

MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, HELD APRIL 29, 2013, AT 5:00 P.M., AT THE COUNCIL CHAMBERS BUILDING, 826 NORTH MAIN STREET, COTTONWOOD, ARIZONA.

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CALL TO ORDER AND ROLL CALL

Mayor Joens called the special meeting to order at 5:00 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  
Linda Norman, Council Member  
Terence Pratt, Council Member

COUNCIL MEMBERS ABSENT

Ruben Jauregui, Council Member

STAFF MEMBERS PRESENT

Doug Bartosh, City Manager  
Steve Horton, City Attorney  
Matt McLean, Deputy Clerk  
Dan Lueder, Development Services General Manager  
Casey Rooney, Economic Development Director  
Iris Dobler, Human Resources Manager  
A. Douglas LaSota, City Magistrate  
Ricci Vergara, Court Clerk  
Lynn Riordan, Court Clerk

SPECIAL EVENT LIQUOR LICENSE APPLICATION SUBMITTED BY THE NATIONAL MULTIPLE SCLEROSIS SOCIETY, ARIZONA CHAPTER, FOR AN EVENT SCHEDULED FOR MAY 18, 2013, AT THE COTTONWOOD KIDS PARK LOCATED AT 350 SOUTH 12TH STREET

Mr. McLean stated we had received a special event liquor license application for the MS Bike event scheduled at the Cottonwood Kids Park on May 18, 2013.

Council Member Pratt moved to recommend approval for the Special Event Liquor License Application submitted by Lisa Cleary on behalf of the National Multiple Sclerosis Society, Arizona Chapter, for an event scheduled for May 18, 2013, at the Cottonwood Kids Park located at 350 South 12th Street. The motion was seconded by Council Member Elinski and carried unanimously.

AWARD OF JOB ORDER CONTRACTING BID FOR THE OLD TOWN JAIL PARKING LOT PROJECT.

Mr. Lueder stated staff submitted this project out for bid and Kinney Construction was the low bidder at \$189,507.76. The engineers estimated the project at \$208,000. Staff will

meet with Kinney Construction on Wednesday morning so they can start work right away on the parking lot.

Mayor Joens asked when the park features and arch will be completed.

Mr. Lueder stated staff is looking to start discussing that with the Council during budget time. One of the things that have changed is the pavers for the trail to the Jail Trail will be more of the old style paver and will not be emerald. The street lights will not be completed with the parking lot, but the conduit will be in place. The arch needs to be fabricated and that will take some time. They are hopeful that the parking lot will be completed at the end of June and then staff can start work on the park features as soon as possible.

Council Member Pratt stated it is not unusual for this to be completed in two phases.

Vice Mayor Pfeifer moved to award the JOC bid for construction of the Old Town Jail parking lot to Kinney Construction in the amount of \$189,507.76. The motion was seconded by Council Member Norman and carried unanimously.

#### CITY OF COTTONWOOD BRANDING CONTRACT APPROVAL

Mr. Rooney stated Council received a presentation of the branding at the previous work session from Havice Design. He had received three proposals and Havice Design was the lowest and he is really excited to start the process and it was time to update our brand since the current one is almost 30 years old. We would be partnering with CEDC for \$5,000, Old Town Association for \$2,000, and APS \$3,000. The Chamber will make an in-kind contribution and the city budget will contribute \$3,850. The total contract will be for \$12,850 and the city attorney is finalizing the contract with Scott Havice.

Council Member Pratt wondered if we should even start the branding process and was content to keep our current one.

The Council discussed previous branding that was done and the council was unanimous that it was time to update the branding and hoped that the new brand would incorporate the river in the design.

Council Member Dowling questioned if the Council should just approve the \$3,850 amount instead of the full contract amount, and if we had any type of agreement with the other partners.

Mr. Horton stated the motion can reflect that \$3,850 will be coming from the city, and he was not concerned about an agreement with the other partners since they were low amounts.

Council Member Pratt moved to authorize the city to enter into an agreement with Havice Design for a not-to-exceed amount of \$3,850.00, subject to negotiation and approval of a

final form of agreement by the City Attorney. The motion was seconded by Council Member Elinski and carried unanimously.

REVIEW OF THE PERFORMANCE OF THE CITY'S FULL-TIME MAGISTRATE, A. DOUGLAS LASOTA--PURSUANT TO A.R.S. 38-431.03.(A)(1) COUNCIL MAY VOTE TO CONVENE INTO EXECUTIVE SESSION FOR DISCUSSION

Mayor Joens stated before the Council entered into executive session to discuss the judge's review, she would open the floor to the public.

Ricci Vergara, Court Clerk, urged the Council to reappoint the judge to a full time status because that will allow him to better serve the public.

Mayor Joens invited Randy Garrison into the executive session.

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

DISCUSSION CONSIDERATION AND POSSIBLE DIRECTION TO STAFF AND/OR LEGAL ACTION REGARDING REAPPOINTMENT OF THE PRESIDING MAGISTRATE

Council Member Elinski moved to come out of executive session at 7:17 p.m. Council Member Norman seconded the motion and carried unanimously.

Mayor Joens directed staff to prepare a resolution and a new/revised employment agreement for Judge LaSota. The agreement should be for a two-year term, retroactive to April 13, 2013.

There was a brief discussion about salary and benefits. The Mayor indicated that the new/revised contract should not contain any increase in salary at this time; but that the Judge may be eligible for a COLA should the Council decide to give one to all employees in the future.

There was also some discussion about vacation time, and the Mayor indicated that the judge should be treated the same as other City employees in this regard as well.

Council Member Elinski noted that he would like to see the Council's expectations for the judge in the coming term communicated to him in writing.

ADJOURNMENT

The Mayor made some closing remarks, and moved to adjourn the meeting. The motion was seconded by Vice Mayor Pfeifer and carried unanimously.

Special meeting adjourned at 7:22 p.m.

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Diane Joens, Mayor

ATTEST:

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Matthew McLean, Deputy Clerk

CERTIFICATION OF MINUTES

I hereby certify that the attached is a true and correct copy of the minutes of a special meeting of the City Council of the City of Cottonwood held on April 29, 2013. I further certify that the meeting was duly called, and that a quorum was present.

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Matthew McLean, Deputy Clerk

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Date