatment system at a cost of about 2 million dollars. By doing this we ended up saving about a half million dollars in lease payments. The financing was put out to bid and we received only one bid from US Bancorp Government Leasing and Finance with a five year term at an interest rate of 1.58 percent. Staff recommended the council approve the contract for the lease purchase of the arsenic equipment.

Mr. Horton stated with the five-year term the city was obligated to lease these systems, and at the end of the lease period there would have been a residual purchase in the millions of dollars. We paid the two million dollars to buy out the lease and with this lease purchase financing the monthly payment was about the same, and at the end of the five-year term the city owned the systems.

A man from the audience asked if there was maintenance to the system beyond the five years and where additional costs would go into that.

Mr. Lueder stated the cost of maintenance on the system was probably about \$300,000, which we were paying with the lease purchase.

Council Member Pratt moved to award the contract for lease purchase financing to US Bancorp Government Leasing and Finance, Inc., for the acquisition of arsenic treatment equipment and authorize staff to negotiate a final agreement for execution by the Mayor. The motion was seconded by Council Member Dowling, and carried unanimously.

ORDINANCE NUMBER 604--AMENDING THE MUNICIPAL CODE BY ADDING A NEW TITLE 16, CIVIL UNIONS; FIRST READING

Mayor Joens the information regarding this ordinance was available to the public through the city's website.

Council Member Pratt stated a question had been asked of him by a citizen of whether or not we were going to have a reciprocity clause in our ordinance like Clarkdale had.

Mr. Horton replied we could incorporate that or revisit that in an amendment. That discussion surrounds finding a way to capture a definition of what other jurisdictions have done. It was a minor thing, because the process laid out in this proposed ordinance was streamlined already. Also being presented tonight was whether or not there would be a fee for registering these unions. One of the options was not to impose any fee at all which would make it simpler. The thought was it was not a big deal for somebody who happens to be registered in another jurisdiction to come into the clerk's office, fill out the form, and get a certified copy of the form. What that avoided was the challenge of figuring out how to define the kind of union as defined by other jurisdictions that we would recognize.

Mayor Joens stated in reading this, it did not take away from the state constitution where the voters voted that marriage is between one man and one woman.

Mr. Horton stated this ordinance did not reach that issue at all.

Mayor Joens stated this ordinance could be for same sex couples or opposite sex couples. It just gave people in the community an opportunity to visit their significant other in the hospital. In the past there has been a lot of discrimination against families and people that wanted to be able to visit. We would not be accepting documents that people bring, because that would make them a public record which may not be the best thing. We would just be keeping a list of the documents that were important to those people, such as agreements between parties regarding the management and ownership of real and personal property

Mr. Horton stated the ordinance did not authorize the creation of those agreements or the validity of them. It simply allowed a description of those kinds of relationships the parties

have entered into to be registered with the clerk. The fact of the existence of those agreements simply become a record with the clerk.

Mayor Joens requested the members of the public who wished to address the council state if they lived inside or outside the city limits.

Bob Windsor, who lived outside the city limits in Verde Village, stated he was a practicing Christian and was against this ordinance because it went against God's word and law.

Frank Nevarrez, a pastor of a church in Cottonwood and who lived in the city limits, stated his issue was in other states when an ordinance was passed similar to this and pastors in those states refused to conduct commitment vows for same sex couples because of their religious beliefs, the pastor was sued. He questioned if a same sex couple wanted to make commitment vows at Riverfront and called him or another pastor in town to do it and they said no because of their religious beliefs, were they open to litigation. He did not understand why the voice of the people, meaning a ballot vote, was being eliminated from the process.

Mr. Horton stated there was nothing in this ordinance that would alter the calculation or make anybody any more likely to be on the receiving end of what the pastor described as a frivolous law suit. The ordinance was not intended to, and did not create any substantive rights of the kind the pastor was concerned about.

Jack Pease, a Cottonwood Ranch resident, stated there was no animosity against homosexuals, however he strongly objected to their agenda which was contrary to the Judeo-Christian agenda, values, and beliefs. He was not in favor of the ordinance and agreed with Pastor Nevarrez in that it should be brought before the public for a vote.

Jay Parkison, who lived outside the city, stated his opposition to this. It seemed to him they had a solution looking for a problem and they should take it to the voters.

Bradley Blalock, a fourth generation Arizona native, spoke in favor of the ordinance.

Gary Barto, who lived in Verde Village, was against the ordinance for religious reasons and recounted the story of Sodom and Gomorrah, and stated Cottonwood did not want a lot of brimstone and fire to consume the lots in Cottonwood along with lots of people.

Judy Cowan, a retired lieutenant commander of the United States navy who resided in Cottonwood, stated her opposition to the ordinance and outlined the history of AIDS and the consequences of how it affected the medical community.

David Dufer, who lived outside of Cottonwood, spoke in favor of the ordinance.

Mary McGuire, who lived outside of Cottonwood, spoke in opposition to the ordinance for religious reasons and stated that an issue of magnitude with such moral implications for the entire community should be presented to the voters and not just members of the council.

She asked that Ordinance Number 604 not be passed.

Jen Morris, spoke in favor of the ordinance, and reminded everyone this was a human issue that also benefited retirees and domestic couples.

Lora Carlsen, a citizen of Cottonwood and small business owner, stated the laws that governed our state and nation demanded that we separate church and state. This was about allowing people the same civil liberties regardless of what their sexual orientation was.

Catherine Puerta spoke in favor of the ordinance.

Jalon Peters, who lived in Clarkdale and was a pastor in Cottonwood, stated he was in opposition to this ordinance because it violated natural law. There was no ability to procreate which was the purpose of a family; to build a family and have children. It also denied a child either a father or a mother, and validated and promoted a homosexual lifestyle.

Sheree Anderson, who lived outside the city limits, spoke in favor of the ordinance and stated it was a human matter, not a religious matter, and was a separation of church and state which should be taken into account.

Darold Smith, a Cottonwood resident, stated he was in favor of the ordinance.

Bradley Blalock addressed the council again and stated ministers should not be afraid of being sued. He wanted to support two people coming together and being loving responsible parents.

Jet Tennant, stated for her it was always a separation of church and state. This was not a moral issue; it was a social and discrimination issue. She thanked the council for bringing this topic forward.

Patricia Lieder, spoke against the ordinance and stated the council was elected by the voting citizens of Cottonwood to protect and defend the families our community. They were not elected to give special privileges to people to have chosen actions contrary to good societal and health practices.

Judy Cowan addressed the council again and stated she wanted to bring up the AIDS issue because of its exponential effect. This was a civil union we were voting in and it was going to have exponential effects socially 10-15 years down the road. Allowing, subsidizing, and supporting this as a city was not what she thought we should do because it was encouraging people in this kind of behavior and AIDS was still prevalent and out there.

Jack Peas spoke from the audience and stated he wanted to put this this thing to rest and put it to a vote of the people.

Council Member Elinski stated he liked the ordinance and the direction they had gone with it. Our mission as Americans has been to create equality for everyone and in Arizona we were one of the first states to allow woman the right to vote and he believes that in another 100 years we will feel the same about civil unions. This is about equality and that is why he stands by this ordinance.

Council Member Pratt believes we need to extend the same rights to everyone.

Council Member Jauregui stated this goes back to the issue of believing all people are created equal and he knows what it felt like to be the victim of discrimination and everyone should have equal rights and protections under the law.

Vice Mayor Pfeifer stated she would support the people that spoke against this item and would prefer the issue be put to a vote to let the people decide.

Council Member Dowling stated it he ran as a council member to give a voice to the unheard and he is supporting the ordinance.

Council Member Elinski stated the council members were elected to represent the constituents and believes he is representing them and is comfortable with approving this ordinance.

Council Member Garrison thanked everyone for coming and sharing their opinions.

Mayor Joens stated our constitution guarantees that people are treated equal and believes we should not be discriminating against anyone. This is the first reading of the ordinance so the council would not be voting on this ordinance at this meeting.

Mr. Horton stated there was a discussion about whether or not there would be a fee attached with registering civil unions and looked for some direction from the council on the matter.

The council agreed that there wouldn't be a fee to register a civil union, with a five dollar fee for extra copies.

Mayor Joens asked the City Clerk to read Ordinance Number 604 by title only.

ORDINANCE NUMBER 604

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COTTONWOOD,
ARIZONA, AMENDING THE MUNICIPAL CODE BY ADDING A NEW TITLE 16,
CIVIL UNIONS.

CLAIMS AND ADJUSTMENTS

Council Member Pratt moved to pay the claims. The motion was seconded by Council Member Jauregui, and carried unanimously.

ADJOURNMENT

Mayor Joens moved to adjourn. The motion was seconded by Council Member Elinski, and carried unanimously. The regular meeting adjourned at 8:55 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 December 3, 2013. I further certify that the meeting was duly called, and that a quorum was present.

Marianne Jiménez, City Clerk

Date