

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, HELD MAY 1, 2012, AT 6:00 P.M., AT THE CITY COUNCIL CHAMBERS BUILDING, 826 NORTH MAIN STREET, COTTONWOOD, ARIZONA.

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CALL TO ORDER AND ROLL CALL

Vice Mayor Pfeifer called the regular meeting to order at 6:00 p.m. Roll call was taken as follows:

COUNCIL MEMBERS PRESENT

Karen Pfeifer, Vice Mayor  
Jesse Dowling, Council Member  
Tim Elinski, Council Member  
Ruben Jauregui, Council Member  
Linda Norman, Council Member  
Terence Pratt, Council Member

COUNCIL MEMBERS ABSENT

Diane Joens, Mayor

STAFF MEMBERS PRESENT

Doug Bartosh, City Manager  
Marianne Jiménez, City Clerk  
Steve Horton, City Attorney  
Mike Casson, Fire Chief

George Gehlert, Community Development Director  
Charlie Scully, Planner  
Morgan Scott, Development Services Operations Mgr.

PLEDGE OF ALLEGIANCE

Sandy Boyce led the Pledge and was presented a certificate of appreciation by Vice Mayor Pfeifer.

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 reminded everyone that the Verde Valley Fair starts this Wednesday through Sunday; in conjunction with the fair we were hosting the Grand Canyon Pro Women's Rodeo and were anticipating about 5,000 spectators; on Saturday Yavapai College put together "Cinco de Vino" and encouraged people to come help plant grapevines and the city had put a team together.

Council Member Pratt stated a week ago last Saturday we had the Brian Mickelsen Memorial Run in Cottonwood which he thought was incredibly successful. Parks and Recreation did a great job and he wanted to give kudos to Ryan Bigelow who did a good job organizing the event. He addressed the Verde Valley Leadership program on Friday in Camp Verde.

Vice Mayor Pfeifer stated the auction for the painted barrels was held Saturday and there was over 130-200 people there and they did real well and they got more barrels than the city manager found a place to store for the Chamber.

Mr. Bartosh stated Mr. Rooney reported to him that they made \$10,000 from the auction of the barrels that will go to support the viticulture program; Vice Mayor Pfeifer stated it was more than that.

Council Member Norman stated last Monday and Tuesday Richard Faust and she had the opportunity to attend the Arizona Transit Association Conference in Flagstaff. On Saturday she went to Mingus Union High School and attended the local Verde Valley Voices concert.

#### PROCLAMATIONS & POSSIBLE FIVE MINUTE PRESENTATIONS FOR:

##### ARTISAN FOOD AWARENESS MONTH

Sandy Boyce, the co-founder and director of the Verde Valley Community Supported Agriculture Program, a non-profit local produce program, explained the purpose of the program was to protect and promote local homemade artisan producers in the Verde Valley who were becoming regulated out of existence.

Vice Mayor Pfeifer then read the proclamation declaring June 2012 as Artisan Food Awareness Month and presented it to Ms. Boyce.

##### GO BLUE FOR CASA® MONTH

Lisa Richards, president of the Verde Valley CASA Children's Foundation, stated a CASA was a court appointed special advocates for children who were wards of the court. The foundation was created to help these children financially with anything from tutoring to clothing.

Vice Mayor Pfeifer read the proclamation declaring May 2012 as Go Blue for CASA month, and presented it to Mrs. Richards.

##### SENIOR CORPS WEEK

Vice Mayor Pfeifer read the proclamation designating May 7-11, 2012, as Senior Corps Week, and presented it to Shana Smith.

##### TEACHER APPRECIATION WEEK

Vice Mayor Pfeifer read the proclamation declaring May 7-11, 2012, as Teacher Appreciation Week, and presented it to Angie Hillman, Yavapai County's Teacher of the Year 2012.

### VOTER REGISTRATION MONTH

Vice Mayor Pfeifer read the proclamation declaring the month of May as Cottonwood Voter Registration Month, and presented it to Dorothy O'Brien.

### CALL TO THE PUBLIC

There were no comments from the public.

### APPROVAL OF MINUTES—Work Session of April 10, 2012, Special Meeting of April 12, 2012, and Regular Meeting of April 17, 2012

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

### UNFINISHED BUSINESS—None.

### CONSENT AGENDA

#### NEW LIQUOR LICENSE APPLICATION FOR BONNIE GRANT, OWNER OF THE CORK AND CATCH RESTAURANT LOCATED AT 1750 E. VILLA DRIVE, SUITES A & B

#### EXTENSION OF PREMISES/PATIO LIQUOR LICENSE PERMIT SUBMITTED BY EILEEN M. RIFFEL, LICENSEE FOR THE CHAPARRAL BAR LOCATED AT 325 SOUTH MAIN STREET

#### AWARD OF BID FOR PROFESSIONAL PYROTECHNIC SERVICES FOR THE CITY'S FOURTH OF JULY CELEBRATION

#### RATIFICATION OF THE COSTS INCURRED FOR THE EMERGENCY REPAIR WORK COMPLETED ON WELL NUMBER FOUR

Council Member Pratt moved to approve the Consent Agenda. The motion was seconded by Council Member Elinski, and carried unanimously.

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

#### REQUEST FROM TURF PARADISE TO RENEW ITS OFF-TRACK PARIMUTUEL WAGERING LICENSE FOR STROMBOLLI'S RESTAURANT LOCATED AT 321 SOUTH MAIN STREET

Ms. Jiménez stated on February 7, 2012, the council approved Turf Paradise's request for an off-track parimutuel wagering license for Stromboli's Restaurant through May 31, 2012. David Johnson, the Vice President of Turf Paradise called to let her know he was unable to attend the meeting as he would be out of town. He indicated Turf Paradise had been operating its off-track parimutuel wagering at Stromboli's for a week and everything had been going well and without incident. On behalf of Turf Paradise he was requesting renewal

of the off-track parimutuel wagering license for the term period of June 1, 2012, through May 31, 2015.

Council Member Pratt stated he had been approached by a number of people in support of this.

Council Member Pratt then moved to recommend renewal of an off-track parimutuel wagering license for Turf Paradise at Stromboli's Restaurant located at 321 South Main Street from June 1, 2012 through May 31, 2015. The motion was seconded by Council Member Norman, and carried unanimously.

PRESENTATION AND REQUEST TO APPROVE A SECTOR PARTNER PARTICIPATION AGREEMENT FOR THE O'CONNOR HOUSE CENTENNIAL VOTER ENGAGEMENT PROJECT

Dorothy O'Brien, the past President of the Big Park Regional Coordinating Council and part of the team working on the Justice Sandra Day O'Connor Centennial Voter Initiative Project of the Verde Valley, played a DVD of Ms. O'Connor explaining the concept of the O'Connor House project which was set up to help enable any group in our state that is facing contentious issues. She then explained how the project, whose aim is to promote increased educated voter participation to ensure good government for the people of Arizona, has evolved through the Justice's initiative in the Verde Valley so far.

Council Member Pratt stated it was pretty clear that a healthy democracy depends on voter participation and educated voter participation, and thought it was a no brainer for the Council to support this.

Council Member Elinski stated he agreed.

Council Member Dowling moved to approve the Participation Agreement for Sector Partners of the O'Connor House Centennial Voter Engagement Project. The motion was seconded by Council Member Elinski, and carried unanimously.

Vice Mayor Pfeifer stated she had a request to move item number 6 up on the agenda.

ORDINANCE NUMBER 586--AMENDING THE ZONING MAP OF THE CITY OF COTTONWOOD, ARIZONA, FOR A PARCEL OF LAND TOTALING APPROXIMATELY 1.2 ACRES LOCATED ALONG THE SOUTH SIDE OF SR 89A, APPROXIMATELY 200 FEET WEST OF ITS INTERSECTION WITH SOUTH 12TH STREET, APN 406-05-036Q AND 406-05-036R, SO AS TO CHANGE CERTAIN DISTRICT BOUNDARIES AND CLASSIFICATIONS THEREOF FROM THE PRESENT ZONING OF C-1 (LIGHT COMMERCIAL) AND AR-43 (AGRICULTURAL/ RESIDENTIAL) TO C-2 (HEAVY COMMERCIAL); FIRST READING

Mr. Gehlert stated item number 6 had to do with a requested zoning map change to enable the development of a new Discount Tire store at 1135 East 89A. He gave a PowerPoint presentation of the location that was formally the site of Alan's Used Car facility. It was part of the C-1 zone located along the highway. Behind it was an agricultural residential area,

and cross the street was a C-2 zone. This location in the city was being populated with auto oriented services. The reason for the rezone request had to do with the portion of the facility that would be dedicated for service bays which were not allowed in a C-1 zone. This was the first reading of the ordinance and no action was required at this point in time. The recommendation of the Planning and Zoning Commission was for approval of the request subject to their approval of the Design Review application regarding the establishment of a 7,000 square foot retail facility on this site. The request was posted, advertized, and part of the notification process that included a community meeting where the property owners located within 300 feet of the site were invited to witness the presentation by the Discount Tire representatives Sterling Margetts and Don Thrailkill. There were two members of the public who attended and staff has not received any written commentary or any comments for or against the proposal.

Mr. Gehlert then reviewed the renderings of the proposed building which the Planning and Zoning Commission requested the large windows be tinted to avoid glare, and the entry/exit of the property. The Commission's approval of the project was subject to the stipulations contained in Ordinance Number 586.

Council Member Pratt stated it seemed like a very appropriate business for the location, and it was important to note they would be creating ten new jobs for the city and expected to have 3 million dollars of sales. He also noted they were a family oriented company and offered benefits.

Don Thrailkill answered questions regarding the screening of the rear of the location and the jobs that would be provided.

Sterling Margetts explained the "banana" configuration of the entry/exit that allows a left into the site. Based upon the trips that were currently there and a traffic study and consultation with ADOT, a restriping of the left turn pocket would be done to accommodate the access point.

Vice Mayor Pfeifer requested the City Clerk read Ordinance Number 586 by title only.

#### ORDINANCE NUMBER 586

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AMENDING THE ZONING MAP OF THE CITY OF COTTONWOOD, ARIZONA, FOR A PARCEL OF LAND TOTALING APPROXIMATELY 1.2 ACRES LOCATED ALONG THE SOUTH SIDE OF SR 89A, APPROXIMATELY 200 FEET WEST OF ITS INTERSECTION WITH SOUTH 12TH STREET , APN 406-05-036Q AND 406-05-036R, SO AS TO CHANGE CERTAIN DISTRICT BOUNDARIES AND CLASSIFICATIONS THEREOF FROM THE PRESENT ZONING OF C-1 (LIGHT COMMERCIAL) AND AR-43 (AGRICULTURAL/ RESIDENTIAL) TO C-2 (HEAVY COMMERCIAL).

RESOLUTION NUMBER 2641--DECLARING, FOR PURPOSES OF SECTION 1.150(2) OF THE

FEDERAL TREASURY REGULATIONS, THE CITY'S OFFICIAL INTENT TO BE REIMBURSED IN CONNECTION WITH CERTAIN CAPITAL EXPENDITURES RELATING TO THE CITY'S LICENSED MICROWAVE SYSTEM

Mr. Rodriguez stated sometime back we upgraded our servers and did a lot of work to go with voice over IP, meaning most of our phone systems worked via the internet. When that started slowing down the system we had done some major upgrades and one of them was to go to a microwave system. What he was bringing before the council was a reimbursement resolution allowing us to reimburse ourselves for the purchase of the new system once we have the lease purchase proceeds in escrow.

Council Member Dowling moved to approve Resolution Number 2641, reimbursing the city's general fund for the purchase of the licensed microwave system. The motion was seconded by Council Member Norman, and carried unanimously.

Vice Mayor Pfeifer requested the City Clerk read Resolution Number 2641 by title only.

RESOLUTION NUMBER 2641

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, DECLARING, FOR PURPOSES OF SECTION 1.150 2 OF THE FEDERAL TREASURY REGULATIONS, THE CITY'S OFFICIAL INTENT TO BE REIMBURSED IN CONNECTION WITH CERTAIN CAPITAL EXPENDITURES RELATING TO THE CITY'S LICENSED MICROWAVE SYSTEM.

AWARD OF CONTRACT FOR PROFESSIONAL AUDITING SERVICES

Mr. Rodriguez stated staff decided to issue RFPs for professional auditing services to get a new set of eyes looking at our audit and see if we were getting a good deal with the firm we currently had. He was looking for a three year contract with a possible extension of two additional years. Seven proposals were received and evaluated and Heinfeld and Meech Company was the top pick. It was expected the city would save about \$8,000 the first year by going with this company.

Council Member Pratt moved to award the contract for Professional Auditing Services to Heinfeld, Meech & Co., PC for three (3) fiscal years beginning with the fiscal year ending June 30, 2012, with an option to audit the City's financial statements for each of the two (2) subsequent fiscal years, and authorize the Administrative Services General Manager to execute the Contract for Services. The motion was seconded by Council Member Elinski, and carried unanimously.

AWARD OF CONTRACT FOR THE MINGUS AVENUE RECONSTRUCTION PROJECT FROM 89A TO WILLARD STREET

Mr. Scott stated bids for the project came in very competitively, and the low bidder ended up asking the city not to accept their bid. The second lowest bidder was deemed a very

qualified company who also provided a very competitive bid. The company was called Blucor, and the engineering department checked references and past jobs of the company and were found to be very qualified.

Council Member Norman moved to accept the request from the low bidder, Grady's Quality Excavating, to withdraw their bid and award the contract to the next lowest and responsive bidder, Blucor Contracting, for a corrected bid amount of \$1,824,065.75. The motion was seconded by Council Member Elinski, and carried unanimously.

RESOLUTION NUMBER 2639--ESTABLISHING A POLITICAL SIGN-FREE ZONE IN AN AREA OF THE CITY THAT CONTAINS A PREDOMINANCE OF COMMERCIAL TOURISM, COMMERCIAL RESORT AND HOTEL USES, PURSUANT TO A.R.S. § 16-1019 (F)

Mr. Scully stated this item related to the state law that was passed last year that changed regulations statewide relating to political signs. One of the things they changed was a provision that allows people to locate relatively large signs in municipal right-of-way, that being 32 square foot signs in commercial areas and 16 square foot signs in residential areas. One of the things they also put in was a provision that allows cities to designate certain areas as politically sign free zones where there is a preponderance of commercial tourism, resorts and hotel uses where the placement of political signs within the rights-of-way will detract from scenic and aesthetic appeal. This did not apply to state highways, so in Cottonwood, SR 89A and 260 were not covered in this exception to the state law. Mr. Scully presented a map that indicated the political sign-free zone being mainly the old historic Main Street going from the boundary with Clarkdale north of Old Town, through Old Town going down to the intersection of 89A at Walgreens. It also widened out and took in the historic neighborhood in Old Town.

Council Member Elinski stated he noticed the state allowed each municipality two of these districts.

Mr. Scully stated you can have up to two separate zones a total of three square miles.

Council Member Dowling questioned if Mr. Scully had any idea what the area of our one space was.

Mr. Scully stated they didn't really go too deep into and it was pretty clear it was not three square miles. It was a narrow area along the street for possibly a little over a mile and a half.

Council Member Pratt stated it seemed a great idea because they do become an eye sore, and he thought they had identified a zone where they did not want political signs.

Council Member Elinski moved to approve Resolution Number 2639. The motion was seconded by Council Member Pratt, and carried unanimously.

RESOLUTION NUMBER 2640--ADOPTING A PUBLIC PARTICIPATION PLAN FOR THE UPDATE OF THE COTTONWOOD GENERAL PLAN 2025

Mr. Scully stated in the state statute regarding general plans there was a provision that states that governing bodies shall adopt written procedures providing an outline for the

public participation portion of the development of a general plan or of a major amendment. It shall provide opportunities for people to have input, written comments, and hear about all the proposals and alternatives. The plan supports the formation of a steering committee which will provide an opportunity for citizens, commissioners, community representatives, city staff and others to collaborate on the review and preparation of the updated general plan. At the end, the council is required to conduct public hearings and vote by resolution to either approve or not, the draft plan and it then goes to the public for a vote.

Council Member Pratt stated it was exactly what some members of the public have called for and will serve the citizens well.

Mr. Scully stated staff had been working on the background information and in the fall would start to initiate the public process. The whole process could stretch out over a year and a half. The legislature changed the deadline to July 2015 to complete this.

Council Member Pratt moved to approve Resolution Number 2640, adopting a public participation plan for the update of the Cottonwood General Plan 2025. The motion was seconded by Council Member Dowling, and carried unanimously.

Vice Mayor Pfeifer requested the City Clerk read Resolution Number 2640 by title only.

#### RESOLUTION NUMBER 2640

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, ADOPTING A PUBLIC PARTICIPATION PLAN FOR THE UPDATE OF THE COTTONWOOD GENERAL PLAN 2025.

#### ORDINANCE 585--AMENDING THE CITY OF COTTONWOOD MUNICIPAL CODE BY DELETING CHAPTER 2.72, SELF-INSURANCE TRUST BOARD, FROM TITLE 2, ADMINISTRATION AND PERSONNEL; FIRST READING

Mr. Horton stated in March the Council went with staff's recommendation to disband the Self-Insurance Trust Board because it was no longer necessary. It was formed for a purpose which has now been shifted over to the city's pool insurance. This ordinance takes those provisions for that board out of the City Code.

Vice Mayor Pfeifer requested the City Clerk read Ordinance Number 585 by title only.

#### Ordinance Number 585

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA AMENDING THE MUNICIPAL CODE OF THE CITY OF COTTONWOOD BY REPEALING CHAPTER 2.72, SELF-INSURANCE TRUST BOARD, FROM TITLE 2, ADMINISTRATION AND PERSONNEL.

CLAIMS & ADJUSTMENTS

Council Member Norman moved to pay the Claims and Adjustments. The motion was seconded by Council Member Elinski, and carried unanimously.

ADJOURNMENT

Council Member Jauregui moved to adjourn. The motion was seconded by Council Member Dowling, and carried unanimously. The regular meeting adjourned at 7:36 p.m.

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Diane Joens, Mayor

ATTEST:

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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 May 1, 2012. I further certify that the meeting was duly called, and that a quorum was present.

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Marianne Jiménez, City Clerk

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Date