

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, HELD FEBRUARY 5, 2013, AT 6:00 P.M., AT THE PUBLIC SAFETY BUILDING, 191 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
Terence Pratt, Council Member
Linda Norman, Council Member
Jesse Dowling, Council Member
Ruben Jauregui, Council Member

STAFF MEMBERS PRESENT

Doug Bartosh, City Manager	George Gehlert, Planner
Matt McLean, Deputy Clerk	Gary Eisinga, Police Commander
Steve Horton, City Attorney	Troy O'Dell, Utility Engineer
Rudy Rodriguez, Administrative Services General Manager	
Mike Kuykendall, Fire Chief	
Iris Dobler, Human Resources Manager	
Jeff Boyd, Fire Lieutenant	
Marie Carpenter, Communications Supervisor	
Autumn Durnez, Code Enforcement Officer	

PLEDGE OF ALLEGIANCE

Marie Carpenter led the pledge of allegiance and Mayor Joens presented her with a certificate of appreciation.

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 stated he is pleased to report to the Council the police department completed their uniform crime report for 2012 and there was an 11 percent decrease in crime. We are going to do e-waste pickup or disposal on February 23. We had 210 in the Looking Good Cottonwood program.

Council Member Pratt stated he attended the latest musical at Mingus High School.

Mayor Joens reminded everyone the Adopt for Life Center for Animals will host a spay-ghetti and meatballs fundraiser dinner on February 16. On February 7 they held a teen center summit. On January 24 Council Member Norman and she attended the Arizona Association of Economic Development Legislative Luncheon with Casey Rooney and she was able to meet our new Representative Bob Thorpe from Flagstaff, and she also spoke to Brenda Barton and Senator Chester Crandell. On January 31, the Mayor, Council, City Manager and staff held a coffee talk at the Cottonwood Ranch neighborhood. Yesterday she met with Prescott Mayor Kuykendall and Yavapai College President Penny Wills to discuss regional economic development.

PROCLAMATION—PRESCRIPTION DRUG ABUSE REDUCTION

Mayor Joens proclaimed support for a reduction in prescription drug abuse and presented the proclamation to Vice Mayor Pfeifer and Mr. Bartosh for their work on MATForce.

CALL TO THE PUBLIC— This portion of the agenda is set aside for the public to address the Council regarding an item that is not listed on the agenda for discussion. However, the Council cannot engage in discussion regarding any item that is not officially listed on the agenda for discussion and/or action (A.R.S. §38-431.02.H.) Comments are limited to a 5 minute time period

Andrea Martin, from the Yavapai County AmeriCorp Project, gave the Council an update on the Day of Service event that was held January 21 in the Verde Valley.

Connie Dedrick, from the Boys and Girls Club, stated the Boys and Girls Club is facing financial difficulties and asked the Council to place them on a future agenda to request funding from the city.

EMPLOYEE OF THE QUARTER—Iris Dobler, Human Resources Manager

The Council presented Mrs. Dobler with a certificate and check for being selected as the employee of the quarter.

QUARTERLY SAFETY AWARD—Jeff Boyd, Fire Lieutenant

The Council presented Fire Lieutenant Boyd with a certificate and check for being selected to receive the quarterly safety award.

APPROVAL OF MINUTES—Regular Meetings of December 18, 2012 and January 15, 2013

Council Member Dowling stated that the January 15 minutes listed him as absent, when he was clearly there.

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

PRESENTATION REGARDING THE COTTONWOOD EMERGENCY NOTIFICATION SYSTEM

Ms. Carpenter gave a presentation on the new Cottonwood Emergency Notification System.

OLD BUSINESS—None.

CONSENT AGENDA—None.

NEW BUSINESS—The following items are for Council discussion, consideration, and possible legal action.

RESOLUTION NUMBER 2678—APPOINTING A MEMBER TO THE CITY'S PERSONNEL BOARD.

RESOLUTION NUMBER 2679—APPOINTING A MEMBER TO THE CITY'S PERSONNEL BOARD.

Mrs. Dobler stated the current members of the citizens at large appointments on the personnel board expired on December 31, 2012. These board members were Charles Rawson and Edmund Kiyler. Mr. Rawson no longer resided in the city and therefore was not eligible to serve on this Board. She had received three applications from William "Steve" Dockray, Edmund Kiyler and John Thornbury.

All three applicants explained why they would like to be on this board.

Vice Mayor Pfeifer stated she has worked with Ed Kiyler for awhile and thinks he is doing a great job.

Vice Mayor Pfeifer then moved to appoint Mr. Kiyler to Resolution Number 2678. The motion was seconded by Council Member Pratt and carried unanimously.

Mayor Joens moved to appoint Steve Dockray on Resolution Number 2679. The motion was seconded by Council Member Pratt and carried unanimously.

Mayor Joens requested the Deputy Clerk to read Resolution Numbers 2678 and 2679 by title only.

RESOLUTION NUMBER 2678

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, APPOINTING EDMUND KIYLER A MEMBER OF THE CITY'S PERSONNEL BOARD & ESTABLISHING HIS TERM OF OFFICE.

RESOLUTION NUMBER 2679

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, APPOINTING WILLIAM DOCKRAY A MEMBER OF THE CITY'S PERSONNEL BOARD & ESTABLISHING HIS TERM OF OFFICE.

PRESENTATION AND ACCEPTANCE OF THE CITY'S COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR FISCAL YEAR ENDING JUNE 30, 2012

Mr. Rodriguez introduced Megan Lausten and Michael Lauzon, CPAs from the firm of Heinfeld, Meech and Company. For the most part, the CAFR still has the three basic sections which are the introductory section, financial section, and a statistical section. This is posted on our website and it has a lot of great information.

Mr. Lauzon stated the purpose of the audit is to provide an opinion on the financial statements and determine if the financials are materially correct, and they are. The city was issued an unqualified audit opinion on the financial statements, which is the highest audit opinion they can give. They also conducted what they call a single audit, because the city receives and expends over \$500,000 of federal funds. There is another audit added on top of that which just deals with the federal compliance and the materiality of the federal compliance. Overall, there was an unqualified opinion issued on that as well. They also look at the HURF program and the expenditure limitation report to make sure the city doesn't over expend what is allowable. In the general fund, which is the main operating fund of the city, there was a decrease of about 9 percent and the main reason for that was the city had some increased capital outlay expenses for vehicles and machinery equipment which was used to focus on the streets and police and safety. There was also a decrease in the HURF fund by about \$1 million from the previous fiscal year, which was a direct result of the state cutting revenues. There was a reduction in the water sewer funds of about \$600,000 and that was mainly due to the sewer operating at a loss.

Ms. Lausten stated the other portion of their audit outside of the city's compliance federal compliance requirements was looking at the city's internal controls and any items they might note there. These are included in the single audit report as well as the management letter that was issued and those are in draft form. The last item was concerning the debt coverage ratio of the city. The city is subject to three coverage ratios related to its types of debts. The city has what are called water revenue bonds and the coverage ratio that is required by those bond documents is 1.25. Currently the net water revenues over the debt service requirements is .96. That is also a decrease from the prior year of a 1.16 coverage ratio. The last time the city met this coverage ratio was in 2008. The general obligation bonds of the city also have debt coverage ratios which relate to the sales tax of the city and the sales tax of the city related to its debt service requirements on its general obligation bonds have a coverage ratio of 66.75 that is very good and an increase from the prior year. Related to the General Arizona Development Authority loans that the city holds, the debt coverage ratio in that instance also saw an increase from 5.06 to 5.2.

Mayor Joens stated the message she is hearing is the concern about water and wastewater rates. It is never easy to raise rates during difficult times, but as they have said we are not meeting our bond covenants and it is something the council will have to talk about in the near future.

Council Member Pratt moved to accept the city's annual Comprehensive Annual Financial Report for fiscal year ending June 30, 2012. The motion was seconded by Council Member

Norman and carried unanimously.

LEASE AGREEMENT FOR THE OLD TOWN JAIL BUILDING FOR A TEA ROOM AND RELATED RETAIL

Mr. Bartosh stated when we finished the renovation of the old jail, the plan was to go ahead and advertise its availability and take bids and try and find a tenant who would provide a business that was consistent with Old Town. We actually put out a request for proposals the first time and there was no interest in it. We extended that and got a little bit of interest on it, but nobody really submitted. We now had somebody who was very interested in doing something in the Old Jail; Cindi Basti and her partner Christina Williams. Cindi owns Cindi B's in Old Town and they are very interested in opening up a tea room at the Old Town Jail. They say the size works for them and we were able to start working on an agreement. We are not quite through with that yet, but we wanted to bring it to the Council to get their approval on this lease and the Mayor's authority to sign it.

Ms. Basti stated they want to use the jail as a tea house, with giftware from local artists, crafters and nature environment along with maintaining the jail cells. They will set up for tea, and serve lemonade and local pastries such as cupcakes and scones. They feel with the jail cell and the outdoor environment with nature it will be a great place for a tea room.

Council Member Pratt asked what hours of operation they are looking at.

Ms. Basti stated they would like to be open early in the morning, because they do know that people are tea drinkers. They also want to continue doing it in the early afternoon to host children and families to come and walk the Jail Trail.

Council Member Pratt stated it would be a perfect place for poetry readings.

Ms. Basti stated they have already had interest in that.

Council Member Jauregui stated he wanted to reiterate his opposition to the city going into the landlord business and he doesn't feel like we should be going into competition with the private sector. He has mentioned this before, so it is no reflection on the ladies.

Council Member Elinski asked if the fence was completed in the back by the ditch yet.

Mr. Bartosh stated they are real close to getting it done; they are going to be doing some final work this week and getting it up.

Council Member Elinski stated one other question he had was how we came up with the lease payment.

Mr. Bartosh stated the going rate is about a \$1 per square foot.

Mayor Joens stated the citizens of Cottonwood own the building, not the city, so she thinks this will benefit them.

Council Member Pratt moved to approve the Old Town Jail business proposal submitted by Christina Williams and Cindi Basti and authorize staff to negotiate the final form of lease with the lessees to be signed by the Mayor. The motion was seconded by Council Member Elinski and carried with a dissenting vote by Council Member Jauregui.

REQUEST BY MINGUS UNION HIGH SCHOOL (MUHS) FOR THE CITY TO WAIVE PLANNING FEES IN THE AMOUNT OF \$3,270 FOR A REZONE REQUEST OF MUHS PROPERTY

Mr. Gehlert stated this was a request from Mingus Union High School for a rezone of a parcel of property located west of Camino Real just south of the Fir Street intersection. Specifically, they are requesting a waiver of planning related fees pertaining to a minor general plan amendment rezoning as well as design review totaling approximately \$3,270.

Mr. Bartosh stated he was approached by Superintendent Foist about this issue and their interest in rezoning the property is trying to increase the value of it so they can sell it and hopefully gain proceeds to help the school. He was not in a position to waive these fees and they would have to come before the Council.

Mr. Foist stated he came before the Council to ask for a waiver. When he started he had an \$8 million budget and today he has a \$6 million budget. It is hard to work in public education today, he is asking for a waiver so he can turn around and use the money on his school. With the rezoning that property could be \$50,000 an acre.

Mayor Joens thanked Superintendent Foist for all he has done for the youth in our community.

Mr. Ledbetter stated there are a lot of great things happening at the school. It is in the top one percentile of the nation. It is in a tough place financially right now and they have to do more with a lot less. The time has come where they have to talk about these partnerships.

Council Member Pratt stated it is clear to him that Mingus is doing a great job and always supports anything we can do to support the schools.

Council Member Norman stated having worked in the business office at Mingus for 12 years before she retired, and having two grandchildren that graduated there and gone on to four year colleges, she knows how the school struggles and it is something the city can afford to do.

Council Member Elinski asked Mr. Gehlert if this is still going to be a public process.

Mr. Gehlert stated yes, we are at the code review level right now. We have a preliminary plan from the applicants and we will go through a community meeting. They are going from

agriculture zoning to an R2 designation that could enable somewhere in excess of 150 units on 20 acres.

Council Member Elinski asked if the general plan says anything about that specific area.

Mr. Gehlert stated not specifically. The current land use by the General Plan is for community facilities.

Council Member Elinski asked if it does go through the city, the city will collect all the impact fees for anything that is built.

Mr. Gehlert stated yes. That would be the backend of the process; these are the upfront planning costs.

Council Member Elinski stated it doesn't seem like much for the city to help out the school in this case.

Mayor Joens asked if it would be considered sort of a donation and where would the funds come from.

Mr. Bartosh stated there wouldn't be that incoming revenue.

Mr. Gehlert stated the fees are mostly to offset the staff time, about 90 percent of it.

Mr. Bartosh stated we are over our budget amount in terms of what we are anticipating for development fees so far this year.

Mayor Joens stated things have been a little bit better than we had expected.

Mr. Horton stated this is a discretionary decision for the Council. If the Council or the Commission had initiated this rezoning process or if the applicant was the city, the county, the state or federal government, by Ordinance these fees would be waived.

Mayor Joens stated she thought the points made about the benefits to the citizens of the Cottonwood after it is developed far outweigh the small donation that we would be giving. It will only be improved by increasing the value of that property for the school and the city.

Council Member Pratt moved to approve the waiver of planning fees for the rezoning of property owned by Mingus Union High School. The motion was seconded by Council Member Norman and carried unanimously.

REJECTION OF THE PROPOSED MEMORANDUM OF UNDERSTANDING WITH THE NORTHERN ARIZONA COUNCIL OF GOVERNMENTS AREA AGENCY ON AGING FOR SECTION 5317 GRANT FUNDING FOR A REGIONAL TAXI VOUCHER PROGRAM

Mr. Faust stated staff is proposing that Council reject a proposed 2013 Section 5317 New Freedom Grant for the Cottonwood Area Transit and Verde Lynx systems, involving funding for the taxi voucher ADA plus para-transit services program. This program was for a period of July 1, 2012 through June 30, 2013 as described by both NACOG and the State of Arizona. He gave a brief history of the program and the challenges of having a taxi voucher program. We brought this to the Council in July, 2012 and the one thing we wanted to make sure of was that we understand this was a pilot program from NAIPTA and it was a small grant and a small amount versus the challenge of taking on the program. Council at that time period had requested that staff go back to the drawing board and take a look at this as well as they also challenged NACOG about finding other avenues where this grant might fit into. They started meeting with caregivers to try and piece things together to where this would benefit the citizens the most and provide a win-win situation for the public of Cottonwood thereby providing this opportunity as a new freedom grant within the Verde Valley area. This actually has come to fruition and the Council has within the packet a specific plan by the Verde Valley Caregivers Coalition which identifies their opportunity of taking on this program, moving it forward throughout the Verde Valley and Cottonwood, and providing those people who would be ADA plus qualified with afterhour's service. It would be the Verde Valley Caregivers Coalition who would proceed with implementing this program and the fullness of the program and receive the funding for the program.

Council Member Norman stated she attended a meeting back in December along with Bruce Morrow where several of the people that provide transportation in the area where there and she was very impressed with Mr. Ellsworth. He has had experience in this area and it would be a great asset for him to take that over.

Steve Hiatt, Nancy Scarangella, Joyce Holiday, Anne Barrett spoke in favor of continuing the taxi voucher program with the Verde Valley Caregivers.

Marjorie GreenLee, from Cottonwood, asked what happened to the funding.

Mr. Faust stated ADOT still has the funding in reserve and the Council would have to reject the funding so they can provide the funding to the Verde Valley Caregivers Coalition.

Ms. GreenLee asked what the Coalition is going to do.

Mr. Faust stated in context of what the Caregivers will do, they will act in the same context as the city would have, in other words as the actual organizing sponsor of the program, they will be the administrative as well as the operational key point to all of the programing. So the funding will be provided to them and then what will happen is vouchers will be provided for them and it will go through the same context of them going out and receiving information directly from subcontractors within the community. That would be taxis, exactly like NAIPTA was working their program, so it would be exactly duplicated like what NAIPTA was originally doing and they would oversee the program. The city would be totally out of this type of a program operation.

Council Member Norman moved to reject the proposed Memorandum of Understanding with the Northern Arizona Council of Governments for section 5317 grant funding for a regional taxi voucher program for the period of July 1, 2012 through June 30, 2013. The motion was seconded by Vice Mayor Pfeifer and carried unanimously.

COTTONWOOD AREA TRANSIT (CAT) PARA-TRANSIT PLAN

Mr. Morrow explained the reason we had to put together this para-transit plan was to get the funding for the 5311 program. Part of the 5311 program requires us, because we have a fixed route to also offer para-transit. In the process they also require us to put together a para-transit plan on how the operation works, how we go about doing the registration of people, and how we comply with all the ADA requirements. He searched high and low and could not find any kind of a plan done before NAIPTA took over or after. He put together a plan that encompassed all of our policies and procedures for para-transit, all of our applications, and all the documentation that the state requires, so we can have it submitted. We are kind of doing this a little backwards because we needed to get the approval, but we also needed to have the plan in so we could submit the grant. Basically it is a combination of all the policies and procedures that we had already established but they were in multiple documents.

Discussion ensued regarding service animals and the fixed route, Mayor Joens stated this looks like a great document with a lot of work.

Mr. Morrow stated it is a guideline by what we operate by. We have been going at it piece meal to a certain extent, until we got all of this procedures in place. Now they are in place and we can move on from there.

Anne Barrett, from Cottonwood, stated the evening hours are really very important to seniors because life does go on after five o'clock.

Mr. Morrow stated CAT is not going to remain static as it is now. They have been working on a number of different plans to increase the hours and provide Saturday service. If we can figure out how to get funding for it, we can do it.

Council Member Elinski moved to approve the CAT/Lynx Para-Transit plan as presented. The motion was seconded by Council Member Pratt and carried unanimously.

CONSIDERATION OF A CONSTRUCTION MANAGER AT RISK PRE-CONSTRUCTION SERVICES AGREEMENT WITH FELIX CONSTRUCTION FOR THE RIVERFRONT WATER RECLAMATION FACILITY

Mr. Bartosh stated as Council will recall, we originally signed a pre-construction agreement with PCL construction. The city felt that they did not perform to what our expectations were, so we cancelled the contract and rebid for a construction manager at risk. This is really at the point where we are selecting a contractor to do the preconstruction services for us and this was a qualification based process. The company selected, Felix, was the top qualifier.

Staff negotiated with Felix for pre-construction services and have agreed on a not to exceed amount of \$64,954. We are asking for the Council to approve the contract with Felix Construction for pre-construction services. Archie Lopez is here tonight from Felix Construction.

Mr. Horton stated we had a design build team and we retained the engineers to continue the design work and now Felix would contract to join that process early on to lend some input as to constructability and engineering issues, so the project is designed in a way that the contractor can economically build it.

Mayor Joens asked Mr. Horton help the public understand the difference between the design build and construction manager at risk.

Mr. Horton stated with a design build than we are contracted with one entity that is a design build team and a contractor that we are contracting with to deliver the project. A construction manager at risk is we contract separately with a design professional and the contractor first during the design phase, and then if we can agree on a price for the project we will enter into a phase 2 construction phase contract with the construction manager to perform the project.

Mayor Joens stated we have used this for the Recreation Center.

Mr. Horton stated it was cost concerns that primarily caused us to rethink that contract and that contractor. We were being assured that we couldn't get the project delivered for what our staff and our engineers were sure that we could get the project for.

Council Member Elinski asked roughly how much money it is cost, if it cost any, to change the procurement process at this point.

Mr. Horton stated there was a design budget and the amount of money to get through the design phase we continued to contract engineers with Wood/Patel to finish the design work and for what Felix has agreed to perform the design phase services of the CMAR it is within the original budget.

Mr. Bartosh stated at this time the only cost is staff time to redo the process.

Council Member Elinski asked if Felix has the same cost concerns that PCL had.

Mr. Bartosh stated it is too early for them to know for sure, but they are well aware of what the budget is.

Mr. Lopez stated they are very excited to be the selected contractor. They have many years of experience in the CMAR process primarily in the Valley, and recently in the Kingman area and throughout the outlining areas of Arizona. They understand how the process works and they understand that at some point they have to roll up our their sleeves and get to work and find the real cost of the project and also find those cost saving ideas in areas early on

so the design team can make the adjustments. They are prepared to do it, they understand that there is a budget that has a past and they are a fresh set of eyes. The process is very thorough and takes several months.

Council Member Pratt stated he was comforted by the fact that we did have five to choose from and it gave us a variety and we had five qualified people on the selection committee, including someone who doesn't work for the city, but has done business with city and in the city.

Council Member Dowling stated Felix Construction has a good rating at the Better Business Bureau and he couldn't find anything on the internet about them. We can get through this the way it should have been done the first time and it benefits everyone in the end.

Mr. O'Dell stated the budget kind of overwhelmed most of the questions throughout the interview process and this is the firm that was selected just simply because they demonstrated the most ability out of all them to bring that project in under that budget.

Council Member Pratt moved to authorize the city to enter into a contract with Felix Construction for preconstruction services on the Riverfront Water Reclamation Facility project for a not to exceed amount of \$64,954 subject to the negotiation and approval of a final form of agreement by the City Attorney. The motion was seconded by Council Member Elinski and carried with a dissenting vote from Council Member Jauregui.

Council Member Jauregui stated he has been opposed to this project from the beginning because of the location of the project.

Mayor Joens thanked Bob Backus for his volunteer time on the selection team.

ORDINANCE 592--AMENDING THE MUNICIPAL CODE BY DELETING TITLE 6 ANIMALS, IN ITS ENTIRETY; ADDING A NEW TITLE 6, ANIMALS; AND AMENDING SECTION 1.12.010 OF THE MUNICIPAL CODE; FIRST READING

Commander Eisenga stated this has been going on for several months and he thinks they got all the bugs worked out.

Mayor Joens questioned if there is any place in here where we can say that a person or any other citizen could feed feral animals on someone else's property with their permission and working with Animal Control and getting their permission also.

Ms. Durnez stated this does fall under the 6.08.150 and that is the cat TNR program. People are more than willing to feed feral animals within the parameters of the program to keep everybody safe. Safety was the number one priority for this. By doing this under a TNR program instead of just a citizen on their own and going out and feeding them, we are assured that not only are we not only protecting our citizens that don't want these feral animals on their property and they do not want the feed left in the alleyways of businesses.

So we are encompassing everybody and we are trying to accommodate everyone we can at this point.

Mayor Joens stated so essentially a person could go to her and work with her on their issue.

Ms. Durnez stated absolutely and this gives the leeway to work both ways. With the people that are fighting the issue and having the problem of essentially dumping on their properties, as well as the people that are more than happy to have these colonies and take care of them.

Mayor Joens requested the Deputy Clerk read Ordinance Number 592 by title only.

ORDINANCE NUMBER 592

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, AMENDING THE MUNICIPAL CODE BY DELETING TITLE 6 ANIMALS, IN ITS ENTIRETY; ADDING A NEW TITLE 6, ANIMALS; AND AMENDING SECTION 1.12.010 OF THE MUNICIPAL CODE.

RESOLUTION NUMBER 2680--CALLING FOR AN ELECTION ON A PROPOSED ADJUSTMENT TO THE CITY'S BASE EXPENDITURE LIMITATION; SETTING FORTH THE LANGUAGE OF THE BALLOT QUESTION; ESTABLISHING THE DATE OF THE ELECTION; PROVIDING FOR THE MANNER OF THE ELECTION; AND SETTING FORTH THE DEADLINES FOR REGISTERING TO VOTE IN THE ELECTION, AND FOR THE SUBMISSION OF ARGUMENTS IN FAVOR OF AND IN OPPOSITION TO THE PROPOSAL

Mr. Rodriguez stated on January 15 we came to the Council about a change in our home rule way of getting our expenditure limitations extended. Traditionally we come back every four years and we request that the citizens approve our home rule. This year we are doing a permanent base adjustment. What that will do for us is it will increase our base much like the home rule will, however, we won't have a need to come back every four years. The only time we would need to come back to the voters is if we needed to extend it or expand it or contract the base. This resolution is basically asking the council to make the call to the election so we can go ahead and put this on the ballot on the May 21 general election.

Council Member Norman moved to approve Resolution Number 2680. The motion was seconded by Vice Mayor Pfeifer and carried unanimously.

Mayor Joens requested the Deputy Clerk to read Resolution Number 2680 by title only.

RESOLUTION NUMBER 2680

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, CALLING FOR AN ELECTION ON THE QUESTION OF A PROPOSED PERMANENT ADJUSTMENT TO THE CITY'S BASE EXPENDITURE LIMITATION; DESIGNATING THE DATE FOR ELECTION;

AND DESIGNATING THE DEADLINES FOR VOTER REGISTRATION AND FOR THE SUBMISSION OF ARGUMENTS FOR AND AGAINST THE PROPOSAL.

Mr. McLean pointed out that arguments for or against the proposal were due February 20.

Mayor Joens stated for members of the public if you would like to write something for or against this proposal by February 20 to get that into the City Clerk's office.

CLAIMS & ADJUSTMENTS

Council Member Pratt moved to approve the claims and adjustments. The motion was seconded by Vice Mayor Pfeifer and carried unanimously.

ACRD/KHULT V. CITY—DISCUSSION, CONSIDERATION AND POSSIBLE LEGAL ACTION TO APPROVE A PROPOSED SETTLEMENT AGREEMENT AND CONSENT DECREE. PURSUANT TO A.R.S. § 38-431.03.(A)(3), AND/OR (A)(4), THE COUNCIL MAY VOTE TO CONVENE IN EXECUTIVE SESSION TO CONSULT WITH THE CITY ATTORNEY AND OTHER CITY OFFICIALS REGARDING THIS MATTER PRIOR TO TAKING LEGAL ACTION

Mayor Joens moved to go into executive session to consult with the city attorney. The motion was seconded by Council Member Elinski and carried unanimously.

After discussion with the city attorney under executive session, Mayor Joens moved to resolve back into regular session. The motion was seconded by Vice Mayor Pfeifer and carried unanimously.

Mr. Horton stated at this time it would be staff's recommendation that the Council approve the proposed consent decree that would settle the case of ACRD (Arizona Civil Rights Division) and Monica Kult v. City.

Council Member Pratt so moved. The motion was seconded by Mayor Joens and carried unanimously.

EXECUTIVE SESSION—PURSUANT TO A.R.S. § 38-431.03.(A)(3) AND/OR (A)(4), THE COUNCIL MAY VOTE TO CONVENE IN EXECUTIVE SESSION TO DISCUSS A PROPOSED INTERGOVERNMENTAL AGREEMENT FOR FIRE DISPATCH SERVICES

Mayor Joens moved to convene into executive session. The motion was seconded by Council Member Norman and carried unanimously.

After discussion with the City Attorney under executive session, Mayor Joens moved to reconvene into regular session. The motion was seconded by Council Member Pratt and carried unanimously.

ADJOURNMENT

Mayor Joens moved to adjourn. The motion was seconded by Council Member Norman and carried unanimously.

The meeting adjourned at 9:23 pm.

Diane Joens, Mayor

ATTEST:

Matthew McLean, Deputy 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 5, 2013. I further certify that the meeting was duly called, and that a quorum was present.

Matthew McLean, Deputy Clerk

Date