

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, HELD MAY 3, 2011, 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 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
Duane Kirby, Council Member
Linda Norman, Council Member
Terence Pratt, Council Member

COUNCIL MEMBERS ABSENT

Darold Smith, Council Member

STAFF MEMBERS PRESENT

Doug Bartosh, City Manager
Steve Horton, Cottonwood City Attorney
Matt McLean, Deputy City Clerk
George Gehlert, Community Development Director

PLEDGE OF ALLEGIANCE

Matt Capably, Managing Partner of the Agassiz Group, L.L.C., lead the Pledge of Allegiance. Mayor Joens presented Mr. Capably with a certificate of appreciation for leading the Pledge.

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 reported the following:

- The Verde Valley Fair went well and there were no problems
- The Birding Festival was successful
- Saturday was Sizzlin' Salsa in Old Town
- The League of American Cyclist gave our city an honorable mention as a "Bicycle Friendly Community"
- Stage 1 water conservation has been initiated—for restrictions on water use go to our city website

Council Member Pratt reported he attended the anniversary celebration at the Recreation Center.

Council Member Kirby reported he attended the NACOG Regional Council meeting in Flagstaff and the Headstart committee meeting concerning their budget for the next two years.

Council Member Norman announced that Saturday the Chamber of Commerce, the Verde Valley Newspapers, and the Senior Center are sponsoring a Prime Time Fair at the American Heritage Academy and the Senior Commission is volunteering to help.

Vice Mayor Pfeifer announced there are about eight to ten events this coming weekend, just check the newspaper. There are all kinds of things going on in Cottonwood that weekend for everyone to do.

Council Member Elinski announced that the Historic Preservation Commission was going to have a couple of tables set up at the Sizzlin' Salsa event in Old Town.

Council Member Kirby commended the city bus system for their ADA bus service in Cottonwood.

Mayor Joens reported the following:

- The last two weeks in April she took her mother home to Iowa, and she gave a special thank you to the Vice Mayor who conducted meetings and attended activities for her in her absence.
- She attended a "Fit Kids" tree planting last Thursday. Verde Valley Medical Center "Fit Kids" program donated a tree for our community orchard.
- She and Vice Mayor Pfeifer attended a keynote speaker event for the Verde Valley Birding Festival last Thursday.
- She attended a seminar entitled "Doing Regionalism" that was sponsored by the League of Women Voters; and she gave a report on the Stewards of Public Lands.
- Friday evening she attended the grand opening of Bonnie Lait, a new specialty shop in Old Town.
- Sunday she attended a Race to Greatness which was an event that benefited the Central Arizona Food Bank.
- She attended a Verde Valley Medical Center "Fit Kids" retreat where they discussed where they were at with the program and where they were going from here.
- Today she attended a ribbon cutting ceremony for a new thrift store which will benefit the Verde Valley Hospice. The proceeds will go to building a Hospice House.
- She had a telephonic meeting today with Supervisor Chip Davis and the discussion was about the State Parks and how to keep them thriving.

PROCLAMATIONS—DAYS OF REMEMBRANCE & BIKE MONTH

Mayor Joens proclaimed the week of Sunday, May 1 through Sunday, May 8, 2011, as Days of Remembrance in memory of the victims of the Holocaust and in honor of the survivors as well as the rescuers and liberators. She also proclaimed May 2011 as Bike Month, and the week of May 16-20 to be Bike-To-Work Week throughout all of Cottonwood.

CALL TO THE PUBLIC

Dr. Bob Richards stated he had two announcements. The first was the Verde Valley Voices concert was that Saturday at the Verde Valley Baptist Church, and secondly the Verde Valley Cyclist Coalition's Mayor's Ride was that Friday.

APPROVAL OF MINUTES—WORK SESSION OF JANUARY 11, 2011

Council Member Pratt moved to approve the minutes of the work session of January 11, 2011. The motion was seconded by Council Member Norman, and carried unanimously.

UNFINISHED BUSINESS

CONSENT AGENDA—No items.

NEW BUSINESS

Mayor Joens requested that item number 4 on the agenda be heard first, followed by item 3, then item 2 and then item 1. Council agreed with the rearrangement.

REQUEST FROM STAFF FOR APPROVAL TO PARTNER WITH LEDBETTER LAW FIRM, P.L.C., TO PLACE BANNERS THROUGHOUT THE CITY OF COTTONWOOD, DEDICATED TO SPECIFIC CITIZENS CURRENTLY SERVING OR WHO HAVE SERVED IN THE U.S. MILITARY

Doug Bartosh stated he had been approached by Mr. Ledbetter about a program that we could partner with his law firm where people could buy banners dedicated to a specific person serving or who had served in the U.S. military and we could supply the location for it to be displayed.

James Ledbetter and Colleen Gilboy presented a display showing the design and inscriptions on both sides of a vinyl banner and at the bottom the name of the family or individual sponsoring the banner. The cost would be \$150 per banner which included the bracket to attach to the light pole. Throughout the summer, from approximately July 4 through Labor Day, these banners would be hung to give the city a chance to honor those individuals who are serving or have served in the U.S. military. This would spruce up Old Town and give it a patriotic theme.

Council Member Elinski stated at the bottom it said "sponsored by," and questioned if that was where the name of whatever family member or whoever had purchased it would go, and Ms. Gilboy answered yes.

Council Member Pratt stated he thought this was a great idea and a way to reward those who have given their service. The other side is that the only cost to the city is the time it takes to mount it.

Ms. Gilboy stated for those that purchased the banner-bracket combination, the city would still own the bracket so we would have them for the future. The other locations included up by the high school, down by River Front Park, and Cove Parkway. Getting some more banners out there in the rest of the community tied it all together.

Bob Oliphant, a Cottonwood resident, stated he had concerns regarding the banner policy. He felt some people think having the sponsor's names on the banner may cheapen it and make this look too commercial. Banners should have a distinction of those who have given their lives in combat; the banner design should be approved by a citizens group, involving veterans organizations; there should be a criteria for selecting sponsors and a criteria for the number of banners purchased by a commercial sponsor and who chooses the location. He questioned how will the availability of banners be advertised in our community and who will pay for it; who will decide how long the banner is hung; and what would happen if we ran out of poles to hang banners.

Council Member Elinski stated he did not think they were being reckless and we shouldn't really over complicate it. It sounded like a pretty good plan.

Mr. Ledbetter stated he liked the idea of maybe a black banner for those who have given their life for their service. It should be the city's decision on where everything is hung and deferred to the City Manager on that as these develop. If we make things so thoughtful and so detailed oriented it would be 2020 before we hang our first banner.

Council Member Kirby stated if you go back to World War II for some history on that, a gold star is the indicator of a lost serviceman. That would be a wonderful way to remember people from Cottonwood who died in the service for their country.

Council Member Pfeifer stated it was a wonderful idea and she really appreciated them coming up with this idea. The least complicated we make it the better. We can get these names up and take pictures of them and send them to our families that are in the military. It was great for their morale and the families and she was all for it.

Council Member Norman stated she would think that any family member or anyone that wanted to buy a banner and have it hung would be very much in favor of their name being on there as a sponsor. They were very proud of that person and they want it known, or they could request it not be put on there.

Mr. Bartosh stated we could put together a one page set of guidelines.

Mayor Joens stated it would be a good idea to take this to the American Legion and to the Veterans of Foreign War and ask for their input and participation.

Council Member Pratt moved to approve the City of Cottonwood's partnership with Ledbetter Law Firm to place street light banners throughout the City of Cottonwood, supporting our military personnel, as previously outlined. The motion was seconded by Vice Mayor Pfeifer,

and carried unanimously.

REQUEST FROM ERIC AND MICHELLE JURISIN, OWNERS OF THE TAVERN GRILLE LOCATED AT 914 NORTH MAIN STREET, TO PLACE A SECOND OUTDOOR PATIO ADJACENT TO THE TAVERN GRILLE WITHIN THE CITY OWNED PARKING LOT AREA ALONG NORTH MAIN STREET, TO BE ACCOMPLISHED THROUGH THE NEGOTIATION AND EXECUTION OF A LEASE FOR THE CITY-OWNED PROPERTY

Mr. Gehlert stated Eric and Michelle Jurisin were requesting to lease a portion of the city owned parking lot next to the Tavern Grille for an expansion of their patio area. The patio expansion included a portion of the parking area that currently accommodates pedestrian thoroughfare between the parking area and the sidewalk. The Jurisin's were in the process of renovating the former fitness center to a 10-room hotel. The second outdoor patio was also for the continuity of the Tavern and the hotel that is being completed. There is a patio located on the sidewalk that was the product of a Council policy that was adopted when the Tavern was being renovated in 2004 to accommodate placement of an outdoor patio on the sidewalk. The parking area was also part of the renovation for the Tavern and there were a number of encroachments and easements that were allowed for the dumpster in the back, the patio, and the balcony that overhangs the parking area, as well as to accommodate the egress from the side door out into the parking area.

Council Member Elinski questioned if the restaurant was right on the property line, and Mr. Gehlert replied yes.

Council Member Elinski stated he would love to see the outdoor dining, but would like to see the lease. If the city was going to lease it, it should lease it for what the going rate is.

Council Member Pratt stated it was a good idea to have a lease agreement, but it didn't seem to take any parking away, which was his concern. It added to Old Town another feature that would be really nice.

Mr. Jurisin explained how The Tavern Grille and The Tavern Hotel will look like one business. The whole idea of the patio and this space is it takes no parking away. This was a dead zone that was actually a maintenance problem. The corner was going to become THE TAVERN--The Tavern Hotel and The Tavern Grille. A person drives into the parking lot and at the hotel you will actually check in at the Tavern Grille. Part of the bar will be converted into the front desk. The patio area is to help it all make sense; like you were not going to a different business to check in. They were trying to wrap the corner. They would put some table and chairs out there for dining, and put other tables and chairs out there just for sitting and hanging out. To control it they would cage it in and bring everyone in and out of that side door. Hotel patrons will go into the front of the Tavern, but in the morning the patio might be open to them.

Council Member Elinski questioned if anyone else on the Council had a concern about the lease arrangements. He did not want to get us in a position that we give the land real cheap.

Mr. Horton said he had contemplated that we would bring the lease agreement back to Council.

Mayor Joens explained there will be an opportunity to discuss that and get a recommendation from staff at the time.

Council Member Pratt moved to authorize staff to negotiate a 10-year lease with the owners of the Tavern Grille for the establishment of a second outdoor patio on city-owned property between the Grille and the adjacent hotel being constructed by the Grille's current owners. The motion was seconded by Council Member Elinski, and carried with a dissenting vote by Council Member Kirby.

PRESENTATION BY MATTHEW CAPALBY, MANAGING PARTNER OF THE AGASSIZ GROUP, LLC, OF THE REDISTRICTING OF ARIZONA'S LEGISLATIVE AND CONGRESSIONAL DISTRICTS.

Matt Capalby spoke about Arizona's redistricting for the legislative and congressional districts. The business communities outside Maricopa and Pima counties were very concerned about the redistricting process. In the 1990's the Legislature divided many of the northern communities and it was problematic in a number of ways, because again it was decided by the legislature and not at the local level. In 2000 there was a statewide initiative that created the Independent Redistricting Commission. The Commission had criteria they had to follow which were: 1) Comply with the Voting Rights Act of 1964 and the U.S. Constitution; 2) Each district has to have equal population; 3. Geography—compact and contiguous; 4) Respect communities of interest; 5) Respect geographic boundaries; 6) Competitive in terms of party affiliation. He worked for the Agassiz Group in Flagstaff who were promoting education in the redistricting process, and preparation—working with municipalities, counties, and business community members to come up with our own map and plan to go to the Commission with; and representation and advocacy. During this time of very tight budgets for all involved, they were finding if we consolidate our efforts when it comes to representation to the Commission, it was better if we share those resources and look to hire just a few people that can handle that and share those costs. They were advocating for greater Arizona the 12 counties that are outside Pima, Maricopa and Pinal.

Mayor Joens questioned if he would be expecting cities and towns to help support this effort.

Mr. Capalby stated they had proposals they would be submitting. Their objective was not to make money at this effort; it was to represent appropriately and adequately greater Arizona in this process.

ORDINANCE NUMBER 577—ZONE CHANGE FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO PAD (PLANNED AREA DEVELOPMENT) TO ENABLE THE CONSTRUCTION OF A SENIOR LIVING FACILITY ON ABOUT THREE ACRES LOCATED AT THE SOUTHEAST CORNER OF WEST MINGUS AVENUE AND CANDY LANE; FIRST READING

Mr. Gehlert stated Ordinance 577 had to do with a request for a change of zoning on about three acres located at the intersection of West Mingus Avenue and Candy Lane, which was a portion of a larger parcel about 33 acres in size owned by the Clemenceau Townsite, L.L.C. The requested zone change would change the zoning from R-1 (single family residential) to PAD (Planned Area Development) to accommodate a 60-unit senior living facility developed by Campbell-Hogue & Associates. This was part of a tax credit project administered through the Department of Housing. This portion of Mingus Avenue was currently subject to reconstruction by the city over the course of the next 18 months. In advance of that was the reconstruction of the intersection of Willard and Mingus Avenue. The access points along Mingus Avenue would be coordinated as part of the Mingus Avenue project. What was being proposed is a three-story project roughly 40 feet in height that would include 60-units in an L-shaped configuration as well as outdoor recreation areas and parking for the facility. Contained in the digital packet the Council received was the master development plan for this project detailing all the elevations, the site planning, and the development time lines and district standards for the project. The function of the master development plan as part of the PAD (Planned Area Development) is to take the place of the Planning and Zoning ordinance. The density under this zone change would increase from about 16-units over three acres to 60-units. The allowable height would be increased from 35 feet to 40 feet. The parking that would ordinarily be required for a multi-family development of this size would be reduced by approximately a third. That was basically a response to the demographic senior living component and the idea that they generally have fewer cars to park. On April 18 the Planning & Zoning Commission recommended approval of the project subject the following stipulations; 1) The use comply with the master development plan dated March 30, 2011; 2) The applicant work with staff to provide for a transit stop at this location; 3) The applicant submit an alternative to the use of horizontal bars on the upper deck enclosures; 4) The applicant address all other Code Review comments from the meeting of March 8, 2011; 5) The applicant submit revisions to the final site plan which address improvements along Candy Lane including the sidewalk, left turn bay, transit bay and the residential access for staff review and approval prior to plan submittal.

Mr. Gehlert continued, stating the developer would be required to install improvements along the east side of Candy Lane--the sidewalk curb and gutter. Along the south portion of the boundary there was a medical facility, part of an old planned unit development where there used to be a warehouse, and a single family residence that the access to this site is from two different directions along the property boundaries which they were still working to design a driveway for this property as part of this development project.

Mayor Joens asked in 30 years, what would happen if they are condos for all ages, will they park at the church or a couple blocks down.

Mr. Gehlert replied they would have to change the zoning to accommodate that, amend the master development plan, the district standards, and they would have to demonstrate some auxiliary parking, maybe off premise parking on a neighboring parcel or a neighboring facility.

Council Member Elinski asked about going five feet over the height standard and if the Fire Department had any concerns with that.

Mr. Gehlert replied what they have stipulated is a pull in for a truck so they have access to the upper decks of the building.

Mr. Campbell addressed the Council and stated it had been five years since they completed Aspen Ridge, which was 96-units also financed with tax credits, and prior to that Courtside Apartments and Mingus Pointe. Prior to that they built the last two phases of Verde Valley Manor and along the way they developed Copper Ridge on Date Street. They had been looking at senior housing here for the last couple of years trying to figure out the right formula, the right location, the right market, how to address it, finance it, and bring a project to the community that made sense and worked.

Mayor Joens asked how tax credits work, which Mr. Campbell explained.

Vice Mayor Pfeifer asked if he had any idea what the rents would be, and Mr. Campbell answered rents would range from the low \$400's to the high \$700's.

There was further discussion regarding the sidewalks that would be on the Candy Lane side and the bus bay that would service the new development. Mayor Joens then opened the floor to the public for questions or comments.

Mary Eichman from Cottonwood stated she was concerned if you cut way back on the number of parking places at this apartment building there won't be an easy place to park for someone coming to visit or help them.

Council Member Kirby asked if the parking spaces were going to be assigned.

Mr. Campbell stated they had done them both ways and sometimes it worked out better not to assign them, but with seniors they typically assigned them.

Gene Groves stated he lived directly adjoining this piece of property, and voiced concern over the location of the garbage containers for the project, and the location of a maintenance building located in a small southeast corner of this property where drainage ran. The drawings did not adequately show the correct perspective this building was going to have along Mingus Avenue with its height and proximity to the road. The current proposal that the Campbell-Hogue people presented virtually landlocked his property, and inevitably people were going to be parking in front of what they were giving him as access to his piece of property. His feeling was it was a lot of people for a small piece of property and not enough parking. They were applying for low income tax credits, but it was not a low income development. The more affluent the people that are going to be in there the more cars they were going to have.

Mr. Hogue clarified the difference between low income housing versus affordable housing.

Typically with senior housing they did not put in that many parking stalls. Most communities have a senior ratio of one to one, some have .75 to one.

Mayor Joens asked how many apartment units and how many parking stalls this project contained.

Mr. Hogue answered 60 apartment units and 62 parking stalls. There was some concern about the access so there were a couple of options to create the access that worked for Mr. Groves. They obviously were not going to landlock him into his house and were looking at the access issues. They were trying to figure out a way to relocate the dumpsters so they were not right in front of his house.

Council Member Elinski stated he was comfortable with there being limited spaces, as staff had researched it. If they did decide to change to condominiums they would have to re-zone the property and figure out how to accommodate the additional parking needs. We were trying to move towards alternative means of transport and they were going to have a bus stop right there. He did not want to see a vast empty parking lot since we have a lot of those here.

Mr. Groves stated specifically regarding easement to this property, the property owner has never been contacted by Campbell-Hogue to address this issue

Mr. Gehlert responded the intent here is to address the driveway issue and the access to the property which have been set out in the stipulations for the ordinance.

Mr. Seth Basil, of Cottonwood, stated 31 years ago George Siler owned all that property up there and he went to George and requested and was granted two easements; one coming off Mingus and Candy Lane across the front of the property. He really would like the Council to consider the loose ends prior to applauding a development to go on, because he did not think the existing residents had been treated fairly.

Mr. Campbell stated he was correct; there was a 20 foot easement from Candy Lane going in so they looked at two or three different options trying to figure out what would make the most sense for the development and that residence. They hadn't gotten to that final point yet, but it was going to have to be acceptable to the city because they were certainly not going to allow them to landlock a property adjacent to ours. They did need to work out this easement and driveway so that he was happy and it worked for everybody. He did not know if they did it administratively or not, but he could not imagine getting a building permit from the city until it was worked out.

Council Member Elinski asked Mr. Groves if he would be comfortable with having this dealt with administratively or did he want it to be brought back to Council.

Mr. Groves stated the issue of the easement to this house had never been discussed. At this point he was not very comfortable with it at all. He reminded them of the fact that there were

two recorded easements and they had been using Cholla Lane and Ash Drive for 30 years.

Council Member Elinski commented they would have to consider that at a second reading.

Council Member Kirby stated he did not feel comfortable going forward with this at this time. There was an important issue involved and he didn't understand why they were rushing these things.

Vice Mayor Pfeifer stated she pretty much agreed with Mr. Kirby. She believed that in all these negotiations the homeowner should have been addressed or included, and the easements should have been addressed. It appeared like they had been left out of the loop and they had been there longer. It was a great project, but she was concerned about the fact that the "we" didn't include that one person and her family.

Council Member Pratt stated he agreed. It was a great project but there were things that had been left out and he did not think there had been discussions with the family that were appropriate.

After further discussion regarding handling this matter administratively or having it brought back to Council, the consensus of the Council was they were not comfortable doing this administratively, there were things that needed to be changed, and the first reading would have to be moved forward to the next Council meeting on May 17, 2011.

Council Member Kirby then moved to table this project to the next regularly scheduled Council meeting. The motion was seconded by Vice Mayor Pfeifer, and carried unanimously.

CLAIMS & ADJUSTMENTS

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

ADJOURNMENT

Council Member Norman moved to adjourn. The motion was seconded by Vice Mayor Pfeifer and carried unanimously. The regular meeting adjourned at 8:33 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 3, 2011. I further certify that the meeting was duly called, and that a quorum was present.

Matthew McLean, Deputy Clerk

Date