

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, HELD AUGUST 7, 2012, AT 4:00 P.M., AT THE CITY COUNCIL CHAMBERS BUILDING, 826 NORTH MAIN STREET, COTTONWOOD, ARIZONA.

CALL TO ORDER AND ROLL CALL

Vice Mayor Pfeifer called the regular meeting to order at 4:06 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
Steve Horton, City Attorney
Marianne Jiménez, City Clerk
Dan Lueder, Development Services General Manager
George Gehlert, Community Development Director
Tom Hall, Building Inspector
Richard Faust, Community Services General Manager
Jason Little, Recreation Manager

PLEDGE OF ALLEGIANCE

Mr. Hall led the Pledge of Allegiance.

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 we had a Pink Heels event last weekend at Food City, which was a fundraiser for breast cancer, involving our fire department; the roundabout at Willard and Mingus was complete and they would be continuing their work on Mingus; last weekend was the Gun N Hoses football game at Mingus and the fire department won; and our fire department distributed 100 smoke detectors last week to the Mingus and 10th Street neighborhood.

Council Member Pratt stated the college was getting ready to go again.

CALL TO THE PUBLIC-- This portion of the agenda is set aside for the public to address the Council regarding an item that is not listed on the agenda for discussion. However, the Council cannot engage in discussion regarding any item that is not officially listed on the agenda for discussion and/or action (A.R.S. §38-431.02.H.) Comments are limited to a 5 minute time period.

Vice Mayor Pfeifer questioned if anyone had anything for Call to the Public, and there was no response from the audience.

PRESENTATION OF A PLAQUE OF APPRECIATION TO THE CITY FROM THE VERDE VALLEY MARINE CORPS LEAGUE FOR THE CITY'S SUPPORT OF THE TOYS FOR TOTS CAMPAIGNS

Vice Mayor Pfeifer stated the city and council members had been awarded a plaque from the Verde Valley Marine Corps League for the city's support of the Toys for Tots campaigns.

EMPLOYEE QUARTERLY SAFETY AWARD—TOM HALL, BUILDING INSPECTOR

Mr. Gehlert read the nomination that lead to Mr. Hall being selected to receive the city's second quarter Employee Safety Award. Vice Mayor Pfeifer and Council Member Jauregui presented Mr. Hall with a certificate and check.

APPROVAL OF MINUTES—Special Meetings of 7/10/12 and 7/17/12, Work Session of 6/28/12, and Regular Meeting of 7/17/12

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

UNFINISHED BUSINESS—None.

CONSENT AGENDA—The following items are considered to be routine and non-controversial by the Council and will be approved by one motion. There will be no separate discussion of these items unless a Council Member or a citizen so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

WINE FESTIVAL LIQUOR LICENSE APPLICATION SUBMITTED BY LISA NEIDOFFER-RHODES, APPLICANT FOR ARIZONA STRONGHOLD VINEYARDS, FOR AN EVENT SCHEDULED FOR AUGUST 25, 2012, AT THE OLD TOWN ACTIVITY PARK

SPECIAL EVENT LIQUOR LICENSE APPLICATION SUBMITTED BY LISA PENDER, APPLICANT FOR THE OLD TOWN ASSOCIATION, FOR A BEER GARDEN AT 1042-1044 NORTH MAIN STREET AS PART OF THE THUNDER VALLEY RALLY SCHEDULED FOR SEPTEMBER 14 & 15, 2012

SPECIAL EVENT LIQUOR LICENSE APPLICATION SUBMITTED BY GREGORY LUCKEY, APPLICANT FOR SEDONA PRIDE, FOR AN EVENT SCHEDULED FOR SEPTEMBER 29, 2012, AT THE OLD TOWN ACTIVITY PARK.

SPECIAL EVENT LIQUOR LICENSE APPLICATION SUBMITTED BY CYNTHIA FOX, APPLICANT FOR THE VERDE VALLEY CONCERT ASSOCIATION, FOR AN EVENT SCHEDULED FOR SEPTEMBER 15, 2012, AT COUNTRY BANK LOCATED AT 597 EAST STATE ROUTE 89A.

RESOLUTION NUMBER 2654—APPROVING A SERVICE AGREEMENT WITH MINGUS UNION HIGH SCHOOL DISTRICT #4, FOR THE SERVICES OF A SCHOOL SAFETY OFFICER TO BE PROVIDED BY THE COTTONWOOD POLICE DEPARTMENT.

RESOLUTION NUMBER 2655—APPROVING A SERVICE AGREEMENT WITH THE COTTONWOOD-OAK CREEK SCHOOL DISTRICT, FOR THE SERVICES OF A SCHOOL SAFETY OFFICER TO BE PROVIDED BY THE COTTONWOOD POLICE DEPARTMENT.

Vice Mayor Pfeifer asked if there was anything anyone wanted to pull off the Consent Agenda for discussion, and there was no response.

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

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

RIVERFRONT WATER RECLAMATION FACILITY—CANCELLATION OF THE DESIGN-BUILD AGREEMENT WITH PCL CONSTRUCTORS; AUTHORIZING WOOD/PATEL & ASSOCIATES TO CONTINUE DEVELOPING PLANS UNDER THE EXISTING CONTRACT WITH THE CITY FOR UTILITY ENGINEERING SERVICES; AND AUTHORIZING STAFF TO ISSUE A REQUEST FOR QUALIFICATIONS FOR A CONSTRUCTION-MANAGER-AT-RISK TO WORK WITH WOOD/PATEL TO COMPLETE THE DESIGN AND CONSTRUCTION OF THE FACILITY.

Mr. Lueder stated on October 18, 2011, the council approved the design/build agreement with PCL Construction Inc., for the Riverfront reclamation facility. Under this procurement method the city contracted with a single team that included both an engineering/design firm, Wood/Patel, and a contractor, PCL, to design and then construct the project. The project was to proceed in two phases; the pre-construction/design services, which is what the council approved last October, and then the construction services. The plans for the facility are now more than 30 percent complete. During a series of recent meetings it became obvious that PCL didn't feel they could construct the facility to our guideline. With an alternative delivery method it gives the city a lot more flexibility in working with the design team and a constructor. PCL has been involved in the constructability review of this and even though the plans are at 30 percent, PCL has only been paid 19.87 percent of their pre-construction services fee. If the council approves staff's request tonight, staff would advertise for a construction manager at risk to work with the design team to complete the design and then give us a guaranteed maximum price. The main difference between a design/build and a construction manager at risk (CMAR) is in the design/build the design team works for the constructor. In a CMAR process the design team works for the city and

the city has a separate contract with the constructor who would then work in concert with the design team to finish up the design. One of the other things he wanted to point out was he noticed there was a story about this project and the discharge to the Verde River. While this project will still meet the standards to discharge to the Verde River, ADEQ strongly suggested that we look at groundwater injection. The standards for the Verde River indicate you can neither improve nor degrade the quality of water. There were some concerns the water we would be putting in there would be of such high quality that it would adversely affect the aquatic wildlife because they are not used to having water that is that clean. Staff took a look at that and determined it would be not only cheaper for the city to go that method, but the groundwater flow on the Riverfront Park side of the Verde River actually flows to the southeast. By using groundwater injection for the excess effluent we don't use in the park you would actually be recharging our own well fields. Since staff has looked at this, they actually stopped work on this project June 27, and they had been doing some research and it was just now that they wanted to bring it back to the council for consideration.

Darold Smith, a city resident, stated he was curious what it was about this project that PCL felt would double the price. He questioned if it was double the cost of their price at \$900,000 to 1.8 million, or 8.5 million to 17 million. He also questioned how is it that staff feels, and Wood Patel continues to believe, that the scope and budget are reasonable in spite of the fact that PCL says it cannot be done. It was his understanding that PCL was the best qualified constructor by staff and the city attorney. He asked if the contract between the city and PCL is dissolved what is the protocol for the city's procurement requirements, and if it would not be more reasonable to go out for new bids for this project. That way the city and staff would be able to get more accurate bids rather than just depend on what the project manager and city staff agrees on. He questioned if the council knew who the second respondent was for the original contract and if they had been notified by city staff that the first respondent, PCL, has decided to cancel their contract with the city and Wood/Patel.

Mr. Lueder stated he would defer to Mr. Horton on the second respondent. While PCL is a well known construction firm, we did check with other firms and accurate prices of things that can be built. PCL, for reasons they did not divulge to us, decided they could not build this plant for our budget. That didn't mean it could not be built for that budget. We have checked the actual costing of some similar plants that have gone up recently. By advertising for a CMAR we are still using a same alternative delivery method; we are just changing who the construction company is that will build this.

Vice Mayor Pfeifer asked Mr. Lueder if he would explain CMAR.

Mr. Lueder stated it was Construction Manager at Risk. There are three alternative delivery methods; design/build where the city contracts with the contractor to both design and construct the facility; there was construction manager at risk where you have a design team that designs it and somewhere in the area of 30 to 60 percent (design) the contractor comes in; and then there was job order contracting. He could not answer why PCL thought it was that expensive. They have checked actual numbers on other plants very similar to this

and they have come back with some numbers that say this can be built for that.

Mr. Horton stated the one question he had heard that Mr. Smith posed is what is the double amount that they doubled the entire project amount. Staff went back and rechecked and the design team rechecked and there are just a lot of people involved in the project that think that the city's budget numbers are still valid numbers and the project can be delivered for that. With the constructor partner of the design/build team thinking that the project can't be delivered for anything close to the city's budget, it seemed to staff appropriate to consider going in a different direction rather than staying on board with somebody who thinks that the product will ultimately cost twice what you have to spend on it. The way staff is commissioning this he guessed there is an alternative of going back and doing another design/build procurement. But like Dan said, the major distinction between those two is with the design/build the city would be contracted with a single entity to design and build the project. We are at 30 percent completion of the design and we do have the design team under contract with the city to do other outside utility engineering. What staff believes the more efficient approach would be is to have that design team complete the plans while bringing in a construction manager at risk. The benefit to these alternative project delivery methods is you get the design professionals and the people who are actually going to construct the project talking to each other at earlier stage of the project rather than having the designs, plans and specification that were designed without considerations of value engineering and constructability. With a design build you have that single team under contract with the city. With construction manager at risk you have two separate contracts with designers and the contractor. That was the approach, after a lot of consideration, that staff thinks would make the most sense for the city.

Mr. Lueder stated he would speak to the second part, and that would be the question of have we contacted number two on the list and why don't we bring them on board. One of the things we have been very careful about, under advice of the city attorney, is we are not talking to anyone else about this until council makes a determination which direction we are going to go on this. Also, with the alternative delivery methods, once you award a construction services contract the list becomes invalid that you previously had. That was one of the things he spoke with Mr. Horton about. You can go to number two on the list up until the time you sign the pre-construction services contract, then that entire list and solicitation becomes null and void. On the flip side, while he hadn't talked to any of them, his phone had been ringing off the hook with contractors that submitted previously on this for the design/build that are anxious to come talk to us about going CMAR. Until the council makes a determination on this they had stopped all work on this and there has been no design work done since the 27th.

Mr. Oliphant, a Cottonwood resident, stated a huge red flag has emerged in the last week for this city. A project estimated at one point costs 9 million dollars, is now being estimated by people who were hired by the city and referred to by the council as experts, who have worked on it for months and months, now say in writing it's going to cost twice that amount. This is astonishing and a red flag to stop the project, reevaluate the project, and get much better information. He reminded them on October 14, 2008, this project was begun when

Mr. Ken Knickerbocker said it would be, in response to a question how much would a study cost, feasibility, \$10,000 he said. We go to January 6, 2009, three months later what is the amount the city is asked to spend for this preliminary sort of feasibility study, \$55,709. We go to July 14 of 2009, Mr. Ken Knickerbocker, outside consultant, is giving the city council basically a seminar on this plant. What are his estimates of the total cost, in the record, minutes of July 14, 2009, 9 million dollars. The council directed at that meeting Mr. Lueder and Mr. Knickerbocker to proceed. Unfortunately, it ignored the \$55,000 limit it had originally imposed. He checked with the city's accounting department on September 14, 2010, so far \$75,000 had been spent by then. On October 18 this council approved \$911,000 to hire PLC. PLC in the application to the council and to the city said it was going to assemble a team. And who was going to be heading the design management team for the project? The same person who made the \$10,000 estimate back on October 14. We come now today where PLC has said it's going to cost the city approximately 18-20 million dollars for this project and what company is left standing? Wood/Patel. Who is the main player in Wood/Patel? Mr. Knickerbocker. This entire plan should be scrapped. The facility is not necessary, will not increase capacity, is opposed by more than 500 citizens who presented a petition to the council. It is not a sewer plant and simply put a city of this size for the amount of money it has to spend cannot afford this type of luxury. If the council decides and insists on moving forward then it must redo the entire project. It cannot put the taxpayers of Cottonwood when they are being told in black and white that they may have to spend, by the experts hired by this council, something like 18-20 million dollars on a project they were once told at most would cost 9 million dollars. Can't we give the taxpayers a break in this city?

Mr. Lueder stated he wanted to counter a couple of points. If Mr. Oliphant will remember, council kept adding things to the plant. Originally it didn't have solar, pharmaceutical removal, didn't go into the river, and it wasn't two feet above the 500 year flood plain with a flood wall. So as the council added those, and there were no change orders, everything was brought back to council and council approved it. When council asked for more information and study we brought back a price that went through the process. The other thing was he was not exactly sure where 18-20 million dollars came from, but even PCL's estimate wasn't that far out there.

Council Member Elinski stated if PCL was not able to bring it in where we want to be it makes sense to pursue a CMAR option that is available to us. It seems like that is the most efficient way at this point to get the city moving on the right track to complete the project.

Vice Mayor Pfeifer stated from what Mr. Lueder just said, we aren't here to discuss whether it's going to be 18 million or not. We're here to discuss the fact that we are keeping it at 8.5 million.

Council Member Pratt stated if we do vote on this he would like to add into the motion that we construct it within the city's budget, which he believes is the 8.5 million.

Vice Mayor Pfeifer stated the fact that we did see the red flags and we did put a stop to the

project when we did on the 27th of June they have been working on this since then to get their information from other plants, other states that are being built similar to this plant. They've been doing their homework. They haven't been sitting around and it didn't just come up in the last week or 10 days and this is the direction they are asking us to go in to keep us from having to spend more money than what we have budgeted for this. Right Mr. Horton.

Mr. Horton stated that's right. Just so the council understands, there are three decisions you are being asked to make and you don't have to make them as a single lump decision, you can take them in parts. One is in light of the fact that it does not seem that the contractor whose currently part of the design/build team cans deliver the project within the city's budget. There's the recommendation to end that relationship. Then there is the recommendation with respect to getting the plans for the facility complete. They are at 30 percent now and the recommendation is the folks who've been working on them up to this point and have that time and effort and expertise and knowledge already invested in the project, staff believes they'd be the best ones to complete the design without having to reinvent the wheel. And then there's the recommendation for how to procure the project itself, and again, with a construction manager at risk contract there is a negotiation of the guaranteed maximum price. So with respect to Mr. Pratt's, and I think the full council's insistence, that the project be delivered within the city's budget, that can be assured at the GMP phase of the construction manager at risk contract.

Vice Mayor Pfeifer stated we do have local contractors that are still going to continue on the project at the construction manager at risk, so it's win-win. She asked if there were any more questions from the audience or council, or any more comments.

Council Member Dowling stated he thought it would be equally as foolish to throw away taxpayer's money at this point. We've already got that much into the bucket as far as the design phase and to just cast that off, otherwise it could be looked at either way so he thinks we need to see the design through because without an accurate design we'll never get an accurate picture of what the actual end result will need to be in that light.

Council Member Elinski moved to terminate the design build agreement with PCL pursuant to Section 12.3 of that agreement; and to authorize Wood/Patel to complete the design of the Riverfront water reclamation facility under the existing contract between that firm and the city for utility engineering services; and to authorize city staff to issue a request for statements of qualifications in accordance with A.R.S. 34-603 for a construction-manager-at-risk to construct the facility.

Vice Mayor Pfeifer asked if he wanted to add within the budget.

Council Member Elinski continued his motion adding "within the city's stated budget of eight and a half million."

The motion was seconded by Council Member Norman with ayes from Council Members Dowling and Pratt and Vice Mayor Pfeifer.

Council Member Jauregui stated from the very beginning he was not in favor of this project and at this time his vote was no because he could not support this project.

Vice Mayor Pfeifer stated there was one opposed, so the motion passes.

RESOLUTION NUMBER 2651—APPOINTING JANIE B. RANDALL AS AN ASSOCIATE CITY MAGISTRATE AND ESTABLISHING HER TERM OF OFFICE.

Judge LaSota stated it was his pleasure to submit to the council for an additional appointment for another two year term was Janie B. Randall as an associate city magistrate. He had previously spoken with Mayor Joens who waived her appearance at the meeting since she was busy at work. She had served successfully during her two year term and there were no complaints or problems.

Vice Mayor Pfeifer asked if there were any questions from the audience of the council, and there were none.

Council Member Pratt moved to approve Resolution Number 2651, appointing Janie B. Randall as associate magistrate. The motion was seconded by Council Member Dowling, and carried unanimously.

Vice Mayor Pfeifer requested the City Clerk read Resolution Number 2651 by title only.

RESOLUTION NUMBER 2651

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, APPOINTING JANIE B. RANDALL AS AN ASSOCIATE CITY MAGISTRATE AND ESTABLISHING HER TERM OF OFFICE.

RESOLUTION NUMBER 2652—APPOINTING ANNA M. KIRTON AS A CIVIL TRAFFIC VIOLATION HEARING OFFICER AND ESTABLISHING HER TERM OF OFFICE.

Judge La Sota stated Ms. Kirton's appearance was waived by Mayor Joens as well. She had successfully served a two year term as civil traffic hearing officer and was busy with those duties daily with everybody that came to the window with traffic tickets. There had been no problems, complaints or issues during her term. He was requesting the council appoint her for another two year term.

Council Member Dowling moved to approve Resolution Number 2652, appointing Anna Kirton as civil traffic hearing officer. The motion was seconded by Council Member Pratt, and carried unanimously.

Vice Mayor Pfeifer requested the City Clerk read Resolution Number 2652 by title only.

RESOLUTION NUMBER 2652

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, APPOINTING ANNA M. KIRTON AS A CIVIL TRAFFIC VIOLATION HEARING OFFICER AND ESTABLISHING HER TERM OF OFFICE.

RESOLUTION NUMBER 2653—DECLARING FOR PURPOSES OF SECTION 1.150-2 OF THE FEDERAL TREASURY REGULATIONS, OFFICIAL INTENT TO BE REIMBURSED IN CONNECTION WITH CERTAIN CAPITAL EXPENDITURES RELATING TO THE MINGUS AVENUE RECONSTRUCTION AND ROUNDABOUT PROJECT FROM WILLARD STREET TO STATE ROUTE 89A.

Ms. Lennon stated she was filling for Rudy. As they could read, it was a reimbursement resolution for the current project at Mingus and Willard and two other projects that were in the budget for this fiscal year. They were hoping to get the funding before the end of this fiscal year.

Council Member Pratt asked if this was just to ensure the funds are there until we determine we are really going to get the funds to pay for it.

Mr. Lennon stated yes; but we can reimburse ourselves for the expenses we have already put out.

Council Member Pratt moved to approve Resolution Number 2653, reimbursing various funds for the costs associated with the Mingus Avenue reconstruction from 89A to Willard Street, and the roundabout at Willard Street and Mingus Avenue. The motion was seconded by Council Member Elinski, and carried unanimously.

Vice Mayor Pfeifer requested the City Clerk read Resolution Number 2652 by title only.

RESOLUTION NUMBER 2653

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, DECLARING, FOR PURPOSES OF SECTION 1.150-2 OF THE FEDERAL TREASURY REGULATIONS, OFFICIAL INTENT TO BE REIMBURSED IN CONNECTION WITH CERTAIN CAPITAL EXPENDITURES RELATING TO THE "MINGUS AVENUE RECONSTRUCTION AND ROUNDABOUT PROJECT FROM WILLARD STREET TO STATE ROUTE 89A."

SUPPLEMENTAL BENEFIT PROGRAM FOR PUBLIC SAFETY OFFICERS.

Ms. Dobler stated this was something they were requesting the Council approve which is something the state legislature has put into effect retro to August 2. How it basically worked is currently anybody who is injured on the job is put into worker's comp and two thirds of their base salary is paid by worker's comp. This new legislation requires municipalities now pay the additional one third that used to come out of an employee's accrued leave like sick

leave or vacation. In addition to that, the city will be required to pay the employees portion of their public safety retirement system plan. It was set to expire on September 30, 2014. They would like to add to it that our plan would expire whenever the duty to have such a program under the state law expires.

Mr. Horton stated the reason for the sunset if the costs turned out to be for cities more than were being projected. It was an opportunity to take a step back and renew the legislation or let it sunset. They were asking the council to allow our policy to track whatever state law requires of us.

Council Member Elinski asked if we had to do this.

Mr. Horton stated we had to have a plan in place. We can set the criteria for eligibility, expand it to beyond public safety employees, expand it beyond the six month minimum, but we had to have a plan and program in place.

Council Member Elinski asked if we were prepared financially in our budget to handle it or what did we anticipate the cost to fund it.

Ms. Dobler stated it depended on what type of work place injuries there might be to public safety personnel. Over the past several years we have had one or two people who have been off work quite awhile.

Mr. Horton stated it was limited to six months in our proposal, which is required by statute.

Council Member Jauregui questioned if this only applied to public safety (employees,) so we were going to have two standards; one for public safety and one for the rest of the employees.

Ms. Dobler stated that was how it was set up currently.

Council Member Jauregui asked how that would work on the non-public safety employee side.

Ms. Dobler stated they would just be covered by worker's comp as everyone currently is, and if you're out on worker's comp and can't come back to work or do light duty you are covered for two thirds of your current base salary. If the employee wanted to make up the extra one third they could use accrued time to make their salary whole, but the worker's comp plan only covers two thirds of it and that would continue for public safety also, but in addition the city has to make them whole and pay for that one third. We cannot use any of the public safety employees accrued time to make them whole.

Council Member Jauregui stated if it was correct that we have the possibility to extend this program to other employees.

Mr. Horton stated that is the council's option.

Council Member Jauregui stated he did not see having two standards for our employees. His feeling was to send this back to include the rest of our employees. If we were going to initiate this type of a program for one portion we should include everybody else in that.

Council Member Elinski stated he did not like double standards at all, but he thought workman's comp is suffice for the rest of us. It backed us into a corner because we have to do it, so it sets us in a position where we have to chose a double standard or put the taxpayers at risk to pay more money to go above and beyond workman's comp.

Council Member Pratt noted that the communication form stated staff feels it would be too expensive to include all departments. The double standard thing was difficult, yet he also understood that public safety workers tend to be more at risk in their everyday duties than other workers. In a sense it compensates them for that extra risk.

Council Member Jauregui stated they just stated that in the past they've only had a couple of people from public safety who have been out for long term. He questioned how many people had been out for long term.

Ms. Dobler stated approximately the same.

Mr. Horton stated the legislation required the plan or program be in place August 2, and we were required to have it for public safety employees, so what the council might want to consider doing is adopt the policy with respect to public safety employees. They were free to expand it to everyone else or to direct staff to come back to you to look into costs for doing that in light of historical appearance and then report back to council.

Council Member Pratt stated he would be inclined to approve it for public safety tonight and have staff come back and talk to us about costs for covering other staff. He would like to see what the costs are.

Council Member Jauregui stated he did not have a problem approving this for public safety officers, but if they had the chance to include the rest of the staff he thought tonight was the appropriate time to do it.

Mr. Bartosh stated he was not sure if anybody really knows how this legislation got through. Even being a public safety employee in the past, he did not support it because it creates incentive for people to stay home. That would be his only concern in extending it to everybody, it was going to create a management issue if this did come up. As Iris said, the numbers aren't that significant, but he thought this was a bad piece of legislation that encourages people to take advantage of the program.

Council Member Jauregui stated on the other hand, there was a sunset clause in this legislation which was 2014 and we could have plenty of information by then even if we

include all the employees on this.

Ms. Dobler stated one additional thing the city would be paying for is the public safety employees' public safety payment into their payment plan in addition to what the city currently pays. The public safety employee also would not pay that, so if you're considering making it universal is that something you would do for all employees also. Just two separate things.

Council Member Jauregui stated he was not interested in creating two separate classes here; they're all employees.

Mr. Horton stated to clarify, what he thought Iris was referring to the retirement contribution. There was an ambiguity in the legislation. His reading of the statute, and there were two readings of this statute out there among the municipal attorneys. His view was aligned with the League's view and that's that the city is required for anybody who's eligible to participate in this program on public safety side, the city not only, and this is the incentive Doug was referring to, pays the one third to make the employee whole on their base salary and not only continues to pay the employer's share of retirement, the city now pays the employee's share of retirement during that period. What Iris was presenting to the Council is the option, and again it does still create two classes, of whether or not the city also would pay the employees share for non public safety employees of the retirement contribution.

Council Member Dowling stated he did not think that we are out to not include anybody, but the inclusion could get a little more complicated than what we have at this point. So if we're to approve it at this point and at our next meeting we could come back and extend that. He did not know if that was reasonable or not. He understood Council Member Jauregui's concern and thought it needed to be addressed, but he didn't know if we needed to jump through that hoop in one night.

Council Member Pratt stated he agreed with the city manager. This is an incentive to extend one's injuries. In light of that our hands are tied and we have to accept it he would hate to then extend it. It was not the double standard he was concerned about so much here, extending what he thought is, as the city manager said, a pretty foolish piece of legislation, that would cost the city money.

Vice Mayor Pfeifer asked if he was suggesting possibly passing this as it is tonight and having a work session with Rudy and our financial staff to come up with some hard facts and figures on what it's going to cost the city to do the rest.

Council Member Dowling stated he would like to make a more informed decision.

Council Member Jauregui stated we were as well informed as we are under public safety; it's the same deal. What applies to public safety applies to the other employees. He questioned what other criteria do the other employees need to meet that isn't already spelled out under this piece of legislation.

Council Member Dowling stated he did not disagree on that. He thought it may be prudent to approve it the way it is and then proceed to verify that is actually believe it to be in a work session or something along that line so we don't make an approval or an assumption this evening and then have it come back and not be what we thought it was based upon our short time of consideration. He was not trying to keep anybody separate, he was just trying to keep the meeting going and fully understand of what the depth is of the proposal.

Council Member Jauregui stated in that case, whoever wants to make the motion to approve this, to state that we also put this on the following agenda, two weeks from today.

Council Member Pratt asked if that was the following agenda or work session, and Council Member Jauregui replied agenda. He thought we could get all the information between now and then.

Council Member Jauregui then moved to approve the supplemental benefit program for public safety officers, and within the two week period which would bring us to our next meeting, on the agenda have the issue to consider the rest of our employees. The motion was seconded by Council Member Dowling, and carried with a dissenting vote by Council Member Elinski.

AWARD OF BID FOR CITY FACILITIES CUSTODIAL/JANITORIAL MAINTENANCE SERVICES.

Mr. Faust stated this was the award of bid for custodial/janitorial maintenance for city-wide services. He was asking the Council consider awarding this bid to WCD Enterprises, LLC, for a three-year contract operation with an additional two year extension on a year to year basis upon the council's approval. Four bids were received, and WCD submitted the lowest bid in the amount of \$217,860.

Council Member Pratt questioned if they would be hiring local people.

Mr. Faust stated they would, and they hired two individuals who have already passed the criminal background checks that were let go by Richardson's LLC.

Mr. Bob Oliphant, of Cottonwood, stated some of us have been looking at what they considered the deplorable condition of city bathroom facilities in Riverfront Park and elsewhere and photographs had been supplied to some members of the Parks and Recreation board and Mr. Bartosh. He questioned if this contract affect those deplorable conditions of those city bathrooms, and if they had any idea what the hourly pay would be for the employees this company hires.

Mr. Faust stated the pictures were predominantly of the Riverfront Park areas and park facilities like Garrison Park. A lot of those facilities were between 40 years old all the way to around 25 years old and they take a lot of abuse. Part of the responsibility is through our maintenance obligations and on the custodial end of things. We were trying to keep up with

the local custodial company as much as we possibly could. He thought during the time period the pictures were taken the company knew they were on their way out and not near as much was done during that time frame. He would see what they could do with the new contractor. As to pay, most janitors in the area were making between \$8.50 to \$10.00 an hour.

Mr. Bartosh stated he did receive an unsigned letter with some pictures of the restrooms; predominately at Riverfront Park that had mostly just been vandalized that had been cleaned up.

Council Member Pratt moved to approve the awarding of the custodial janitorial services city-wide contract to WCD Enterprises LLC in the amount of \$217,860. The motion was seconded by Council Member Norman, and carried unanimously.

At this point in the meeting, Vice Mayor Pfeifer stated she had made a blunder and apologized to Dominick Selna who had filled out a request to speak during Call to the Public.

Mr. Selna stated he wanted to alert the Council that he had filled out an application to join the board of directors and trustees at the Cottonwood Public Library. I actually know that my age is only young, 25, and I know that most of the board members there are possibly in their late years; possibly the elderly. However, I believe I bring youth and energy to the board of directors to any type of council or chamber meeting or group that I am a part of, especially with my history at Yavapai College at the various boards and organizations that I was a part of which I hope Terence Pratt can actually vouch for with the few classes that I have attended with him and spoke to his students about. I just hope that in the future when the election takes place for the board of directors that I be considered for that position, and I guess that's all I had to say.

REQUEST FROM THE COTTONWOOD CHAMBER OF COMMERCE FOR WAIVER OF SECTION 9.12.030 A., ALCOHOLIC BEVERAGES, OF THE MUNICIPAL CODE, IN ORDER TO SERVE AND SELL BEER & WINE AT THE COTTONWOOD KIDS PARK LOCATED AT 350 SOUTH 12TH STREET, FOR THE RHYTHM & RIBS EVENT SCHEDULED FOR SEPTEMBER 22, 2012.

Vice Mayor Pfeifer and Council Member Pratt declared a conflict of interest on this item (due to the Vice Mayor being an employee of the Chamber and Council Member Pratt being a member of the Chamber board.) Council Member Norman took over as chair of the meeting.

Mr. Little stated items seven and eight were kind of a bundle. Lana Tolleson from the Chamber was here to present it, but seven was essentially asking for an exemption as we've been doing this for six years.

Ms. Tolleson stated we are requesting the waiver so we can provide the alcohol for the event that the Chamber partners with the city's Parks and Recreation department for Rhythm and Ribs.

Council Member Dowling moved to waive Section 9.12.030 A., of the Municipal Code, to allow the Cottonwood Chamber of Commerce to serve and sell beer & wine Rhythm & Ribs event scheduled for September 22, 2012, at the Cottonwood Kids Park subject to approval from the Arizona Department Liquor Licensing and Control. The motion was seconded by Council Member Elinski, and carried.

SPECIAL EVENT LIQUOR LICENSE APPLICATION SUBMITTED BY LANA TOLLESON, APPLICANT FOR THE COTTONWOOD CHAMBER OF COMMERCE FOR THE RHYTHM & RIBS EVENT SCHEDULED FOR SEPTEMBER 22, 2012, AT THE COTTONWOOD KIDS PARK LOCATED AT 350 SOUTH 12TH STREET

Ms. Jiménez stated this was a request for a Special Event Liquor License for the Chamber to sell beer and wine products the Rhythm and Ribs event scheduled for September 22, 2012, at the Cottonwood Kids Park.

Council Member Dowling moved to recommend approval of Special Event Liquor License application submitted by Lana Tolleson, applicant for the Cottonwood Chamber of Commerce for the Rhythm and Ribs event scheduled for September 22, 2012. The motion was seconded by Council Member Elinks, and carried.

Vice Mayor Pfeifer and Council Member Pratt returned to the dais.

CLAIMS & ADJUSTMENTS

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

ADJOURNMENT

Vice Mayor Pfeifer moved to adjourn. The motion was seconded by Council Member Dowling, and carried unanimously. The regular meeting adjourned at 5:17 p.m.

Diane Joens, Mayor

ATTEST:

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 August 7, 2012. I further certify that the meeting was duly called, and that a quorum was present.

Marianne Jiménez, City Clerk

Date