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### **OUR MISSION**

***City of Holbrook Government exists to provide ethical and responsible local government.***

### **AGENDA**

#### **REGULAR CITY COUNCIL MEETING**

**JANUARY 22, 2019**

**6:00 P.M.**

Pursuant to ARS 38-431.02, notice is hereby given to the Holbrook City Council, and to the General public that a meeting, which is open to the public, will be held on above-mentioned date, in the City Council Chambers, at 465 First Avenue, Holbrook, Arizona. Some of the members of the City Council may choose to participate in this meeting telephonically. The City Council may adjourn into executive session, which will not be open to the public, to discuss certain matters in accordance with ARS 38-431.03. Electronic versions of this agenda can be found at [www.ci.holbrook.az.us](http://www.ci.holbrook.az.us).

The items on the following agenda are for discussion or consideration and possible action:

- 1) CALL TO ORDER:
- 2) ROLL CALL:
- 3) PLEDGE OF ALLEGIANCE/INVOCATION:
- 4) PUBLIC ANNOUNCEMENTS AND PRESENTATIONS (Please limit to 10 minutes)
- 5) CALL TO THE AUDIENCE FOR ITEMS ON THE AGENDA:  
The City Council welcomes public comment at this time only for items listed on this Agenda. There is a five minute time limit per citizen.

6) CONSENT AGENDA

- A. Claims/payment approval for January 2, 2019 thru January 16, 2019:  
Documentation for claims is available at City Hall. (pg 4)
- B. Corrected minutes of the Regular Meeting held on November 27, 2018. (Pg 41)

7) SUMMARY OF CURRENT EVENTS:

**Mayor:**  
**Council Members:**  
**Interim City Manager:**  
**Police Chief:**  
**Chamber of Commerce:**

8) OLD BUSINESS:

- A. Ordinance 19-01, authorizing the sale of real property by the City of Holbrook, Namely parcels 109-21-005A and 109-21-006(located on Romero Street), 2nd reading. (pg 46 )

9) NEW BUSINESS:

- A. Discussion/possible action regarding bid results for the Wood Chipper-Interim Manager Reyes. (Pg 61)
- B. Proposed Ordinance for regulating portable communication devices and texting while operating a motor vehicle-Councilmember Marsh. (pg 65)
- C. Resolution 19-02, declaring a public document "2019 City of Holbrook Personnel Policy". (pg 69)
- D. Ordinance 19-03, adopting the "2019 City of Holbrook Personnel Policy" by reference, 1<sup>st</sup> reading. (pg 70)
- E. Discussion/possible action regarding letter of support for Navajo County Special election for Jail District-Interim Manager Reyes.(Pg 71)
- F. Discussion/possible action regarding request to purchase two LED pedestrian lights from Wild West Lighting in the amount of \$9754.69-Interim Manager Reyes.(pg 72)
- G. Discussion/possible action regarding cancellation of the March 12, 2019 Regular meeting due to the City's Primary Election-Interim Manager Reyes.
- H. Ordinance 19-04 proposing an amendment to the City of Holbrook Charter, Section 4.01(a) and submitting said proposed amendment to the qualified electors of the City for ratification by a majority vote-1<sup>st</sup> reading. (Pg 74)

10) EXECUTIVE SESSION:

- A. Pursuant to ARS 38-431.03(A) (3), the Council may adjourn into executive session for discussion or consultation or legal advice with the City Attorney for any item listed on the agenda.
- B. Pursuant to ARS 38-431.03 (A)(1), the Council may adjourn into executive session for discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee-Water/Wastewater Personnel.

11) POST EXECUTIVE SESSION:

12) CALL TO THE AUDIENCE FOR ITEMS NOT ON THE AGENDA:

The City Council welcomes public comment at this time for items not listed on this Agenda. There is a three minute time limit per citizen.

Citizens may complete one Request to Speak "Public Comment" card per night and submit it to the City Clerk before or during the Council meeting. During this time, any member of the public may come forward and address the City Council on any issue within the jurisdiction of the Council. Public Comment time is reserved for citizen comments regarding non-agendized items. **Speakers are limited to 3 minutes per speaker to address the Council during "Public Comment" time.** Members of the City Council may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01 (H), action taken as a result of public comment will be limited to directing City staff to study the matter, responding to any criticism, or scheduling the matter for further consideration and decision at a later date. Items on the agenda will not be heard or discussed in Call to the Public. Video or audio tapes or other overhead visual aids are not allowed during these public appearances. All speakers should begin their remarks by stating their name and address for the record.

13) SUBMISSION OF WRITTEN PETITION TO THE COUNCIL FOR ITEMS NOT ON THE AGENDA:

Requests by citizens to have an item discussed on the City Council Agenda should be addressed to the Mayor and presented on the "Request & Petition of citizens to City of Holbrook Council form" during the Submission of Written Petition to the Council at a regular meeting. Once this form is submitted, the Council will consider the petition and response shall be given within 31 days per the Holbrook City Charter Article II, Section 2.18.

14) ADJOURNMENT:

Dated this 17th day of January 2019.

  
Cher Reyes, CMCA/CPM, City Clerk

According to the Arizona Open Meeting Law, the City Council may only discuss matters listed on the City Council agenda. Matters discussed by the public during public appearances cannot be discussed by the City Council unless they are specifically listed on this agenda. Speaker's visual aids or recorded tapes are not allowed. Members of the public shall refrain from making personal, impertinent or slanderous remarks and from becoming boisterous while addressing the City Council or while attending the meeting. Unauthorized remarks from the audience, clapping, stomping of feet, yelling or any similar demonstrations are also prohibited. Violations of these rules may result in removal from the City Council meeting. Individual members of the public body may respond to criticism made by those who have addressed the public body.

1                   MINUTES OF THE HOLBROOK CITY COUNCIL MEETING HELD ON  
2                                       JANUARY 22, 2019

3  
4 CALL TO ORDER:

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

6 Roll Call:

7 Mayor Phil Cobb, Vice-Mayor Richard Peterson, Councilmember's Tim Dixon, Earl  
8 Kester, Adam Marsh, Mike Nilsson and Francie Payne.

9 CITY STAFF:

10 Interim City Manager Cher Reyes and Administrative Assistant Lisa Maestas.

11 PLEDGE OF ALLEGIANCE/INVOCATION:

12 The Pledge of Allegiance was led by Councilmember Dixon. The invocation was given  
13 by Gloria Montoya of Day Star.

14 PUBLIC ANNOUNCEMENTS AND PRESENTATIONS:

15 None.

16 CALL TO THE AUDIENCE FOR ITEMS ON THE AGENDA

17 None.

18 CONSENT AGENDA:

19 Councilmember Payne made a motion to approve the Consent Agenda:

20 Claims/payment approval for January 2, 2019 thru January 16, 2019 and the corrected

21 Minutes of the Regular Meeting held on November 27, 2018. Councilmember Marsh

22 seconded the motion. The motion passed with the following results: Councilmember

23 Dixon "Aye", Councilmember Kester "Aye", Councilmember Marsh "Aye",

24 Councilmember Nilsson "Aye", Councilmember Payne "Aye", Vice-Mayor Peterson

25 "Aye" and Mayor Cobb "Aye".

1 SUMMARY OF CURRENT EVENTS:

2 \*Mayor Cobb reminded everyone that the Hashknife Pony Express ride is coming up.

3 Mayor Cobb share information about the “Shutdown Potluck” for furloughed Federal

4 workers which will be held on Friday, February 1, 2019 from 5:00 p.m. until 6:30 p.m. at

5 the Machusak Recreation Center. Mayor Cobb mentioned the wind storm that Holbrook

6 recently had and asked everyone to bear with City staff while they get the street signs

7 that blew over back up.

8 \*Councilmember Payne announced the Meet and Greet that is being held for the

9 Candidates interviewing for the position of City Manager on Friday, January 25, 2019

10 from 5:00 p.m. until 7:00 p.m. at the George Gardner Performing Arts Center.

11 \*Councilmember Marsh reported that he was able to attend the Chamber of Commerce

12 meeting last Wednesday. Councilmember Marsh said that the meeting was nice and

13 productive and that he is looking forward to the upcoming events and happenings.

14 \*Vice-Mayor Peterson visited the Bread of Life Mission. Vice-Mayor Peterson shared

15 that they are having trouble controlling their costs because of unforeseen costs such as

16 diapers. Vice-Mayor Peterson encouraged everyone to stop by the Bread of Life

17 Mission and see what they need and to donate to them.

18 \*Councilmember Nilsson said that he and Councilmember Payne both serve on the

19 board at the Food Bank. Councilmember Nilsson said that the Food Bank will be

20 offering boxes of food to furloughed Federal workers, Monday thru Thursday from 1:30

21 p.m. until 3:30 p.m., they will just need to show their I.D. The Food Bank is located at

22 the Senior Center.

1 \*Councilmember Kester shared that he did a lot of house building this weekend with a 3  
2 year old.

3 \*Interim Manager Reyes

4 -The Posse Ride will be held the week of Feb 4-9 with the dinner being held on Feb. 5  
5 at the Elk's Lodge and the Send-Off will be on the 6<sup>th</sup>.

6 -Thanks to John Gerwitz and Jose Agramont for also helping on New Year's Eve when  
7 we had all the snow.

8 -Interim Manager Reyes is working on evaluations.

9 -Final inspection for Airport Lighting Project is on Jan. 24.

10 -Yoga will begin again on January 31. Mondays and Thursday from 5:30-6:30 pm and  
11 Tuesdays/Wednesdays from 10:00-11:00 am at the Machusak Rec Center. Cost is \$10  
12 per month or must have a gym membership.

13 -Interim Manager Reyes is working hard to get everything done that she set out to  
14 accomplish before new manager takes over.

15 -Streets Crews are working on getting all signs back up after the strong wind yesterday.

16 -The Recruiter and Interim Manager Reyes have scheduled time before each interview  
17 to review resumes for each candidate. Interviews will begin at 10 am this Saturday.

18 -Phillip Rose was re-elected as Fire Chief for 2019.

19 -Budget hearings are complete.

20 \*Chamber of Commerce- Cindy Tafoya, Chamber Director. Ms Tafoya announced that  
21 the Chamber of Commerce will be serving free hot dogs and drinks at the Swearing-in-  
22 Ceremony for the Hashknife Posse in the courtyard at high noon. Ms. Tafoya shared  
23 that tomorrow is the Chamber's Open House at the Machusak Recreation Center from

1 11:00 a.m. until 3:00 p.m. The Open House is the kick off for the Chambers 2019  
2 membership. The Chamber is re-developing their website so that it will be more user  
3 friendly. Ms. Tafoya said that the Chamber is working on finalizing a calendar with all  
4 the planned events for the year. The Chamber is working on a Community Directory.

5 OLD BUSINESS:

6 A. Interim Manager Reyes read Ordinance 19-01 by heading:

7 **ORDINANCE 19-01**

8 **AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY**  
9 **OF HOLBROOK, ARIZONA, AUTHORIZING THE SALE OF REAL**  
10 **PROPERTY BY THE CITY OF HOLBROOK: NAMELY PARCEL**  
11 **NUMBERS 109-21-005A AND 109-21-006, MORE FULLY**  
12 **DESCRIBED IN EXHIBIT "A" ATTACHED HERETO**

13 Vice-Mayor Peterson said that he is appreciative of Interim Manager Reyes for making  
14 this process open, transparent and fair as the Council had requested. Vice-Mayor  
15 Peterson made a motion to approve Ordinance 19-01. The motion was seconded by  
16 Councilmember Nilsson. Councilmember Dixon asked where the money made from this  
17 sale would go. Interim Manager Reyes said that the money would go into the General  
18 Fund. Councilmember Dixon asked if the money would be used wherever it is needed.  
19 Interim Manager Reyes said yes. The motion passed with the following results of the roll  
20 call vote: Councilmember Dixon "Aye", Councilmember Kester "Aye", Councilmember  
21 Marsh "Aye", Councilmember Nilsson "Aye", Councilmember Payne "Aye", Vice-Mayor  
22 Peterson "Aye" and Mayor Cobb "Aye".

23 NEW BUSINESS:

1 A. Discussion/possible action regarding bid results for the Wood Chipper: Interim  
2 Manager Reyes stated that she has a goal to get the Public Works yard cleaned  
3 up. Bob Sutton, Evidence Technician, at the Police Department auctioned a great  
4 deal of the automobiles and the miscellaneous equipment that was there. While  
5 this was being done Interim Manager Reyes received a request from the Town of  
6 Snowflake to purchase the City's Wood Chipper. Interim Manager Reyes stated  
7 the City of Holbrook has not used the Wood Chipper in about 10 years and that it  
8 has been sitting in the Sanitation yard with 87 hours on it. Interim Manager  
9 Reyes stated the Town of Snowflake bid \$5000.00. Interim Manager Reyes  
10 asked John Gerwitz about his opinion on the bid and he said it was a good offer .  
11 Interim Manager Reyes recommended to the Council that they accept the bid  
12 from the Town of Snowflake in the amount of \$5000.00. Councilmember Payne  
13 made a motion to award the bid for the purchase of the Wood Chipper in the  
14 amount of \$5000.00 to the Town of Snowflake. Councilmember Nilsson  
15 seconded the motion. Councilmember Dixon asked if there was a Blue Book  
16 pricing on this piece of equipment showing the range of value. Interim Manager  
17 Reyes said anywhere from \$5000.00 to \$16,000.00 but Mr. Gerwitz told Interim  
18 Manager Reyes that there is something wrong with the fuel system which could  
19 cost quite a bit to repair. Councilmember Nilsson asked how long the Wood  
20 Chipper has been sitting for. Interim Manager Reyes stated for 10 or more years.  
21 Councilmember Marsh asked what the City's option would be if Holbrook had a  
22 storm and the staff had to clean up a bunch of trees if the City no longer had a  
23 Wood Chipper. Interim Manager Reyes stated that staff would haul it out to the



1 burn pile. Councilmember Kester said he thinks if the City has a Wood Chipper  
2 we should be using it. Councilmember Kester said instead of burning the City  
3 should be chipping the wood and selling the wood chips. Interim Manager Reyes  
4 stated that the City used to offer wood chips to anyone who needed them and  
5 that no one would take them and the City would still have to burn them.

6 Councilmember Dixon asked if the Town of Snowflake is buying the Wood  
7 Chipper "as is" and if the City of Holbrook purchased it new. Interim Manager  
8 Reyes replied yes. Councilmember Dixon asked if the City of Holbrook had  
9 purchased the Wood Chipper new. Interim Manager Reyes said yes. Mayor  
10 Cobb called for a vote on the motion. The motion passed with the following  
11 results: Councilmember Dixon "Aye", Councilmember Kester "Aye",  
12 Councilmember Marsh "Aye", Councilmember Nilsson "Aye", Councilmember  
13 Payne "Aye", Vice-Mayor Peterson "Aye" and Mayor Cobb "Aye".

14 B. Ordinance for regulating portable communication devices and texting while  
15 operating a motor vehicle. Councilmember Marsh introduced a proposed  
16 Ordinance. Councilmember Marsh said that this has been on his mind since he  
17 moved to Holbrook and with the recent death of Officer Townsend of the Salt  
18 River Tribal Police Department that was caused by a distracted driver.  
19 Councilmember Marsh stated that he lived in Austin, Tx for 5 years and there  
20 was a similar ban for the use of cellular and hand held technologies while  
21 operating motor vehicles. After the ban there were substantial decreases in the  
22 number of pedestrian injuries and fatalities. Councilmember Marsh shared that  
23 he had a supervisor that became an instant paraplegic at the hand of a distracted

1 driver. Councilmember Marsh stated that there are many children who walk to  
2 and from school and many people who walk through town to get to and from the  
3 Navajo County Governmental Complex. Councilmember Marsh said that  
4 Holbrook is a major Federal, State, County and Tribal thoroughfare saying alot of  
5 people come through Holbrook driving vehicles and a lot of people walk through  
6 Holbrook. Councilmember Marsh said that unfortunately many people use their  
7 hand held devices while operating a vehicle and this can lead to too short of  
8 following distance, veering in lanes, unsafe speeds and decreased stop time.  
9 Councilmember Marsh said it also leads to an overall decrease of awareness of  
10 signs, lights, emergency personnel, pedestrians, etc. Councilmember Marsh did  
11 research on some Web Sites and found that driving while talking on a cell phone  
12 is equivalent to driving under the influence with a blood alcohol level of .08,  
13 texting while driving increases the risk of an accident or near accident by 23  
14 times, sending or receiving a text at 55 mph takes your eyes off of the road for 5  
15 seconds which is long enough for you to cross a football field. Councilmember  
16 Marsh shared that in a poll done by AAA Foundation for Traffic Safety 84% of  
17 people polled found it unacceptable to text or email while driving yet more that  
18 1/3 of those same people admitted to doing the same thing. The fatal crash rate  
19 for teens is 3 times greater than older drivers and distracted driving is  
20 responsible for 58% of teen crashes. Councilmember Marsh added that  
21 distracted driving is not only the use of electronic devises it can also be things  
22 like putting make-up on while driving and eating while driving. Councilmember  
23 Marsh said that in 2015 there were 3500 people killed by distracted drivers

1 across the United States. Arizona, Montana and Missouri are the only 3 states in  
2 the country to allow electronic devices while driving. Councilmember Marsh said  
3 that the State Legislator has considered a ban on portable communication  
4 devices while driving for over a decade yet it takes tragedies like the death of  
5 Officer Townsend to bring it back to focus. On January 15, 2019, the day Officer  
6 Townsend was laid to rest, a state legislature introduced a bill to ban portable  
7 communication devices, but this has happened before so Councilmember Marsh  
8 does not want Holbrook to wait for State Legislation he would like to be proactive  
9 and have an Ordinance in Holbrook because he believes each community should  
10 take up the safety of their own citizens first. Councilmember Marsh's proposed  
11 Ordinance is very similar to the one in Coconino County and it says that person  
12 shall not operate a motor vehicle while using a portable communications device  
13 to engage in a call unless that device is configured to allow hands free listening  
14 and talking and is used exclusively in that manner while driving. Texting and  
15 typing while operating a motor vehicle are banned. This includes cell phones,  
16 walkie talkies, radios, GPS, DVS, laptops and pagers. Councilmember Marsh  
17 stated that there are notable exemptions which include hands free technology  
18 such as bluetooth. Other exemptions are communicating emergencies to  
19 emergency responders, operating an emergency responder vehicle such as a  
20 patrol car or fire truck if you own an FCC license or use a CB radio, persons on  
21 private property, if you pull off the road and put your vehicle in park, and School  
22 Bus Drivers on duty. Councilmember Marsh stated that the proposed penalties  
23 are a \$100.00 fine plus any penalties assessed by law enforcement like a

1 speeding ticket. If the offense involves a crash the fine would be \$250.00 plus  
2 any other penalty assessed by law enforcement. Interim Manager Reyes stated  
3 that she re-typed some of it and she forwarded it to the attorneys and they  
4 reworded some of it so it does differ from Coconino County a little but it complies  
5 with state statute. Councilmember Marsh stated that he forwarded the proposed  
6 Ordinance to Chief Christensen who said that he is supportive of this and that it  
7 would not interfere with any of their day to day police operations. Councilmember  
8 Marsh stated that Chief Christensen said that his office could do some education  
9 and social media outreach on this if the Ordinance goes through. Councilmember  
10 Nilsson stated that he would like to see an education period and maybe even a  
11 progressive schedule, meaning the first time you are pulled over you get a firm  
12 scolding and the 2<sup>nd</sup> time the fine is \$50.00 and it increases from there.  
13 Councilmember Nilsson stated that a lot of education is key because you are  
14 going to have to change a lot of culture and that takes time. Councilmember  
15 Nilsson stated that he is for this Ordinance and that he thinks that it is important  
16 that we don't have distracted drivers. Interim Manager Reyes stated that the  
17 Ordinance says that for the first 6 months officers can only issue a warning so  
18 this is the education period. Councilmember Dixon stated that he agrees with this  
19 Ordinance. Councilmember Dixon stated that he believes that Officer Townsend  
20 would still be alive today if there was an Ordinance in place like this.  
21 Councilmember Dixon said that he read that one community passed an  
22 Ordinance similar to this one and that there is very little enforcement.  
23 Councilmember Dixon stated if we do something like this then law enforcement

1 needs to enforce it. Councilmember Dixon stated in the Ordinance under the first  
2 Whereas it cites A.R.S. 11.251.05. Councilmember Dixon stated that Title 11  
3 refers to the Board of Supervisors and it should be Title 9. Councilmember Dixon  
4 stated that there are bills in the House and the Senate that have been put  
5 forward in Arizona there is HB 2059 and SB 1251 and that the Governor swore  
6 that he would sign them once they made it through committee. Councilmember  
7 Dixon stated that he wants to make sure that this Ordinance passed  
8 Constitutional muster, and part of Constitutional muster asks if it is unduly  
9 restrictive. Councilmember Dixon stated that he does not believe that it is unduly  
10 restrictive but he has a few questions. Councilmember Dixon inquired about the  
11 section that says, "When a driver holds a valid amateur radio operator license  
12 issued or any license issue by the Federal Communications Commission or the  
13 driver uses a two-way radio, including radios used in the Citizens Band service".  
14 Councilmember Dixon stated that what this is saying is that if he holds a FCC  
15 license that he can use his cell phone while driving. Councilmember Dixon asked  
16 Interim Manager Reyes to have the attorney reword that or omit it.  
17 Councilmember Dixon asked Interim Manager Reyes if the fees for violations of  
18 this Ordinance would go into the City fund. Interim Manager Reyes said as long  
19 as they are cited in the Magistrate Court. Councilmember Dixon stated that  
20 officers could also use State codes to cite people for this violation.  
21 Councilmember Dixon asked if the money collected from fined assessed by the  
22 Judge would go into the City Funds. Interim Manager Reyes replied yes, as long  
23 as it was cited in Magistrate Court. Councilmember Dixon stated that civil

1 violation state codes also go into the Magistrate Court and the fines go into the  
2 City funds. Councilmember Dixon cited ARS 28-701.a- a person shall not drive a  
3 vehicle on a highway at a speed that is greater than reasonable and prudent  
4 under the circumstances, conditions and actual potential hazards.

5 Councilmember Dixon stated that this ARS code could be applied to someone  
6 who is texting and driving or to someone whose driving is affected by using a  
7 device. Councilmember Dixon also cited ARS 28-693 under reckless driving- a  
8 person who drives a vehicle in a reckless disregard for the safety of persons or  
9 property is guilty of reckless driving. Councilmember Dixon stated that ARS 28-  
10 701.a is a civil violation and ARS 28-693 is a misdemeanor violation.

11 Councilmember Dixon concluded by saying that he does like this proposed  
12 Ordinance he just thinks that it needs to be re-worded. Councilmember Dixon  
13 then asked Interim Manager Reyes and Councilmember Marsh if they could get  
14 some statistics from the Holbrook Police Department on incidents involving hand  
15 held devices in the local area. Councilmember Dixon added that he feels that  
16 instead of a 6 month warning period it should be a written warning on the first  
17 offense and a ticket on the second offense. Vice-Mayor Peterson stated that he  
18 is against this Ordinance. Vice-Mayor Peterson did his own research with the  
19 Federal Highway Administration, The Center for Disease Control and The  
20 Institute for Highway Safety. Vice-Mayor Peterson found that 10 percent of  
21 accidents are caused by distracted drivers but only 14 percent of that number are  
22 cause by persons using cell phones while driving. Vice-Mayor Peterson stated  
23 that is a very small amount of distracted driver accidents caused by cell phone

1 usage. The other 85 percent of distracted driving accidents are caused by other  
2 distractions such as eating, talking to another person sitting in the car, animals  
3 moving in car, kids getting rowdy, smoking and applying make-up. Vice-Mayor  
4 Peterson asked if the Council wanted to pass Ordinances for all of those things.  
5 Vice-Mayor Peterson stated that the University of Utah did a study and they  
6 found that teenagers using cell phones have the reaction time reduced to that of  
7 a seventy year old not using a cell phone. Vice-Mayor Peterson asked if the  
8 Council wanted to have an Ordinance that old people can't drive anymore. Vice-  
9 Mayor Peterson pointed out that in the proposed Ordinance hands free devices  
10 are excluded but in the research that he has done hands free devices have the  
11 same effect of reducing reaction time. Vice-Mayor Peterson stated that there are  
12 no statistics to show if hands-free laws are effective in decreasing distracted  
13 driving. Vice-Mayor Peterson stated that the economy of Holbrook depends on  
14 tourism; the City would need to put up 5 to 7 well lit signs around town to inform  
15 tourists not to use cell phone while driving. Vice-Mayor Peterson does not feel  
16 like that would be welcoming for tourists. Vice-Mayor Peterson feels that this  
17 proposed Ordinance will be negative, ineffective and an overreach.

18 Councilmember Payne stated that she is usually the last person who wants to  
19 add a new law, however, she knows from experience how dangerous the use of  
20 cell phones and driving can be. She would like the proposed Ordinance put on  
21 the next agenda for a first reading. Councilmember Dixon requested a change in  
22 wording in section 4. He would like "reasonable cause" changed to "reasonable  
23 suspicion". Councilmember Marsh thanked Vice-Mayor Peterson for the

1 research that he did. Councilmember Marsh stated that the proposed Ordinance  
2 is a commitment to safety not a law to punish people. Councilmember Marsh  
3 stated that he does not think it would be negative to put signs at the four main  
4 entrances to our city saying "This is a Hands Free City". Councilmember Nilsson  
5 asked if there are already Ordinances for distracted driving in general.

6 Councilmember Dixon replied no, not locally or at the State level. Vice-Mayor  
7 Peterson commented that GPS and blue tooth are equally as distracting as  
8 talking on a cell phone and he asked why the Ordinance is banning cell phone  
9 usage but not GPS or blue tooth. Mayor Cobb stated that he feels that texting  
10 and driving is as bad as drinking and driving. Mayor Cobb stated that people  
11 need to be educated on the dangers of texting and driving and he feels that this  
12 Ordinance is a way to educate them. Mayor Cobb stated that if this Ordinance  
13 stops one person from texting and driving and saves one life it has served its  
14 purpose. Vice-Mayor Peterson stated that there are no proven facts that by  
15 passing an Ordinance such as the one being proposed will reduce the number of  
16 accidents caused by distracted driving. Vice-Mayor Peterson stated that he has  
17 no issue with educating people but he does not think that the City of Holbrook  
18 needs to pass this proposed Ordinance with the threat of a penalty.

19 Councilmember Kester stated that texting and driving, drinking and driving and  
20 falling asleep and driving causes the same thing the driver is driving erratic and  
21 the police have the right to pull the person over. Council requested that the  
22 requested changes be made and that this item be put on the next agenda.



- 1 C. Resolution 19-02, declaring a public document “2019 City of Holbrook Personnel  
2 Policy”: Vice-Mayor Peterson made a motion to accept Resolution 19-02.  
3 Councilmember Kester seconded the motion. A roll call vote was done with the  
4 following results: Councilmember Dixon “Aye”, Councilmember Kester “Aye”,  
5 Councilmember Marsh “Aye”, Councilmember Nilsson “Aye”, Councilmember  
6 Payne “Aye”, Vice-Mayor Peterson “Aye” and Mayor Cobb “Aye”
- 7 D. Ordinance 19-03, adopting the “2019 City of Holbrook Personnel Policy” by  
8 reference, 1<sup>st</sup> reading: Mayor Cobb read the Ordinance by Heading.

9 **ORDINANCE NO. 19-03**

10 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOLBROOK,**  
11 **ARIZONA ADOPTING “2019 CITY OF HOLBROOK PERSONNEL POLICY”**  
12 **BY REFERENCE AND FIXING THE EFFECTIVE DATE THEREOF;**  
13 **PRESERVING RIGHTS AND DUTIES THAT HAVE ALREADY MATURED**  
14 **AND PROCEEDINGS THAT HAVE ALREADY BEGUN THEREUNDER.**

15 Interim Manager Reyes reminded the Council that a few months ago she had  
16 said that she would be making a change. Interim Manager Reyes informed the  
17 Council that the change is on page 25 in all capitals, underlined and in bold print.  
18 Interim Manager Reyes explained that it use to say that the on call water person  
19 automatically got 2 hours when called out now is has been changed to 1 ½ hours  
20 which is time and a half. It also states that anything over 10 hours of comp time  
21 will be paid out as overtime. Councilmember Dixon found several typos that he  
22 emailed to Interim Manager Reyes. Interim Manager Reyes stated that she would  
23 make the corrections and have it fixed for the second reading.

1 E. Discussion/possible action regarding letter of support for Navajo County Special  
2 election for Jail District: Interim Manager Reyes stated that she attended a  
3 meeting last Monday with all of the City Managers at the Navajo County  
4 Governmental Complex with the County Manager and the County Finance  
5 Director. The County Manager and Finance Director said that since Proposition  
6 419 did not pass, the County will need to make budget cuts in the amount of 3.3  
7 million to 5 million. Interim Manager Reyes said that it was the consensus of the  
8 Managers to support a Special Election for the Jail District. Interim Manager  
9 Reyes stated that the County asked that the Mayors, Vice-Mayors and City  
10 Managers attend the meeting on February 12, 2019 to show support for putting  
11 the proposition back on the ballot. Interim Manager Reyes stated that if the Jail  
12 District does not pass it will affect prosecution as well. Several Councilmember's  
13 stated that they would be attending the County meeting. Interim Manager Reyes  
14 stated that she drafted a letter of support to read at the County meeting.  
15 Councilmember Dixon made a motion to approve the letter of support for Navajo  
16 County Special Election for Jail District. Councilmember Marsh stated that  
17 regardless of his feelings about the Jail District he feels that this (letter of support  
18 for a Special Election) sends a message of no confidence in the voters by  
19 basically saying we didn't trust you the first time so we are going to give you  
20 another try. Councilmember Marsh stated that this has already gone to ballot and  
21 whether or not we wanted it to pass, it didn't. Councilmember Marsh stated that  
22 the County can hold a Special Election without the Council's support. Interim  
23 Manager Reyes stated that the County can have a Special Election with or

1 without the Council's support but she feel that it is in the best interest of the City  
2 of Holbrook to support it because it will end up costing the City of Holbrook a lot  
3 of money. Councilmember Kester stated that the reason that the Proposition  
4 failed the last time was because of the way that it was worded and the way that it  
5 was presented to the communities. Councilmember Nilsson stated that people  
6 thought that the County acted very irresponsible over the last several years and  
7 wasted millions and millions of dollars and now the County is asking for the  
8 community to bail them out. Councilmember Nilsson stated that most voters  
9 knew exactly what they were voting for and that the County spent thousands of  
10 dollars on their campaign and the voters still said no because the County has  
11 acted irresponsible and it is time for them to start acting responsible. Interim  
12 Manager Reyes stated that she has been working on a contingency plan in case  
13 the Jail District does not pass and the County pulls their funding of the Municipal  
14 Court. Councilmember Dixon stated that he would like to reiterate what  
15 Councilmember Marsh said, the voters have already spoken. Councilmember  
16 Peterson told Councilmember Marsh that he understands what he is saying but if  
17 a person runs for election and loses they can run again and may get voted in the  
18 2<sup>nd</sup> time. Councilmember Peterson stated that the money raised from the extra  
19 tax is suppose to go to the Jail District but he feels that if extra money is raised  
20 from the sales tax the money will be used to fund other things besides the Jail  
21 District. Vice-Mayor Peterson stated that he would like to know what the jail has  
22 done if anything to reduce their costs. Interim Manager Reyes stated that she  
23 could revise the letter of support. Mayor Cobb stated that people are going to get

1 taxed one way or another, it's going to happen. Costs will go up and taxes will go  
2 up. The Jail District tax is only 1/3 of a cent. Councilmember Payne stated that  
3 she would like Interim Manager Reyes to add a suggestion that the County  
4 spend more time educating the community on the importance of the Jail Districts  
5 in the letter of support from the Holbrook City Council. Vice-Mayor Peterson  
6 asked Interim Manager Reyes how much the City pays now for the use of the jail.  
7 Interim Manager Reyes replied \$128.00 per day this includes \$10.00 for medical,  
8 \$68.00 for the daily fee and \$50.00 for the booking fee. The cost is going up to  
9 \$178.00 because the booking fee and daily fee are going up \$25.00 each and the  
10 City will be responsible for 100% of medical costs. Vice-Mayor Peterson asked  
11 how much the City normally spends in a year on jail costs. Interim Manager  
12 Reyes replied approximately \$230,000.00. Vice-Mayor Peterson then asked if the  
13 Jail District passes would the City get that money and put it into the general fund.  
14 Interim Manager Reyes replied yes. Interim Manager Reyes stated that the City  
15 budgeted \$320,000.00 as part of their contingency plan because medical costs  
16 are unpredictable. Vice-Mayor Peterson made a motion to write a letter of  
17 support for the Special Election for Jail Districts. Councilmember Kester  
18 seconded the motion. The motion passed with the following results:  
19 Councilmember Dixon "Aye", Councilmember Kester "Aye", Councilmember  
20 Marsh "Nay", Councilmember Nilsson "Nay", Councilmember Payne "Aye", Vice-  
21 Mayor Peterson "Aye" and Mayor Cobb "Aye"

22 F. Discussion/possible action regarding request to purchase two LED pedestrian  
23 lights from Wild West Lighting in the amount of \$9754.69: Interim Manager

1 Reyes stated that the City would like to purchase two LED pedestrian lights. The  
2 City has had 3 lights that were hit and would like to replace 2 of those.

3 Councilmember Dixon made a motion to purchase two LED pedestrian lights for  
4 the amount of \$9754.69 from Axiter as a sole source provider. Vice-Mayor

5 Peterson seconded the motion. The motion passed with the following results:

6 Councilmember Dixon "Aye", Councilmember Kester "Aye", Councilmember  
7 Marsh "Aye", Councilmember Nilsson "Aye", Councilmember Payne "Aye", Vice-  
8 Mayor Peterson "Aye" and Mayor Cobb "Aye".

9 G. Discussion/possible action regarding cancellation of the March 12, 2019 Regular  
10 meeting due to the City's Primary Election: Councilmember Dixon made a motion

11 to cancel the Regular meeting scheduled for March 12, 2019. Councilmember

12 Kester seconded the motion. The motion passed with the following results:

13 Councilmember Dixon "Aye", Councilmember Kester "Aye", Councilmember  
14 Marsh "Aye", Councilmember Nilsson "Aye", Councilmember Payne "Aye", Vice-  
15 Mayor Peterson "Aye" and Mayor Cobb "Aye".

16 H. Ordinance 19-04 proposing an amendment to the City of Holbrook Charter,

17 Section 4.01(a) and submitting said proposed amendment to the qualified

18 electors of the City for ratification by a majority vote-1<sup>st</sup> reading:

19 **ORDINANCE NO. 19-04**

20 **AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE**  
21 **CITY OF HOLBROOK, ARIZONA, PROPOSING AN**  
22 **AMENDMENT TO ARTICLE IV, SECTION 4.01(a) OF THE**  
23 **CHARTER OF THE CITY OF HOLBROOK AND SUBMITTING**

1                   **SAID PROPOSED AMENDMENT TO THE QUALIFIED**  
2                   **ELECTORS OF THE CITY FOR RATIFICATION BY A**  
3                   **MAJORITY VOTE.**

4           Interim Manager Reyes stated that this is the Ordinance that was discussed at  
5           the last Council Meeting that was proposed by Councilmember Dixon. The  
6           Ordinance was drafted by the City Attorneys. Vice-Mayor Peterson asked if when  
7           the Ordinance goes to the Governor for approval does it get a rubber stamp or  
8           are there hoops that the Council has to jump through to get it approved. Interim  
9           Manager Reyes stated that on the last 3 revisions that have been done to the  
10          Charter she simply sent it to the Governor and a month later they came back  
11          saying that it has been approved.

12          EXECUTIVE SESSION:

13          Councilmember Dixon made a motion to adjourn into Executive Session.

14          Councilmember Kester seconded the motion. The motion passed with the following  
15          results: Councilmember Dixon "Aye", Councilmember Kester "Aye", Councilmember  
16          Marsh "Aye", Councilmember Nilsson "Aye", Councilmember Payne "Aye", Vice-  
17          Mayor Peterson "Aye" and Mayor Cobb "Nay". Council adjourned into Executive  
18          Session at 7:44 p.m.

19          POST EXECUTIVE SESSION:

20          NONE

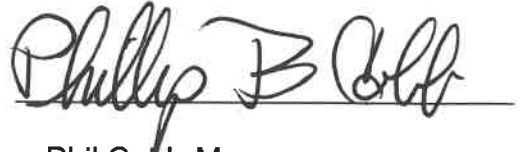
21          CALL TO THE AUDIENCE FOR ITEMS NOT ON THE AGENDA:

22          NONE

23          ADJOURNMENT:

1 The meeting was adjourned at 8:10 p.m.

2



Phil Cobb-Mayor

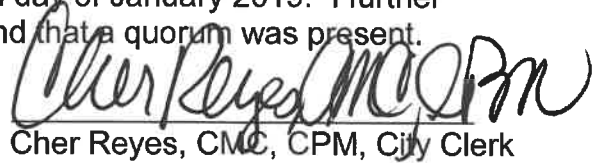
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4 **CERTIFICATION:**

5 I hereby certify that the foregoing minutes are a true and correct copy of the minutes of  
6 the Holbrook City Council Meeting held on the 22th day of January 2019. I further  
7 certify that the meeting was duly called and held and that a quorum was present.

8

9



Cher Reyes, CMC, CPM, City Clerk

10

11

12