

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, HELD MAY 21, 2013, AT 6:00 P.M., AT THE CITY COUNCIL CHAMBERS BUILDING, 826 NORTH MAIN STREET, COTTONWOOD, ARIZONA.

CALL TO ORDER AND ROLL CALL

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

COUNCIL MEMBERS PRESENT

Diane Joens, Mayor
Karen Pfeifer, Vice Mayor
Jesse Dowling, Council Member
Tim Elinski, Council Member
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
Matthew McLean, Deputy Clerk
Berrin Nejad, Community Development Manager
Rudy Rodriguez, Administrative Services General Manager
Richard Faust, Community Services General Manager
George Gehlert, Planner

PLEDGE OF ALLEGIANCE TO THE FLAG

Berrin Nejad led the Pledge of Allegiance and Mayor Joens presented her with a certificate of appreciation.

BRIEF SUMMARY OF CURRENT EVENTS

Mr. Bartosh announced that starting May 21, there will be a fire restriction in Yavapai County; the summer recreation program is open at the rec center; the parking lot is done and should be available for use by the second week of June; the City of Cottonwood won the MS Bike event.

Council Member Pratt announced he was the MC at the Purses and Wine event that was held to support the Boys and Girls Club.

Council Member Dowling stated he also participated in the MS Bike Ride event.

Vice Mayor Pfeifer announced the fire department will come to businesses to teach a compression class to the employees.

Chief Kuykendall stated it is not a full CPR certification class, but studies have shown that just by doing compressions it can save a person's life. People that are interested in the class can call up the fire department to arrange a class.

Council Member Elinski stated he ran into a business owner the other day and she was very upset with the business registration fee increase. He also participated in the Ride a Bike to Work day on Friday.

Mayor Joens announced the following: she also participated in the Ride a Bike to Work Day along with Council Member Dowling; on May 10 she attended the ADOT board meeting; on May 13 she attended a Teen Center Committee meeting; on May 15 Council Member Pratt, Council Member Norman and she attended the VFW Peace officers memorial ceremony; the O'Connor House is having a meeting tomorrow; and there is a Cancer Survivor's meeting at Pine Shadows.

PROCLAMATION—MENTAL HEALTH MONTH

Mayor Joens proclaimed May as mental health month.

CALL TO THE PUBLIC

Andrea Martin, from Yavapai County AmeriCorp project, gave a project update to the council.

APPROVAL OF MINUTES—REGULAR MEETING OF MAY 7, 2013

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

OLD BUSINESS

ORDINANCE NUMBER 595—AMENDING THE ZONING MAP OF THE CITY OF COTTONWOOD, ARIZONA, FOR A PARCEL OF LAND TOTALING APPROXIMATELY 15 ACRES IN SIZE; SO AS TO CHANGE CERTAIN DISTRICT BOUNDARIES AND CLASSIFICATIONS THEREOF FROM THE PRESENT ZONING OF AR-43 (AGRICULTURAL/SINGLE FAMILY RESIDENTIAL) TO R-2 (SINGLE FAMILY/MULTIPLE FAMILY;) SECOND & FINAL READING

Mr. Gehlert stated this is the second reading of Ordinance 595 for the rezoning of 15 acres owned by Mingus Union High School District #4 located at East Fir and Camino Real. The first reading was held on May 7, at which time the Council also adopted the resolution to amend the General Plan to change it to a multi-family development of about 165 units on the 15 acre site. The Planning and Zoning Commission reviewed the project on March 18 and recommend approval subject to the final site plan approval at some future date by whomever the developer might be. At that point they will need to address the traffic, drainage and buffering improvements. They held a public hearing on the project at the school and the adjacent property owners were notified. Some of the issues that were raised

were traffic, drainage, buffering, and the type of architecture that would be associated with the proposal. These would be part of the final site plan submittal at a future date, subject to approval by the planning and zoning commission. At this time staff is asking for approval of the zone change with the following stipulations: 1) a final site plan be approved by the planning and zoning commission together with building elevations, grading, drainage, surfacing and landscape plans prior to any issuance of any permits; 2) that the total number of residential units be limited 165; 3) that the final site plan establish methods for buffering adjacent residential development to the west and south boundaries; 4) access points adjacent to the fir street intersection be eliminated and other access drives be consolidated to the extent feasible; 5) that all required rights of way and utility easements be dedicated by plat or otherwise recorded as may be required by the city, any division to this property into four or more lots would require plat approval by the planning and zoning commission and the city council; 6) that any minor subsequent minor divisions of this property also be subject to review by the planning and zoning commission; 7) that the developer provide traffic and drainage studies and be responsible for all related improvements determined necessary to offset impacts of the resulting development per Ordinance 144; 8) that a building permit be issued within five years or the action would be null and void; and 9) that all other code review comments would be addressed.

Council Member Pratt asked if the local residents were invited to the meeting and if there were many responses.

Mr. Gehlert stated there were about seven folks that showed up at the community meeting. Most of the questions had to do with the site proposal itself and the volume of traffic.

Council Member Elinski stated we capped the amount of units they can have on the property, but a big concern for him is the buffering on the property that abuts the lower density residential areas. He asked Mr. Gehlert if it would be possible to allow a large buffering and still allow that many units.

Mr. Gehlert stated he thought the units could be consolidated in a different manner.

Council Member Pratt stated this does help our local high school.

Mayor Joens invited Superintendent Foist to comment.

Mr. Foist stated it does help our high school and we have been approached by people, but we didn't think the offers were fair for our community to accept. With the city's help we have put the school in a very positive position to go out and be approached again. We also wanted our community to understand that like our city today, there is a level of concern of where do we go from here in Arizona without public education funding. We are now 100 percent funded by tax payers. Our state aid is all from our local community. They hope this project can alleviate some of that burden on our people.

Council Member Pratt moved to approve Ordinance Number 595. The motion was seconded by Council Member Dowling and carried unanimously.

Mayor Joens requested the Deputy Clerk to read Ordinance Number 595 by title only.

ORDINANCE NUMBER 595

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 15 ACRES IN SIZE ; SO AS TO CHANGE CERTAIN DISTRICT BOUNDARIES AND CLASSIFICATIONS THEREOF FROM THE PRESENT ZONING OF AR-43 (AGRICULTURAL/SINGLE FAMILY RESIDENTIAL) TO R-2 (SINGLE FAMILY / MULTIPLE FAMILY).

CONSENT AGENDA

NEW LIQUOR LICENSE APPLICATION SUBMITTED BY BLADIMIR COSTA GUERRA, APPLICANT FOR QUINCE BAR & CANTINA LOCATED AT 747 SOUTH MAIN STREET

APPROVAL OF AN INTERGOVERNMENTAL AGREEMENT WITH THE COTTONWOOD OAK CREEK SCHOOL DISTRICT FOR THE JOINT FUNDING OF A SHARED YOUTH PROGRAM COORDINATOR

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

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

APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH HEINFELD, MEECH & CO., PC, FOR FINANCIAL CONSULTING SERVICES FOR THE CITY

Mr. Rodriguez stated this is a request for some help from our auditors to assist us to make sure our accounting structure matches their accounting structure. We are asking our auditors to come in and assist us and redo our accounting structure now that we are putting in a new Enterprise Resource Planning software system for the city. When we do the conversion we will have all our accounts straightened out and they will be able to import all of that and make sure it matches our auditors' accounting structure. Right now our reports don't match the auditors and we don't have the capability to do that. They would also come up with some internal controls. This has a not to exceed number of about \$26,200 and most of it is mostly just labor.

Council Member Elinski asked if these are the people that have been doing the audits for the last two years.

Mr. Rodriguez stated this will be their second year working with us. Our previous auditors were with us for well over 12 or 13 years.

Council Member Elinski asked if that was why we were using them for this contract.

Mr. Rodriguez stated it does make it easier.

Council Member Elinski stated it does make more sense since they are familiar with the city.

Mayor Joens stated she thinks they know how they want us to do things so they can audit us.

Vice Mayor Pfeifer moved to approve the professional services agreement with Heinfeld, Meech & Co., PC for financial consulting services as outlined in the scope of work and authorize the mayor to execute the agreement. The motion was seconded by Council Member Elinski and carried unanimously.

APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH PAT WALKER CONSULTING, LLC, FOR IMPACT FEE CONSULTING

Mayor Joens stated we heard from Pat at our work session last week and asked Mr. Rodriguez to explain that item.

Mr. Rodriguez stated this is something that we don't have much of a choice in if we want to continue to collect impact or development fees. We have to prepare a study and set up an infrastructure improvement plan. In order to do that, we need to do a study. One of two things will be determined; one it will determine whether or not we need to continue with impact fees and what our alternatives are, or two it will allow us to get into the cue so that we make sure that if we do keep impact fees we be able to collect them when the time comes. We have certain deadlines and if we don't meet them, then we can't collect the fees until such time as the study is produced and actually adopted by the council. It will be a year out before we are almost done with this. The fee study will be done in a couple of phases; one of them will be collecting all the information and piecing it all together into some sort of cohesive manner. The cost is not to exceed \$50,000 and the last time we did this study it was close to a \$100,000.

Mayor Joens stated she wants the public to understand that the legislature imposed this unfunded mandate on the citizens of Cottonwood.

Mr. Rodriguez stated that one of the issues that really started prompting this was not only water or wastewater, it was the communities that were collecting development fees for libraries, police, fire, parks and also a lot of their maintenance and operations, which is not really an appropriate charge as the City of Cottonwood is concerned. We have always tried to be conservative and keep it down to just water and wastewater. The streets are an iffy thing and we have never had to use it, but we would like to explore it.

Council Member Dowling stated the entire state is scrambling for this service right now, so we were lucky to find anyone to do this study right now.

Council Member Norman moved to approve the professional services agreement with Pat Walker Consulting, LLC for impact fee consulting and authorize the Mayor to execute the agreement. The motion was seconded by Vice Mayor Pfeifer and carried unanimously.

REQUEST FROM CHRISTINE SOLIZ AND KRISTI DELANEY OF THE COTTONWOOD CLIPPERS TO REDUCE OR WAIVE THE COTTONWOOD SWIM TEAM'S OPERATIONAL FEES FOR USE OF THE CITY'S OUTDOOR POOL FOR THE 2013 SEASON

Kristi Delaney, the secretary of the Cottonwood Clippers, requested help in reducing or waiving the fees for the operational expenses of the pool that the Clippers are charged for use the pool. They are a recreational swim team and they are 130 swimmers strong, reaching out to kids between the ages of 7 and 18 at all skill levels. We are an all-volunteer board and participate in fundraisers every year in order to raise money. Each year we are trying to save money and look for a project that would benefit not just the Clippers but also the community as well. They do about six swim meets every year all over northern Arizona and looked at the shade structures they have at the other pools, and thought that might be a project they could look into. They received bids from local companies and Phoenix and they ranged from \$12,000 to \$25,000. They narrowed the choice down to the Picture Window, which is a locally owned and operated business here and they would be working with Larry Prichard who also installed the existing structure, which has a metal roof on the top. They would like to extend the existing structure three feet towards the pool and have the metal roof removed and have shade material put on the top. Posts would be placed outside the fences and the shade structures would be tension shade sails that would extend from the existing structures out to those posts. This would not only benefit the Clippers, but they would be willing to keep it up throughout the Mingus swim season as well as all of the swimming lessons at the pool and for any patrons of the pool that use it during open swim.

Christine Soliz went over the cost breakdown. The bid was for \$13,256 with an estimated engineering cost of \$600-\$900 for a total cost of \$14,156. The Clippers are asking for the city to wave the \$4,000 pool use fee for the 2013 swim season so their net cost would be about \$10,156, and they are also requesting the City of Cottonwood cover the fees for the building permits. They have been saving for four years for this. They do have to use some of their funds for operational costs, but they do try to save some and have been putting it toward getting some sort of improvement.

Council Member Pratt stated the \$4,000 was not really a contribution and it is just a waiver of that yearly fee. He asked what the building permits would be that we would be waiving.

Ms. Soliz didn't know but thought it would be less than \$500.

Council Member Pratt stated the survey really does show that not only do the Cottonwood Clippers benefit, a lot of the young people in our community would be benefitting.

Council Member Dowling asked if there was a reason to remove the existing metal roof and replace it with a shade.

Ms. Delay stated it was just hot.

Mr. Faust stated we just have recently went through the operations cost of the recreation center. When they look at the operations costs, they set the operations separate from the project fees. If we don't have the money in order to pay for operations or our bills, then we have to do that first and then we have to set aside any money we have for projects. One of the things he wanted to let Council know is the pool costs keep raising every year and we are seeing about \$156,500 right now on an annual basis for our pool operations. These costs continually go up. Right now we are charging a very low fee, about \$4,000 a year or about \$2.18 per lap lane per hour. Normal fees throughout the state of Arizona are between \$8 and \$15 per lap lane. In looking at cost recovery we had to eliminate a position. We don't want to back track any further, but it seems that we just got set here recently as it pertains to getting the high school and the Cottonwood Clippers to pay and now it seems like we want to back track again. He suggests that we might postpone the project until the additional funds are raised instead of eliminating or waiving those fees for this year.

Council Member Elinski stated he sees Mr. Faust's perspective on this and thinks we have put ourselves in a bad situation where we have not done what we should in charging what we should to meet our costs. We know that costs are rising and we have all dragged our feet in getting our prices up to where they need to be. That being said, he thinks the Clippers have come up with a really creative solution that is not only a great benefit to them, but to the City and it wouldn't cost us that much money. He doesn't think it is fair to stymie their efforts because we have been dragging our heels on getting our cost recovery where it needs to be. It would benefit everyone that uses the outdoor pool facility. We charge too little for what we offer and we need to seriously take a look at it and get our prices up to where they need to be.

Council Member Pratt stated he is inclined to support the request and he understands everything Mr. Faust has said. Because of the community benefit of the Clippers and what we would get for it, the shade structure would benefit anyone who would use the pool.

Vice Mayor Pfeifer stated she has great granddaughter that is joining the team and she will be sitting under the shade, and she asked Mr. Horton if she had a conflict.

Mr. Horton stated no, unless she decided to declare one, she doesn't have a statutory conflict.

Council Member Norman stated the shade they are proposing would just be over the seating area.

Mr. Faust stated there is a central area that has a metal shade structure now and the Clippers shade structure would cover the rest of it.

Council Member Norman asked if when the Clippers are not using the pool, do people sit in that area.

Mr. Faust stated most of the time people will sit under the current awning and they are using the current shade structure. When you have an outpouring of a lot of people, this would help. That pretty much suffices for the amount of people that we have for the outdoor facility and it is warm under there and their shade structure would be cooler.

Mr. Rodriguez stated those types of canopy structures last about 10 years. When they first approached him, he looked at as a grant for the City of Cottonwood. We provide a lot of things for a lot of people and though they are great for the community, they are never putting anything back into the City for everyone to enjoy. In this particular case, much like we handle police department of fire department grants or park and rec grants, \$4,000 is a matching to an endeavor that will be available for every citizen of Cottonwood. The thing is that it is hard to turn down something someone is willing to give you a lot more for, for just a few coins, and it's not that they are asking for it to be removed permanently, they are just asking for it to be waived this year. They are putting quite a bit of substantial money in this. We talked about getting our engineers or one of the local engineers to see if they can't do it free of charge and help them and the city out. He understands that we have to raise the fees, but the way he is treating it is this is a match type of a grant, since they are willing to put more money than we are willing to put up.

Mayor Joens stated it would come out of the general fund, since Mr. Faust's budget is shot and he doesn't have any more money to give.

Mr. Rodriguez stated it is all general fund money.

Mayor Joens stated it will come out his budget then. She questioned what if it came out of the Council's budget.

Mr. Rodriguez stated all we are going to be doing is not collecting the revenue.

Ms. Delany stated Mingus is going to come to the city and ask for a reduction in funds with nothing to give the city. We do fundraisers all the time and it has taken us four to five years to raise the money.

Council Member Elinski stated he wanted to bring up Mr. Faust's point about not setting a precedent, and he understands where he is coming from, but this a unique situation where someone asks for a little bit of money and they give us something much greater in return.

Dr. Bob Richards, a board member of the Cottonwood Parks and Recreation Commission, stated if this was brought before the Commission they would not recommend it. The City

Council has put cutting spending expenses as a priority for the recreation center, and now the Clippers are asking the Council to give them a break. We give too many breaks, we give Mingus a break. The Clippers have been paying their full share of using the pool. Mingus doesn't even come close. He doesn't think it will hurt to keep those shade structures with the Clippers so they can raise more money.

Council Member Pratt stated this \$4,000 would be absorbed by the general fund, so that really wouldn't affect our recreation center costs.

Mr. Rodriguez stated he really doesn't know, since the pool is separate, so the recreation center costs are separate from the pool.

Council Member Pratt stated we are getting something for it, we are not just waiving the fee, and we are getting an improvement to our pool that will benefit everyone that uses the pool.

Vice Mayor Pfeifer stated she supports it and watches her family out there and when she is out there she roasts and when you have ivory white skin like hers, she makes a lot of trips to the dermatologists. This just doesn't benefit the Clippers, it benefits the people like her, so she can enjoy watching the little people swim in the pool and watch the meet.

Council Member Pratt moved to approve authorizing a fee waiver of the Cottonwood Clippers Swim Team charges of \$4,000 for the use of the Cottonwood Outdoor Pool facility in exchange for the Clippers installing shade structures at the pool at their expense. The motion was seconded by Vice Mayor Pfeifer and carried unanimously.

Mr. Horton asked the Council if they wanted to address the request for the permit waivers and in all fairness it was not in the packets that were distributed to you at the meeting, but it was reviewed by staff. This is related to the agenda.

Council Member Pratt moved to approve waiver of the building permits for the shade structure of the Cottonwood Clippers Swim Team shade structure that they will be erecting at their own expense. The motion was seconded by Vice Mayor Pfeifer and carried unanimously.

APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA, THROUGH THE DEPARTMENT OF TRANSPORTATION, FOR FUNDS TO PURCHASE ROADWAY REPLACEMENT SIGNS

Mr. Scott stated the city received a grant this year for \$150,000 through ADOT and NACOG for Highway Safety Improvement funds, so it is basically to be used for safety improvement on city streets. The federal rules say as long as you don't break any ground you don't need any environmental study. Working with the Verde Valley Transportation Planning Organization we came up with a few ideas. The first was to replace any non-compliance regulatory street signs. Many of our older signs are no longer compliant. In the process of putting that grant together we realized that we weren't going to use the whole \$150,000, so

we were looking at what else out there could we use this towards and we started looking at crosswalks and also installing logistical lines or the white lines that you might see for the bike lanes or the center yellow stripe. Basically the thermal plastic is going to last a lot longer and be more reflective. It was originally one grant, but ADOT asked us to separate them out with two separate IGAs; one dealing strictly with signs and one dealing strictly with pavement markings.

Council Member Pratt stated it is not going to cost the city anything, it will improve the appearance of our city, and it is a no brainer. He questioned why we would turn down a grant to improve our city.

Council Member Elinski moved to approve an intergovernmental agreement/JPA 13-0000750 with ADOT for a grant to replace sign panels throughout the City. The motion was seconded by Council Member Pratt and carried unanimously.

APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA, THROUGH THE DEPARTMENT OF TRANSPORTATION, FOR FUNDING TO UPGRADE FROM PAINTED TO THERMOPLASTIC PAVEMENT STRIPING AND MARKINGS ON CITY STREETS AND RAISED PAVEMENT MARKERS

Council Member Dowling moved to approve IGA/JPA 13-0000752 with ADOT for a grant to enhance the street striping and pavement markings throughout the city. The motion was seconded by Council Member Norman and carried unanimously.

AWARD OF BID FOR AN ON CALL DESIGN CONTRACT WITH C&S COMPANIES FOR COTTONWOOD AIRPORT DESIGN PROJECTS

Mr. Scott stated staff has gone through an advertising process requesting statements for qualifications from engineering and design firms to be an on call design consultant for the airport. Three firms responded and staff felt very comfortable with C&S companies. They have been consulted on the airport before and they also have a sub consultant who did the airport master plan and they have the most experience with designing Automated Weather Observation Systems, which is the first task staff would request from them. They have worked on several AWOS systems throughout Arizona.

Council Member Pratt asked what we would be spending per year with this company.

Mr. Scott stated there is no estimate because it will depend on the number of projects we are working on at the time. Right now we have an \$110,000 grant for the design of the AWOS, which requires a 10 percent match from the city. In a couple years, we will look at some overlay projects and a few other things.

Mr. Horton stated it will depend on the amount of the procurement. If it was connected to a grant that was large it needs to come to the council if it was over \$50,000.

Council Member Elinski asked if it would be safe to say that most of the money that we

would be paying to this consultant would be paid for through a grant.

Mr. Scott stated approximately 90 percent.

Council Member Dowling moved to award the airport on-call design contract to C&S Companies and authorize the mayor to execute the agreement on the city's behalf, subject to approval of the final form of agreement by the City Attorney. The motion was seconded by Council Member Elinski and carried unanimously.

APPROVAL OF A GOVERNOR'S OFFICE OF HIGHWAY SAFETY GRANT FOR THE PURCHASE OF TWO MOBILE DATA COMPUTERS FOR THE POLICE DEPARTMENT'S MOBILE COMMAND UNIT

Commander Makuch stated the Cottonwood Police Department is seeking approval to accept grant funds from the Governor's Office of Highway Safety for our DUI patrols. The Governor's Office has provided the police department with many opportunities and funded thousands of dollars for DUI patrols. Four years ago, the Governor's office allowed us to purchase a mobile command unit which we use on many DUI details and other special events. Cottonwood Police Department requested the replacement of two mobile data computers to put inside of the mobile command unit to ease in processing of DUIs. The purchase is 100 percent funded through the Governor's office and there is no city funds needed for this.

Council Member Pratt moved to approve the Governor's office of Highway Safety Grant, Contract Number 2013-164-0063, and authorize the City Manager and Police Chief to sign said contract. The motion was seconded by Council Member Norman and carried unanimously.

CLAIMS & ADJUSTMENTS

Mayor Joens moved to pay the claims and adjustments. The motion was seconded by Council Member Norman and carried unanimously.

ADJOURNMENT

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

The regular meeting adjourned at 7:35 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 May 21, 2013. I further certify that the meeting was duly called, and that a quorum was present.

Matthew McLean, Deputy Clerk

Date