

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, HELD MARCH 19, 2013, AT 6:00 P.M., AT THE PUBLIC SAFETY BUILDING, 191 NORTH MAIN STREET, COTTONWOOD, ARIZONA.

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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  
Linda Norman, Council Member  
Jesse Dowling, Council Member  
Ruben Jauregui, Council Member

COUNCIL MEMBERS ABSENT

Terence Pratt, Council Member

STAFF MEMBERS PRESENT

Doug Bartosh, City Manager	George Gehlert, Planner
Matthew McLean, Deputy Clerk	Jody Fanning, Chief of Police
Steve Horton, City Attorney	
Dan Lueder, Development Services General Manager	
Rudy Rodriguez, Administrative Services General Manager	
Berrin Nejad, Community Development Manager	
Iris Dobler, Human Resources Manager	

PLEDGE OF ALLEGIANCE

Lisa Roberts 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 announced our historic preservation commission passed a historic preservation ordinance which will be going to the planning and zoning commission then to the City Council for consideration; our work on railroad wash is underway on Willard; we will also begin the demolition of the old maintenance building behind city hall next week; and the city of Scottsdale is sponsoring Hero to Hire mobile job store at the Cottonwood Public Safety building on Monday, March 25.

Vice Mayor Pfeifer showed off the winning poster for the Vietnam Wall event.

Mayor Joens announced the Garden Expo on March 23 and the Vietnam Wall event starting on March 27.

CHARACTERS BEETLE BAILEY AND BETTY BOOP WILL MAKE AN APPEARANCE IN SUPPORT OF THE WELCOME HOME VIETNAM VETERANS EVENT

Mayor Joens introduced Beetle Bailey and Betty Boop and went over the agenda for the Vietnam Wall event.

INTRODUCTION OF NEW EMPLOYEE – Berrin Nejad, Community Development Manager

Mr. Lueder introduced Berrin Nejad, the new Community Development Manager, to the Council.

PROCLAMATION—DECLARING AS GO BLUE FOR CASA MONTH

Mayor Joens proclaimed April as Go Blue for Casa Month in Cottonwood and presented the proclamation to Lisa Richards.

EMPLOYER SUPPORT OF THE GUARD AND RESERVE PATRIOT AWARD TO POLICE CHIEF JODY FANNING

Luke Sefton, from the Employer Support of the Guard and Reserve, presented the Employer Support of the Guard and Reserve Patriot award to Chief Fanning for supporting employees who were serving in the military.

SILVER AWARD IN THE PROPERTY AND CASUALTY CATEGORY & AWARD OF RECOGNITION FOR THE CITY'S WORKERS' COMPENSATION PROGRAM

Mrs. Dobler showed the Council the awards the City received in recognition of having low claims in the property and casualty category and in the workers compensation program.

CALL TO THE PUBLIC

Andrea Martin, with Yavapai County AmeriCorp Project, gave an update on the YES project.

Bob Rothrock, from Cottonwood, wanted to let everyone know about some upcoming events; the Verde River Runoff in Camp Verde and the Verde River Basin Partnership is bringing the US Geological Survey to Camp Verde's multipurpose room at the school complex with a model of ground flow.

APPROVAL OF MINUTES—REGULAR MEETING OF FEBRUARY 5, 2013

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

## OLD BUSINESS

### REQUEST FROM THE BOYS & GIRLS CLUB FOR FUNDING IN THE AMOUNT OF \$10,000

Mr. Bartosh stated staff has met with a representative of the Boys and Girls Club, a member of their board, financial committee and executive director. We received a copy of their last audit, which was 2010. They are trying to find a way to do their 2011/2012 audit, but they are estimating that it would be about \$8,000 and when you don't have a lot of money you kind of choose between the two and the audit seems to lose. He commented that they do have a very dedicated group of individuals that is trying to keep them afloat. They provided us with their budget for this year as well and they have quite a steep hill to climb and also some significant debt, but what he thought he would do is they turned a lot of that information over to our financial expert, Rudy Rodriguez, and Rudy could give them further detail on the financial state of the club right now. Then we could talk a little bit more about their plans to raise additional funds to keep them survivable and sustainable into the future.

Mr. Rodriguez stated we went over this and we had a very good discussion earlier with Connie Detrick over some of the financials. Although he doesn't share her enthusiasm, he thinks enthusiasm is what this organization is going to need to get out of its bind. We did discuss a couple of issues as far as how far they have to come back and it still worries him, however, we have made the commitment in the past to help out other organizations as we probably will this one. In our discussions, we will encourage our council to support them when it comes to dealing with school districts, our neighbors in Clarkdale, and the County because it is going to be very difficult for the City of Cottonwood to stand alone and try and help them out and it is important that we try to solicit support from the surrounding organizations. They are in dire straits and it is a worthwhile organization to try and keep alive and support, although he has some grave concerns. The financials they have show they are struggling; they are very open and honest about their books. The finance department has offered our help in any way we can, from budget building to talking to some of our auditor friends and see if we can't help them out with their audit.

Mr. Bartosh stated he asked Connie to give us a breakdown of where the kids come from and she was going to contact the county and ask for their assistance as well. She thinks the thing going for them is they do have the regional office supporting them, and according to their board the regional office has taken the step to close clubs when they just see it as impossible to sustain and they're still supporting our Boys and Girls Club to try and keep it afloat. They do have substantial debt that they are going to try and pay off in payments, but they have a steep hill to climb and maybe this is an opportunity to give them a little more time to fight to survive.

Vice Mayor Pfeifer asked Mr. Rodriguez if he will stay involved as a mentor or a guide to help them get out of this.

Mr. Rodriguez stated as with other organizations such as the Senior Center and the Adopt of Life program, we have always offered our services any way we can, short of the financial part of it. We have offered our expertise anywhere we can and that is what we are providing for

them.

Mayor Joens asked if the chart that was provided showed just Cottonwood with Verde Village or what.

Ms. Dedrick stated they did break out Verde Village as part of the County. We wanted to make sure that we actually showed that because they have meeting with Supervisor Davis on April 2, so she wants to make sure that they see the correct numbers. The Phoenix, Scottsdale, Surprise and even Sedona numbers are really in the summer. We even get kids from out of state, but we just put them where under their grandparents are at for the summer. We had to break everything down and rebuild it back up. This \$10,000 will go to match to give us our \$50,000. In talking with our regional representative, there is a foundation, the Pacific Foundation for the Boys and Girls Club, located in Los Angeles, California, and all they do is fund Boys and Girls Club in our region. They are going to be meeting with them to leverage that \$50,000. They are going to fly her to LA to meet with him and they are going to do some proposals and team building to figure out what we can do to get us a year's worth of funding, because that is what our long term goal is by July or August 31. We know in order to pay off our debt and move forward with our current obligations as well, that is what we need to do.

Mayor Joens stated she feels much better having had staff sit with Ms. Dedrick and crunch some numbers so we kind of know where we are at.

Council Member Elinski asked Ms. Dedrick what their plan is on strengthening the relationship with the Council.

Ms. Dedrick stated we need to be more transparent, not just with the Council, but with the whole community. We will bring out our parents and our kids to city functions and they will get to see how it all works.

Mr. Bartosh stated in keeping the Council informed and updated, generally what we do, and what the Council requires when money is given to a non-profit like this is a quarterly report on how that funding is being used, so we will work with the Boys and Girls Club to continue that practice if that is the wishes of the council as well.

Mayor Joens stated even maybe more than quarterly.

Council Member Jauregui moved to grant \$10,000 from the City Council's contingency fund to the Cottonwood Boys and Girls Club to support the clubs operation. The motion was seconded by Mayor Joens and carried unanimously.

#### CONSENT AGENDA

RESOLUTION NUMBER 2689-- AUTHORIZING THE SUBMISSION OF A GRANT PROPOSAL TO THE GOVERNOR'S OFFICE OF HIGHWAY SAFETY FOR TRAFFIC ENFORCEMENT DETAIL OVERTIME COSTS AND TRAFFIC MONITORING EQUIPMENT

RESOLUTION NUMBER 2690--AUTHORIZING THE SUBMISSION OF A GRANT PROPOSAL IN CONNECTION WITH THE GOVERNOR'S OFFICE OF HIGHWAY SAFETY (GOHS) FISCAL YEAR 2014 FUNDING CYCLE TO CONTINUE THE DUI TASK FORCE DETAIL OVERTIME AND TO PURCHASE FIVE PBTS AND 500 MOUTHPIECES

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

Mayor Joens requested the Deputy Clerk to read Resolution Numbers 2689 and 2690 by title only.

RESOLUTION NUMBER 2689

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AUTHORIZING THE SUBMISSION OF A GRANT PROPOSAL IN CONNECTION WITH THE GOVERNOR'S OFFICE OF HIGHWAY SAFETY (GOHS) FY 2014 FUNDING CYCLE.

RESOLUTION NUMBER 2690

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AUTHORIZING THE SUBMISSION OF A GRANT PROPOSAL IN CONNECTION WITH THE GOVERNOR'S OFFICE OF HIGHWAY SAFETY (GOHS) FY 2014 FUNDING CYCLE.

NEW BUSINESS

AMENDMENT OF A CONTRACT WITH JACKSON KINSI CONSTRUCTORS FOR INSTALLATION OF A BEACON, WINDSOCK, AND POLE AT THE COTTONWOOD AIRPORT TO REFLECT CORRECTED CONTRACT AMOUNT

Mr. Scott stated we have a grant to refurbish the airport beacon and when we initially brought this to Council for approval for the contract amount, the Council approved it. During the contract negotiation it came up that we are actually selling our existing beacon back to the contractor for an amount of about \$5,200. The contract amount that was listed at \$19,000 he had subtracted \$5,200 and he had brought it to council as a \$14,000 contract, when it was meant to be a \$19,000 contract. When he brought it back for the change order it was already corrected, but he failed to mention it at that time.

Council Member Dowling moved to amend the contract with Jackson Kinsi constructors to reflect the corrected base contract amount of \$19,602.53 and a total contract amount of \$24,397.24. The motion was seconded by Council Member Elinski and carried unanimously.

AWARD OF BID FOR CITY WEED ERADICATION SERVICES

Mr. Scott stated last budget season we chose to move towards contracting out city-wide weed eradication services rather than each department go bid its own. We actually advertised this once in January, but unfortunately the contractors misinterpreted the documents and bid it separate ways, so we re-advertised and clarified the area of the confusion and we received a very competitive bid. Arizona Weed King was the apparent low bidder. They have a considerable amount of experience servicing private entities.

Council Member Elinski stated he thought it important that we point out that we are hiring a company to replace Michael Utes who retired last year.

Council Member Norman moved to award the weed eradication contract to Arizona Weed King, Inc. The motion was seconded by Council Member Elinski and carried unanimously.

ENCROACHMENT AGREEMENT WITH FOR COMMERCIAL BUILDING AND PATIO ENCROACHMENTS FOR THE PIZZERIA BOCCE RESTAURANT LOCATED AT 1060 NORTH MAIN STREET

Mr. Gehlert stated this has to do with the owners of the building at 1060 North Main Street, the Jurisin Family, for an encroachment permit or an agreement that will allow encroachment of outdoor patios associated with an ongoing renovation of that building. It is going to become a pizzeria style restaurant. It is enshrouded by three city rights-of-way on three sides of the building. Like most of the older buildings in Old Town, the site was built out to the property lines in virtually all directions. They would like to develop outside patios within those easements.

Mr. Horton asked if the existing building extends into the city right-of-way now.

Mr. Gehlert stated it does.

Council Member Dowling stated this isn't groundbreaking seeing there are quite a few restaurants along main street that are actually using areas of the public sidewalk for seating as it is right now.

Mr. Gehlert stated Council adopted a policy to enable use of the sidewalk for outdoor cafes.

Council Member Elinski stated he doesn't have an issue with it. He thinks it is a good use of the right-of-way and we have done it before and it adds to the charm of old town, but he was wondering why it came to the Council so late.

Mr. Gehlert stated we received the proposal about a month ago. The property was acquired about six months ago and they began with the stabilization of the upper floor. Most the interior work had to do with the completion of the shell itself; the proposal for the pizzeria is still relatively recent.

Council Member Elinski stated what he means is that they have already developed or already started to develop, and they already have the ledge for the patio cover up and they have the bocce court started, so it kind of appears that we have already approved it.

Mr. Scott stated it took staff a little while and a few discussions with the property owner on how do we handle the situation. Do we just want to do a patio lease agreement, a license agreement, or do we want to lease or sell the land, so we discussed that for a while. After working with the city attorney we kind of came up with. This is the best situation to move forward with. That is one of the reasons this coming forward so late.

Mayor Joens stated and another is it went to planning and zoning just last night.

Council Member Elinski stated he doesn't have an issue with it, he just thinks it would irresponsible on the city's part to have the developer put a lot of investment into what he hopes is going to get approved, and if we didn't like what we saw and said no, then he has a big investment in it and that is a shame for him and it looks bad on us.

Mayor Joens asked how we could do that differently; bring it to the council.

Council Member Elinski stated just looking at the rendering it looks like that was part of the plan all along. He thinks everyone was fully aware it was part of the right-of-ways, so the Council should have been made aware of it in the beginning. He doesn't think anyone would have an issue with it, but he would hate to see someone invest so much time and money into something that Council didn't want to approve.

Mr. Bartosh stated the owner of the property wasn't really sure what he was going to put in there for quite a while. He began construction simply to get the building in shape, but it did take him a bit of time to determine exactly what he was going to put in there. Staff received notice a little bit late, much later than when the property owner actually began construction on it.

Council Member Elinski stated another concern he has is the wash. The wash is on part of his property and when the wash runs, it really runs, and he is concerned that the grading they have done on the property. It does it appear to him that it pushed into that wash quite a bit.

Mr. Scott stated if the Council likes, we can ask our engineer to take a look at that to see if he has a legitimate concern.

Council Member Elinski stated it would be a shame to have that washed away.

Eric Jurisin, the property owner, stated he seems to always come to the Council asking for something. It was a little over ten years ago he was asking for benches in front of Nic's, and he could go on and on from the Tavern to the Hotel. This one is a strange animal and he take a lot of responsibility that this was a backwards project due to his comfort level with a certain contractor in Cottonwood. We just started stabilizing the building and then decided

what to do with it. It became complicated on how to do it with the city, so on and so forth. The renderings the Council has seen with all the patios and so forth are really 90 days old. It was always discussed, discussed, discussed, but it took times to get our heads around this particular project. Knowing that the parking lot was coming, and hopefully really soon, we knew we wanted to take advantage of the new parking lot, because we took advantage of it on the other end and kind of bookend Old Town. This other end is kind of the sleepy side, but he thinks that will change and we never have been able to take advantage of the train traffic. Why they are trying to put so much effort into the outdoor areas and be inventive with the wash and the bridge is to get them so that you see it when they are driving from that parking lot. He has milked the private public partnership to the extreme with the City of Cottonwood.

Mayor Joens stated you could compare this a little bit to our Jail project. We went to restore the old jail and it was on four different parcels. You never know what you are going to get into when you start developing something in Old Town.

Council Member Norman stated considering the fact that Old Town was laid out years ago, before we had the big automobiles that we have now, he has done a fantastic job with what he has down there, so don't apologize for coming to Council.

Mr. Jurisin stated a lot has changed in the decade.

Mayor Joens stated Old Town provides that small town character that everyone talks about in our general plan. It also brings tax revenues, and tax revenues help us provide for the entire city for fire protection, police protection, and parks that aren't in Old Town. The sales taxes that we receive from the business that he and others have created help us support the whole city.

Mr. Jurisin stated with the opening of the bocce we will have about 100 employees in Old Town.

Council Member Dowling moved to approve the proposed encroachment agreement with the existing commercial building and new patio encroachments associated with the pizzeria bocce proposal. The motion was seconded by Council Member Norman and carried unanimously.

CONSIDERATION OF A SUBSCRIBER RATE FOR REGIONAL PUBLIC SAFETY DISPATCH SERVICES FOR THE CITY'S PROPOSED NEW PUBLIC SAFETY COMMUNICATIONS CENTER

Mr. Bartosh stated we have been working on this project for a long time. We are at the point tonight where staff is going to ask the Council to consider a design firm for this facility, but we have also worked with iXP to help us develop a subscriber model. The initial discussions were to create a regional center where we not only had principals, but also subscribers. However if they were principals they had to come to the table with capital and they would have control over the operation and the policies of the center. It turns out most of the other agencies wanted to be involved, they just didn't want to come to the table with a bunch of

capital to help us build it. The city would become the principal and come up with the funding to build the building and the city will own the building, and then all the operation and technology renewal will be part of the subscriber rate. The difficult part of this is the subscriber rate could change based on who eventually decides who could come and it could go down or it could go up. This is where we have recommended that we start in terms of a subscriber rate and this won't start until June or July of 2014. We are getting some interest in this from agencies other than who we dispatch for now. Our own fire department would be dispatched from the center and we anticipate that we will get some additional fire departments. It is a call for service model where for each call that is dispatched this is what it costs. This is what iXP has calculated and there is a letter that is intended to go out to the potential subscribers describing what the rate would be. We can't predict the cost for sure unless we know who is going to participate. There will be a user's group that will help adjust the policies and performance standards.

Mayor Joens stated for members of the public that aren't aware of why we might be doing this, she asked Mr. Bartosh to explain the current conditions.

Mr. Bartosh stated for our police department it is way too small and it was never built for a communication center. We have a lot of problems with the environment in there and we are running out of room. Our fire department interacts more with our police department than the other fire agencies. If we get a fire call into our 911 center here, we have to transfer that call to Sedona Fire who dispatches our fire department, and we can improve our fire department's response time by dispatching it here in Cottonwood.

Mayor Joens stated with time we may have more subscribers come in.

Mr. Bartosh stated that is a real possibility. There was a lot of short term thinking about this issue.

Mayor Joens stated at one time he had talked about trying to get some grants and asked if there is a chance we will be eligible for some grants.

Mr. Bartosh stated we are hoping that, but we would have more opportunity if we had more agencies on board. The reality is we are not seeing as much of the granting that went on after 9/11 and the years after that. We will continue to look at grant opportunities to lower our out of pocket costs for this facility and hopefully we will be able to identify some grant funding.

Vice Mayor Pfeifer asked if the staffing would cross train or have separate divisions for police and fire.

Mr. Bartosh stated that is the model that we are following is that dispatchers would be trained not only as call takers but also as police and fire dispatchers. It has the potential to create some growth for dispatchers.

Vice Mayor Pfeifer asked right now we are using the repeater or the satellite that Sedona has, and asked if we are going to put our own up there for our own facility.

Mr. Bartosh stated that is another item that we will be coming to the Council on. There are a lot of questions about the telecom structure and what is public domain and what is ours, so we are going to be looking at trying to bring somebody in to help us determine what is ours, what do we own, what does somebody else own, and how do we make this all work.

Vice Mayor Pfeifer stated we have been on a roller-coaster for the last number of years, and there was at one point where they were going to close it down and send us to Prescott and another when they were going to send us to Flagstaff. She has been on board with this since day one. We need to get closer to here, because Prescott and Flag are not an option, they don't know our community like our dispatchers would. The cross training is really important.

Frank Henry, from Cottonwood, asked who the subscribers would be.

Mr. Bartosh stated the subscriber would be the agency and not the citizen; the citizen doesn't get charged anymore. The agency would pay \$54 per call. We are trying to determine who is going to subscribe and we know it is going to be Cottonwood and we anticipate it is going to be Clarkdale who will stay on in terms of their police department and Jerome, and we are hoping their fire department will come on board as well. We are opening this up to the entire Verde Valley. It would be nice to see all the public safety dispatched out of one center.

Mr. Henry stated he is seeing the potential for intergovernmental agreements, even a 911 political subdivision, to help support the building of this structure in the City of Cottonwood, but the folks in Cottonwood should not be stuck carrying that load.

Council Member Elinski moved to approve the recommended public safety dispatch subscriber model for the new public safety communication center. The motion was seconded by Council Member Dowling and carried unanimously.

#### DESIGN PROPOSAL FROM ARRINGTON WATKINS ARCHITECTS, LLC, FOR THE PROPOSED PUBLIC SAFETY COMMUNICATIONS CENTER

Mr. Mangarpan stated we are asking to proceed with the contract for the design of the emergency communications center. We had a scope that was outlined by iXP and used that as part of the description for our request for qualifications when we went out to hire the architects. We had 15 firms that submitted statement of qualifications for this project. The selection committee narrowed it down to three firms and then those firms came in for interviews and we ranked them 1, 2, and 3. The top ranked firm was Arrington Watkins out of Phoenix and they have done several 911 centers and they just finished up one that is very similar to ours for the City of Goodyear. The proposal is for \$197,125 for their scope of work and that is everything up through starting construction.

Vice Mayor Pfeifer stated when we were talking about this before we were not going to furnish it totally, we were going to set up stations with wiring and conduit and all of that stuff and if someone subscribed on then we were going to go ahead and we are not going to have a lot of equipment just sitting at stations without subscribers.

Mr. Mangarpan stated that is correct, and that is where we talk about the scope in the first paragraph and starting out with four dispatch positions with potential growth to eight. We are going to try and lay it out if we get more subscribers we can add to the building to allow more room for more consoles.

Council Member Dowling stated he does recognize several local names in the subcontractors list.

Council Member Elinski moved to approve the proposal submitted by Arrington Watkins Architects, LLC for the design of the Emergency Communication Center for a not-to-exceed amount of \$197,125.00, with the architect's fee not to exceed \$96,605.00, including sub-consultants and reimbursable expenses. The motion was seconded by Vice Mayor Pfeifer and carried unanimously.

#### SPECIAL SERVICE AGREEMENT WITH 4-COYOTES PRODUCTIONS, L.L.C. FOR THE 2013 THUNDER VALLEY RALLY

Mayor Joens stated she understands that we are going to table this item.

Mr. Bartosh stated we have another option that just came to us very recently that we're looking at and want to make sure that we present the best possible option to the council.

Mayor Joens stated they would table it.

#### RESOLUTION NUMBER 2691--DECLARING AND ADOPTING THE RESULTS OF THE PRIMARY ELECTION HELD ON MARCH 12, 2013

Mr. McLean stated this was just accepting the final results from the March 12 primary election that was performed by Yavapai County for the results. Two candidates were elected outright in the primary; Randy Garrison and Karen Pfeifer. Two more candidates will be in the runoff on May 21; Council Member Elinski and Council Member Norman.

Mayor Joens questioned the reason we just have two for the runoff election.

Mr. Horton stated by statute in a runoff you have no more than twice as many candidates as seats there are to be filled.

Frank Henry, of Cottonwood, stated the point he wanted to bring up is the folks over at the election center mailed out 5,389 ballots and 303 of those ballots bounced back because they were undeliverable. Of all the ballots that reached their respective mailboxes throughout the City of Cottonwood, 1721 made it back to the counting center over in

Prescott. It's ironic that the 303 that never made it to a given home might have been the 300 votes that gave Smith a thousand vote count. We need a system where human beings cast the votes and human beings count the votes. For the price we probably paid Prescott, because we pay them a fee, we probably could do our own voting, print our own ballots, and we will have 100 percent certainty and confidence that the vote count is correct. Right now we don't have that. My constitutional rights and your constitutional rights and every member on this board and the staff and the people out in the audience are being denied by this system. So the only things you folks can do at this time is proceed with the process, but maybe you'll want to consider putting together a resolution to send to the legislators to allow you to vote locally to do your own voting and you'll be clean.

Council Member Elinski moved to accept the final results of the city's March 12, 2013, primary election as submitted by the Yavapai County Elections department and approve Resolution 2691 declaring and adopting the results of the election. The motion was seconded by Council Member Norman and carried unanimously.

Mayor Joens requested the Deputy Clerk read Resolution Number 2691 by title only.

#### RESOLUTION NUMBER 2691

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, DECLARING AND ADOPTING THE RESULTS OF THE PRIMARY ELECTION HELD ON MARCH 12, 2013.

#### CONTINUATION OR ELIMINATION OF THE JUDICIAL REVIEW AND APPOINTMENTS ADVISORY BOARD

Mayor Joens stated this is something that she was bringing to the Council for consideration. In 2008 we created the Judicial Review and Appointments Advisory Board to review the candidates for judicial office or our magistrate, and to evaluate incumbent magistrates and to make recommendations to the council about retaining them in office. It's been a very well intended concept and it was born of the idea of the separation of powers and all of that, but in practice we have to make those decisions and state statute remands us to do that. The service of the board has been greatly appreciated and they've done a fantastic job. With Mr. Garrison having been elected we'll be one more person down. She questioned Ms. Dobler how many do we have right now and how many are we going to have to recruit.

Ms. Dobler responded she believed we have four right now and we have to recruit three.

Mayor Joens stated she wanted to bring it to the council to discuss it whether it was being redundant and whether it causes our staff members a great amount of extra work that might be unnecessary. Her recommendation was to disband it. In appreciating all of their work and expertise, hopefully having Iris or our staff member being able to call on them and ask questions or get comments still and rely on that expertise if she needs it. It is up to the Council and that's why she brought it and they can discuss it. She believed Ms. Dobler had a

meeting with the members and they felt that it had value, and that was something to take into consideration.

Mr. Horton stated he spoke with the Judge this afternoon and that the council may want to know his thoughts on this. What he conveyed to you through me was that he trusts the judgment of the Council in this and he had no strong preference one way or the other whether he was reviewed by the JRAB first and then ultimately by the Council or initially by the Council.

Council Member Elinski stated he did appreciate their review and their findings when we were searching for our last magistrate, but he understood it was ultimately the Council's decision and we are the ones that need to make that decision. He thought their findings were consistent with how we felt and he could see where it would save a lot of staff time as well.

Mr. Horton stated to Council Member Elinski's point, and this is something that he had omitted from the communication form, what he would anticipate in the case of a vacancy where the city was recruiting for a presiding magistrate, is forming an ad-hoc search committee to preform that initial screening, recruitment function, and then bring candidates to the Council.

Mayor Joens stated and also in the public process all of the members of that board would have an opportunity to come and get information, share information, however they feel as all members of the public are able to do too.

Jules Osher, from Cottonwood, asked what is the purpose of the Judicial Review and Appointments Advisory Board, is it mainly people who are going to assume an office or is it for propositions or proposals.

Mayor Joens stated it is for hiring and reviewing the city magistrate.

Mary Eichmann stated she has been on this board and they worked doing that evaluation and they spend quite a bit of time working on it and there were lots of forms gathered, different surveys gathered from attorneys and by the magistrate himself, and so as far as she is concerned her feelings would not be hurt if that board was disbanded, because if we were reviewing everything and then turning it to you to do the same job, after city employees did put in a lot work time being involved with it, it does seem like a bit of duplicate effort.

Randy Garrison, member of the JRAAB, stated he has had the pleasure of being on this committee since it was formed, and knowing he will be on the Council soon it brings mixed emotions on how to move forward. He values the work and the commitment that the committee takes in doing the job it does, and he really thinks that there is a need for this committee to continue to exist. They probably need to look at the system on how they take the work that we do into the work that the Council does and see if there isn't a way to streamline that process. He knows that when we were first put together as a committee, their first task was to pick a new magistrate for the city, and they went through 43

applications and it took a ton of time. If that happens again, to do the Council's job and do that job is just horrendous and he thinks it is a valuable group and he likes the separation of powers it gives and gives the Council an impartial third party.

Council Member Norman stated she likes the idea of having the committee because there are lawyers on that committee that know a little bit more about how things should be done and how they shouldn't, and they kind of visualize whether it is being done correctly or incorrectly, so maybe the streamlining would be something we could work on and still have them as an advisory group.

Mayor Joens stated one thing about it is no matter what they say it is our responsibility and our job even if we don't agree with them.

Council Member Norman stated but it is good to have their input.

Council Member Elinski stated if we were to look for a new magistrate, then we might form an ad-hoc committee, but to keep a committee formed that requires a lot of staff time, just to review every two years our sitting magistrate maybe it is a waste of time.

Mayor Joens stated if we wanted to create an ad-hoc committee, say if we were going to hire a new magistrate in the future, with legalities how would that work.

Mr. Horton stated what he envisions is when that need arises staff would come to the Council and ask the Council to review what the recommendation for a process is and then the Council would tell staff yes, no or how Council would like that changed then they would implement that process and come back to them with a recommendation or a group of folks to interview.

Mayor Joens stated at the end of the day it is the Council's job. Right now the Committee is going down to three people and our magistrate's term is coming up and if we want to do this she needs to find four people for this committee. It just gets to be a challenge.

Council Member Dowling asked since the committee went through 43 applications, did the Council at that point go through all 43 as well, or did the committee whittle out some and come up with a final one that was selected.

Ms. Dobler stated we came up with the final five candidates.

Council Member Dowling asked if we have quantified the actual cost of this and do we know how much staff time it takes and is there a way to put a number on it.

Mayor Joens stated she doesn't know if we have that, but she guesses if you have Mrs. Dobler's job duties, and she doesn't know how much overtime she puts in for free because she is an exempt, if she's doing extra things that are causing her to be at work longer then she needs to be, this might be something that we don't need to have her be doing.

Council Member Dowling stated he is evaluating it in his head and he understands that it might be superfluous but then he thinks having to gather a new group together every time we might need one versus having one ready to go, at least you have a core group and then you can grab a few more, versus having to grab seven people at the drop of a hat.

Mayor Joens stated and if it is an ad-hoc committee you wouldn't. It wouldn't be as many requirements and also it wouldn't necessarily directly fall under the council like it is. It might be something staff did.

Mr. Horton stated that is right. What staff would do is if there was a vacancy is propose to bring interested citizens into the process, such as the selection of the school superintendent. Similarly we would go out into the community and see who would be interested, who represents different stakeholder groups in our municipal justice system and review those applications and help screen those out and then bring the Council a manageable set of applications to consider.

Council Member Norman stated the people that are on the committee know they could be the top two or three that you would contact when needed and then add to it.

Mrs. Dobler stated as long as they are still interested.

Mayor Joens stated she is sure that if Iris was setting up an ad-hoc committee she would go to those applications first and call those people because they are people that she knew.

Mr. Rodriguez stated we have already done this once before and if you may recall we starting analyzing and reviewing our other committees and we ended up disbanding the employee benefits trust board and senior commission. There seems to be a limited amount of people that we can get on boards and we have several individuals that are on multiple boards and we seem to always call them.

Mayor Joens stated this is a council decision and she would go along with the Council, but the Council has to decide this not her.

Council Member Elinski moved to eliminate the Judicial Review and Appointments Advisory Board. The motion was seconded by Council Member Jauregui and carried unanimously.

Mayor Joens asked if we need to bring it back again.

Mr. Horton stated this will come back in a form that will participate a comment from Mr. Pratt because it will be in the form of an ordinance deleting from the city code the section that sets out the JRAAB. Staff has the direction it needs to conduct the current review cycle. The Judge's current two year term ends nominally in the middle of April, but he suspects that he will hold over in office while we complete this current review process.

#### CLAIMS AND ADJUSTMENTS

Mayor Joens moved to approve the claims. The motion was seconded by Council Member Dowling and carried unanimously.

ADJOURNMENT

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

The regular meeting adjourned at 8:20 p.m.

\_\_\_\_\_  
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 March 19, 2013. I further certify that the meeting was duly called, and that a quorum was present.

\_\_\_\_\_  
Matthew McLean, Deputy Clerk

\_\_\_\_\_  
Date