

SUMMARY REPORT
OF COUNCIL ACTION TAKEN AT THE JANUARY 20, 2009, REGULAR MEETING

This summary is a statement of legal actions taken by the Cottonwood City Council at a regular meeting pursuant to A.R.S. § 38-431.02(D), and is being provided as required by A.R.S. § 38-431.01(D.).

Council Members Present: Mayor Diane Joens, Vice Mayor Karen Pfeifer, Council Members James Chapman, Tim Elinski, Duane Kirby, Linda Norman. **Council Member Absent:** Terence Pratt.

Mayor Joens called the meeting to order at 6:00 p.m.

PRESENTATION OF A CERTIFICATE OF APPRECIATION TO FIRE MARSHAL, RICK CONTRERAS, FOR IMPLEMENTING THE DISPLAY OF FLAGS PROJECT

Mayor Joens presented a certificate of appreciation to Fire Marshal, Rick Contreras, for his implementation of the Display of Flags project in the city.

APPROVAL OF MINUTES—Work Session of December 9, 2008

The Council unanimously approved the work session minutes of December 9, 2008, as written.

UNFINISHED BUSINESS

CONSIDERATION & POSSIBLE LEGAL ACTION REGARDING ORDINANCE NUMBER 537—AMENDING THE MUNICIPAL CODE TO CHANGE THE YOUTH COMMISSION MEMBER REQUIREMENTS; SECOND & FINAL READING

The Council unanimously approved Ordinance Number 537. This Ordinance amends the membership requirements of the youth commission to allow appointment of students who attend a public, private, or charter school located within or outside the city limits.

CONSENT AGENDA

APPROVAL OF PAY APPLICATION NUMBER 3 FOR THE AIRFIELD ELECTRICAL UPGRADE PROJECT AT THE COTTONWOOD MUNICIPAL AIRPORT

The Council unanimously approved pay application number 3 to Rural Electric for the airport electrical upgrade project in the amount of \$14,788.37 to improve runway lights, and also approved change order number 1 for \$19,575 for additional safety and energy saving improvements on various lighting components at the airport.

APPROVAL OF CHANGE ORDER NUMBER 1 TO THE ADOLFSON & PETERSON CONTRACT FOR THE COTTONWOOD RECREATION CENTER PROJECT

The Council unanimously approved change order number 1 to the community recreation center project contract with Adolfson & Peterson in the amount of \$182,995. These changes increase the contract's guaranteed maximum price but do not affect the project budget. The changes include: (1) \$50,000 as an allowance for material testing and special inspection services; (2) \$13,935 for structural steel to support future solar panels; (3) \$7,989 for simulated rock veneer; (4) \$241,071 for upgrades to Paula Street; (5) (\$130,000) removal of pre-construction services budget item.

NEW BUSINESS

RESOLUTION NUMBER 2421—APPOINTING THE INITIAL MEMBERS OF THE CITY'S JUDICIAL REVIEW AND APPOINTMENTS ADVISORY BOARD

The Council unanimously approved the following appointments to the newly formed Judicial Review & Appointments Advisory Board:

Deborah Schaefer, as the designee of the presiding judge of the Arizona Superior Court for Yavapai County, for a 1-year term ending January 22, 2010.

William Fishbach, as a member of the Arizona State Bar Association, to serve a 1-year term, ending January 22, 2010.

Shiloh Hoggard, as a member of the Arizona State Bar Association, to serve a 2-year term, ending January 22, 2011.

Justin Vaughn, as a member of the Arizona State Bar Association, to serve a 3-year term, ending January 22, 2012.

Randall Garrison, as a member of the general public residing in Cottonwood, to serve a 1-year term, ending January 22, 2010.

Donna Castillo, as a member of the general public residing in Cottonwood, to serve a 2-year term, ending January 22, 2011.

Robert Oliphant, as a member of the general public residing in Cottonwood, to serve a 3-year term, ending January 22, 2012.

ADMINISTRATION OF OATH OF OFFICE TO APPOINTED JUDICIAL REVIEW AND APPOINTMENTS ADVISORY BOARD

The City Clerk administered the oath of office to the appointed board members of the Judicial Review and Appointments Review Board.

RESOLUTION NUMBER 2422—APPOINTING RICHARD SERDEN AS INTERIM MAGISTRATE

The Council unanimously approved Resolution Number 2422, which appoints Richard Serden as interim magistrate until a new city magistrate is appointed.

CONSIDERATION OF PURCHASING A FACILITY TO HOUSE THE WATER UTILITY DEPARTMENT

The Council directed staff to proceed with the purchase of the Foxworth-Galbraith building and return to the Council with the purchase agreement.

CONSIDERATION OF APPROVAL OF PAY REQUEST NUMBER 6 FOR THE WILLARD STREET EXTENSION PROJECT AND UPDATE ON THE PROJECT

The Council unanimously approved pay request number 6 for the Willard Street Extension Project for \$60,189.04 to Arizona Earthmovers for construction work on the Willard Street extension.

The city's portion of the project is complete. Willard Street will not open to through traffic until the developer of the Cottonwood Business Park project completes the northern 1000 feet of the street.

CONFIRMATION OF ACCEPTANCE OF THE STAFFING FOR ADEQUATE FIRE & EMERGENCY RESPONSE (S.A.F.E.R.) GRANT

The Council unanimously agreed to accept a Federal Staffing for Adequate Fire and Emergency Response (S.A.F.E.R.) grant to hire twelve additional full-time career firefighters. The total grant amount over 4 years is \$1,300,560 to help defray the cost of establishing staffing for a second fire company. The city's cost for the first year of the grant is estimated at \$211,560 and increases with each year until year five, in which the city assumes the full cost for the staffing estimated at \$891,012.

APPROVAL OF FINAL PLAT FOR COPPERGATE BUSINESS PARK

The Council unanimously approved a final plat for an 8-unit subdivision to be known as Coppergate Business Park with 12 stipulations that had to be met by the developer.

APPROVAL OF AN AMENDMENT TO THE FINAL SITE PLAN FOR THE FRY'S SHOPPING PLAZA PAD TO ADD A FUELING FACILITY TO THE PARKING AREA

The Council unanimously approved an amendment to the final site plan for the existing Fry's Shopping Plaza Planned Area Development (PAD), allowing the establishment of a fueling facility in the parking lot area as well as a CAT bus shelter, with 6 specific stipulations to be met by the developer.

ORDINANCE NUMBER 530--AMENDING TITLE 9, PUBLIC PEACE, MORALS AND WELFARE, CHAPTER 9.08 OFFENSES AGAINST PROPERTY, OF THE MUNICIPAL CODE BY ADDING A NEW SECTION 9.08.080, DEFACEMENT OF PROPERTY, AND SECTION 9.08.090 REMOVAL OF GRAFFITI; FIRST READING

The Council held the first reading of Ordinance Number 530, which proposes amendments to the Municipal Code by adding two new sections to Chapter 9.08, Offenses Against Property, pertaining to regulations regarding graffiti prohibition and removal.

ORDINANCE NUMBER 538--AMENDING ARTICLE II, DEFINITIONS, SECTION 201., GENERAL, OF THE CITY OF COTTONWOOD ZONING ORDINANCE BY ADDING THE NEW DEFINITIONS OF "CAMP" AND "CAMPING", UNDER ARTICLE II, DEFINITIONS, SECTION 201., GENERAL, AND AMENDING ARTICLE IV, ZONING DISTRICTS, SECTION 404., GENERAL PROVISIONS, BY ADDING A NEW SUBSECTION X., "CAMPING WITHIN THE CITY LIMITS" TO SECTION 404., GENERAL PROVISIONS; FIRST READING

The Council held the first reading of Ordinance Number 538, which would amend the Zoning Ordinance, Section 404. General Provisions, by adding a new section for Camping within the City Limits, and amends Section 201. Definitions, by adding new definitions for "Camp" and "Camping". This amendment is intended to primarily address camping on private property.

ORDINANCE NUMBER 539--AMENDING THE MUNICIPAL CODE OF THE CITY OF COTTONWOOD BY ADDING A NEW CHAPTER 8.48, CAMPING WITHIN CITY LIMITS, TO TITLE 8, HEALTH AND SAFETY; FIRST READING

The Council held the first reading of Ordinance Number 539, which would amend the Municipal Code by adding a new Chapter 8.52, "Camping within the City Limits" under Title 8, Health and Safety. This amendment is intended to primarily address camping on public property, including streets, parks and other public facilities.

CONTINUATION OF UTILIZING THE LAW FIRM OF MANGUM, WALL, STOOPS & WARDEN (ON AN EMERGENCY BASIS) FOR THE CITY'S PROSECUTION SERVICES

The Council unanimously approved utilizing the legal services of Mangum, Wall, Stoops & Warden, P.L.L.C., on an emergency basis for the city's prosecution services pending the Stay of Motion and appeal filed by the city pertaining to the Dennis Bayless suit.

CLAIMS & ADJUSTMENTS

The Council unanimously approved the claims and adjustments as presented.

ADJOURNMENT

The regular meeting adjourned at 10:05 p.m.