

PRESCOTT CITY COUNCIL
REGULAR COUNCIL MEETING
PRESCOTT, ARIZONA
APRIL 25, 2006

A REGULAR MEETING OF THE PRESCOTT CITY COUNCIL WAS HELD ON TUESDAY, APRIL 25, 2006, in the Prescott Municipal Building, 201 S. Cortez Street, Prescott, Arizona.

Mayor Simmons opened the meeting at 3:00 P.M. and led the Pledge of Allegiance.

Mayor Simmons asked City Clerk Elizabeth Burke to call the roll, which was as follows:

Present:

Mayor Simmons
Councilman Bell
Councilman Blair
Councilman Lamerson
Councilman Luzius
Councilman Roecker
Councilwoman Suttles

Absent:

None

SUMMARY OF CURRENT OR RECENT EVENTS

Manager Steve Norwood read an e-mail from an employee of the Prescott Fire Department who was currently stationed with the Marines in Iraq.

I. PUBLIC COMMENT:

A. Tom Pettit to report on Open Space Alliance.

Ashley Fine, 207 Congress Avenue, and Treasurer of the Open Space Alliance, gave the presentation as Mr. Pettit could not attend today's meeting.

Ms. Fine said 2005 was a very successful year; their membership was increasing and was made up of organizations, individuals and businesses; they put on the Community Earth Day event this past week and had over 1,000 people in attendance; and they held many events throughout the year. Dues were \$10 per individual and \$25 for a business or organization and she would leave some brochures.

Ms. Fine presented some recommendations from the Open Space Alliance:

- to fund a Trails and Open Space Coordinator position;
- to increase the open space maintenance budget; and
- to increase the Open Space Acquisition fund (to purchase properties sooner rather than later).

II. PROCLAMATIONS

A. April 23–29, 2006 – National Volunteer Week

Councilman Bell read the proclamation and presented it to Lori Carlson of the Prescott Preservation Commission and to the Police Department Cops on Patrol volunteers.

Mayor Simmons remarked volunteerism was phenomenal in this community.

B. May 2006 – Historic Preservation Month

Councilman Roecker read the proclamation and presented it to Lori Carlson of the Prescott Preservation Commission.

Lori Carlson accepted the proclamation and asked the Council to keep preserving Prescott.

III. PRESENTATIONS:

A. Introduction of New Businesses.

Sam Walchons, Director of Membership and Marketing for Prescott Chamber of Commerce and representing the Prescott Ambassadors introduced the following new businesses:

1. Gizie McGee's Deli -208 W. Gurley Street
2. Paleo West Solutions (Archeological consultant) - 126 N. Marina Street
3. Powersource International – Management consultant
4. Yoga Shala – 322 W. Gurley Street - classes 7 days a week
5. Freedom Fitness, Walker Road, locally owned; not a franchise.

B. Economic Development Update.

Economic Development Director Jane Bristol gave a brief update on the Workforce Availability Report and wage/benefit report.

The Workforce Availability Study was updated every two years and the expenses were shared with Yavapai College, Chino Valley and Prescott Valley and Prescott's share was approximately \$6,000 of the \$25,000 cost.

By the Numbers

- "Labor Shed" has 123,900 households and labor force of 57,900.
- Telephone surveys conducted using random sample of qualified respondents.

		In Enterprise Zone
Underemployed	4,300	882
Unemployed	2,100	448
Not Working	700	141
Total Available	7,100	1,471

Pay Rates Desired

- Desired pay rates were reasonable relative to their existing pay rates.
 - Median current pay: \$12.83/hour
 - Median desired pay: \$15.26/hour
- About 25% of underemployed workers would take a new job for \$11.51/hour or less.
- The most qualified and experienced would command \$20.35/hour or more.

Other Data Collected

- Desired pay rates by skill level
- Demographics of Underemployed
 - Age, gender, length of time in current job, commuting distance, education, etc.
 - Largest employment sector currently seeking other job opportunities is sales/services (22%)
- Experience and skills of underemployed
- Employers views of workforce

Wage and Fringe Benefits Survey

- Completed with Workforce Availability Report
- Data used to quantify wages and benefits paid in labor shed
 - Educate new employers
 - Help existing employers stay competitive

Participation

- 57 companies representing 8,700 workers
- 16 companies reported 21-40 employees
- 7 companies reported 250 or more
- Economic impact:

Annual Local Income	\$560 million
Local Annual Retail Sales	\$292 million
Additional Bank Deposits	\$215 million

Sample Wages:

Title	2006	2004	2002
Assembler	\$12.64	\$12.15	\$ 8.53
Engineer	\$33.18	\$19.23	N/A
Janitor	\$ 9.71	\$ 9.16	\$ 8.53
Shipping/Receiving Clerk	\$12.09	\$10.18	\$ 9.39
Executive Secretary	\$16.99	\$15.32	\$14.67
Dishwasher	\$ 7.26	N/A	N/A
Registered Nurse	\$29.75	\$25.26	N/A
Teacher	\$25.97	\$19.81	N/A

Business Retention/Expansion Survey

- Partnered with APS and Prescott Chamber of Commerce
- Focused on major employers, small business, and services

Major Findings:

- 52% plan to expand next 3 years
 - Capital Investment \$103 million
 - New jobs created.....838
 - New space created.....660,000 sf

Strengths

- Workforce, climate, proximity to Phoenix, quality growth, financial institutions

Weaknesses

- Freight costs, infrastructure, public transit, airline passenger service, high costs for business, workforce housing.

Azprospector.com website contained information from around the State if someone was looking for an industrial building they could pull up an interactive map of locations, listing, basic information, for sale or lease, demographic report around the site (one, three, ten mile radius/population, current and projected/a breakdown of age, etc.).

C. Presentation on Stormwater Management Phase II Small MS4 Implementation by WestLand Resources.

Senior Engineer Dale Wachs explained the city hired WestLand Resources to prepare a report regarding Stormwater Management and Kathy Whittman would give the presentation.

The following information was presented:

Acronyms:

- MS4 – Municipal Separate Storm Sewer Systems
- CWA – Clean Waer Act
- NPDES - National Pollutant Discharge Elimination System
- AZPDES – Arizona Pollutant Discharge Elimination System
- NOI – Notice of Intent
- BMP – Best Management Practice
- SWPPP – Stormwater Pollution Prevention Plan (for construction)
- SWMP – Stormwater Management Program (for MS4s)

AZPDES = NPDES in Arizona

- CWA requires NPDES permit to discharge to waters of the U.S.
- EPA delegated ADEZ to administer the NPDES program in Arizona (Dec 2002)
- Arizona Pollutant Discharge Elimination System (AZPDES)

3 types of permits – Stormwater permits; Individual Discharge permits; Other General Permits

9th Circuit Court Decision

- 8/22/05: the 9th Circuit Court of Appeals issued a decision in the matter of the Defenders of Wildlife v. U.S. Environmental Protection Agency.
- The decision vacates and remands EPA’s delegation of AZPDES program to Arizona
 - Endangered Species Act Section 7 review required by federal agencies but not by state agencies
- Unless and until the 9th Circuit issues an order to vacate and remand the AZPDES program to EPA, the decision is not in effect.

Phase I MS4s

- Medium and Large MS4s
- Population > 100,000
- 8 in Arizona
- Individual Permits written by EPA
- Currently being re-issued by ADEQ
- Must develop SWMP

Phase II MS4s

- Regulated Small MS4s
- In Urbanized Areas
- 43 in Arizona
- Must develop SWMP

What are the Phase II Small MS4 Program Requirements?

- Operators of Regulated Small MS4s are Required to Design Their Programs to:
 - Reduce the discharge of pollutants to the :maximum extent practicable” (MEP);
 - Protect water quality; and
 - Satisfy the appropriate water quality requirement of the Clean Water Act.

Implementation of the MEP standard will typically require the development and implementation of BMPs and the achievement of measurable goals to satisfy each of the six minimum control measures.

Common Pollutants in Stormwater:

- Sediment
- Nutrients (phosphorus and nitrogen)
- Oxygen demand
- Bacteria
- Trash
- Road salts
- Oil and grease
- Metals
- Heat
- Pesticides and herbicides

Six MS4 Program Elements

1. Public Education and Outreach

Prescott's Planned BMPs

- Utility Bill Inserts – “Make the Connection” brochure
- Explore partnership opportunities
- Website information
- Outreach to homeowners (e.g. City Page)
- Outreach to businesses

Prescott's BMP Status

- 16,000 brochures handed out at City Fair and direct public utility bill mailing
- Updated web information
- Identified target businesses (car washes, dry cleaners, etc.)
Protect water from runoff pollution. Will have to change the LDC.

Six MS4 Program Elements –

1. Public Education and Outreach

Example Studies

Educating Pet Owners in Austin, TX:

- Watershed Protection and Development Review Department and Parks and Recreation Department have joined forces to help clean up parks and trails through the Scoop the Poop program, which provides Mutt Mitt dispensers in many of the popular parks

Educating Children in Marana, AZ:

- The Town of Marana has enlisted Marana High School art students to develop a coloring book with a clean stormwater theme for the Town's elementary-age students.

Teacher Outreach in Boulder, CO:

- Training materials for classroom exercises were developed under the City's WASH (Watershed Approach to Stream Health) program.

2. Public Participation/Involvement

Prescott's Planned BMPs

- Public Notice/Public Meeting
- Establish the AZPDES SWMP Steering Committee
- Provide Volunteer Opportunities

Prescott's BMP Status

- Hosted a stormwater information booth at the City Fair
- Reinitiate this effort once program groundwork is in place including clarifying partnerships; steering, advisory, and volunteer committees.

Example Studies

Adopt a Wash Program in Oro Valley:

- Approximately 17 reaches of major washes in the Town of Oro Valley have been adopted by community members for regular cleanup and illegal dumping monitoring.

Workshops in Atlanta, GA

- The Clean Water Campaign offers a series of popular workshops in partnership with the University of Georgia Cooperative Extension Service and other agencies. These workshops have been instrumental in educating members of the public and encouraging them to reduce stormwater pollution. In addition, the Clean Water Campaign's comprehensive Web site, in English and Spanish, details how to reduce stormwater pollution around the home and on the job.

3. Illicit Discharge Detection and Elimination

Prescott's Planned BMPs

- Map Storm Sewer System (25% per year)
- Develop Ordinance for Illicit Discharge Detection and Elimination
- Implement detection and elimination program (distribution of materials to various sectors, inspections)

Prescott's BMP Status

- The City maintains a GIS map of the storm drain system, but a large-scale topo mapping project has been delayed
- Once City ordinance is in place an illicit discharge training program can be initiated.

Example Studies

Commercial and Industrial Site Inspections in Michigan:

- The Wayne County, Michigan, Department of Environment conducted an investigation of 5,753 nonresidential facilities from 1987 to the present to detect and eliminate illicit connections and illicit discharges.

Look for failing septic systems in Ohio:

- For more than 10 years, the Cuyahoga County Board of Health has implemented a program to permit and inspect septic systems (onsite wastewater treatment systems) to reduce the number of failing systems in operation, thereby reducing flows of inadequately treated household sewage to storm drain systems and receiving waters.

4. Construction Site Runoff Control

Prescott's Planned BMPs

- Ordinance requiring erosion and sediment control at construction sites
- Construction site brochure
- Public reporting hotline

Prescott's BMP Status

- A permanent illicit discharge hotline was established and published the information on the City web page
- Developed construction site brochure
- Once City ordinance is in place a public education brochure or flyer will be distributed to permit applicants.

Example Studies

Comprehensive Erosion Control Permit Program in Colorado:

- To address a spiraling County growth rate, the Douglas County Construction Site Runoff Control Program developed a successful permit review, issuance and inspection process, and wrote a comprehensive Grading, Erosion and Sediment Control manual.

Information to Yavapai County Development Services:

- Developed a manual to provide stormwater management and Construction General Permit guidance with Drainage Control Manual for developers.

5. Post-Construction Runoff Control

Prescott's Planned BMPs

- Evaluate and Update Ordinances and Guidance Documents
- Evaluate Plan Review procedures and inspection programs.

- Evaluate and Identify Structural BMPs Specific for Prescott

Prescott's BMP Status

- A training program for applicable public works staff is planned for 6/06
- Once City ordinance is in place guidance documents can be updated.

Example Studies:

Creating New Development Standards in Los Angeles:

- Since 2002, the Los Angeles permittees have developed specific standards for controlling stormwater runoff from new development and redevelopment projects. Projects are required to develop "standards urban stormwater mitigation plans" or SUSMPs to reduce the quantity and improve the quality of stormwater runoff that leaves the site.

Championing low-impact development in Maryland:

- For more than ten years Pring George's County has been a leader in implementing and developing guidance on lot-level best management practices to control stormwater and restore predevelopment hydrologic functions to urban and suburban systems.

6. Pollution Prevention/Good Housekeeping

Prescott's Planned BMPs

- Evaluate current source controls at municipal operations
- Develop Pollution Prevention/Good Housekeeping Training
- Consider additional BMPs for implementation

Prescott's BMP Status

- The City has identified public works maintenance facility and wastewater treatment plant for inspection to determine sufficiency of existing stormwater source controls
- A training program for appropriate public works staff is being developed

Example Studies:

Comprehensive Pollution Prevention Program for City employees in Phoenix:

- The City of Phoenix is implementing a program to continually educate employees about pollution prevention practices for the City's municipal operations and has formalized citywide policies that give high priority to pollution prevention and waste reduction in city operations.

Implementing Model Municipal Activities Program in Orange County:

- The Municipal Activities Program provides the framework for managing municipal operations such as: reducing the adverse impacts that municipal activities may have on water quality; and monitoring and responding to problems as they occur.

Prescott had made progress in the first 2-1/2 years of the 5 year program but there was still a lot to be done in the areas of public education and outreach and public involvement.

IV. CONSENT AGENDA

Councilman Suttles MOVED to ADOPT the Consent Agenda, Items IV-A through IV-H., which was SECONDED by Councilman Roecker. The motion passed unanimously.

- A. Adopt Resolution No. 3750 - A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona accepting grant funding from the Governor's Office of Highway Safety (GOHS) in the amount of \$5,000.00 for continued participation in the Occupant Protection Enforcement Program "Click it or Ticket".**
- B. Award a contract to Asphalt Paving & Supply, Inc. for construction of paving improvements on three alley segments, in the amount of \$301,500.50.**
- C. Award a bid for purchase and delivery of a vertical turbine pump for the Chino Valley Water Production Facility from Pump Systems, Inc. in the amount of \$30,992.50.**
- D. Approve Revision of Plat for Savage Mountain Subdivision, creating three lots from one located at 1797 Savage Lane, subject to the condition that the lot width requirement for parcel 6C be waived, RE06-005.**
- E. Approve Amendment #1 to Contract 04-218 with HDR Engineering Inc. for the Transfer Station expansion in the amount of \$90,000.00.**
- F. Award bid for one 2006, F250, 4x4 pickup with emergency response package to Five Star Ford, State Contract #45-AD040004, not to exceed \$27,135.80 which includes tax.**
- G. Amendments to the Land Development Code.**
 1. Adopt Resolution No. 3751 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, declaring as a

public record that certain document filed with the City Clerk and entitled “*The April 2006 Amendments to the City of Prescott Land Development Code Dated July 1, 2003.*”

2. Adopt Ordinance No. 4537 – An ordinance of the City of Prescott, Yavapai County, Arizona relating to the City of Prescott Land Development Code dated July 1, 2003; adopting “*The April 2006 Amendments to the City of Prescott Land Development Code Dated July 1, 2003*” by reference, and providing penalties for the violation thereof.

H. Approve Minutes of the Prescott City Council Study Session of April 4, 2006; the Prescott City Council Special Meeting of April 11, 2006; and the Prescott City Council Regular Meeting of April 11, 2006.

V. REGULAR AGENDA

A. Public Hearing and consideration of a liquor license application from Alfie Ware, Agent for Prescott Capital Corporation, for the location transfer of a Series 09, Liquor Store License, for Liquor Barn to be located at 405 West Goodwin Street.

City Clerk Elizabeth Burke reported this was an application for the location transfer of a Series 9, Liquor Store License, for the Liquor Barn which was proposing to move their current business located at 402 W. Goodwin Street to 405 W. Goodwin Street; the property was posted March 29 and removed April 19; a formal protest was received from John Phillips on April 17; a response and amendments to the liquor license application were received from Mr. Ware showing a drawing to move the interior wall to meet the 300 foot requirement; Council requested information from the school district regarding their action on moving the fence; a formal protest was received from the school district April 24; the Community Development Department had responded to the traffic and parking issues showing no additional parking was required and Mr. Ware was going to unload trucks on the west side of the building, not in the street; the Public Hearing was being held today and Council would make a recommendation that would be forwarded to the State.

Mayor Simmons announced John Phillips of Goodwin Street Pharmacy had called him and had withdrawn his protest.

Council questions, concerns and clarifications:

- Mr. Ware could move an interior wall which would give him the 300’ distance he needed to be from the school recreational area. The measurement was from the premises wall not an exterior wall due to many stores being located within a shopping center or structure.
- A Series 9 license allowed people to purchase alcohol and leave the premises with it. (Mr. Ware commented a change in law allowed them to hold beer and wine tastings once a month.)

- Lack of parking
- Less than 300' distance from a school recreational area.
- State Liquor Department could chose to overturn the City Council decision.

Speakers:

Joan Fleming, President of the Prescott Unified School District Board - protested the move into the building at 405 W. Goodwin Street. A bus stop was nearly across the street from the proposed new site and was a transfer stop for kindergarten through seniors; there were problems with transients and student safety was a high priority and the new location compromised that.

Kevin Kapp, Prescott Unified School District Board – concurred with Ms. Fleming saying a motion to move the recreational area fence to give Mr. Ware the 300' distance required had died for lack of a motion at their meeting and it showed the Board didn't support the action.

Mary Turner, Salon Elite, 405 W. Goodwin Street – there would be a decline in her business due to people loitering and begging for money and it would chase customers away.

Rachel Turner, 405 W. Goodwin Street - was concerned for her future potential as she was trying to build a clientele; people wouldn't want to walk through the transients loitering around the Liquor Barn.

Scott Turner – his main concern was the children; parking was too small for the building; deliveries would be difficult; the parking lot could not accommodate the amount of traffic the Liquor Barn would bring in.

Alfie Ware, applicant, commented he was aware of the transient problem around the shopping center, but they came from other establishments in the shopping center; he wanted to stay in the downtown to serve their customers; they had never served minors, they carded everyone, they had a clean record for the 15 years at this location and just wanted to move to a nicer place. There wasn't a lot of parking in front of their current store and the lease had run out; there were no parking lot lights following the construction of the new Goodwin Street Pharmacy building and no security. He understood the school's concerns but if kids came in all they could buy was snacks; it was a family operation and had assisted with wine and beer tastings to help raise money for the community.

Mayor Simmons declared a conflict of interest as his wife was employed by the Prescott Unified School District and he would abstain from voting.

Councilman Suttles MOVED to CLOSE the public hearing, which was SECONDED by Councilman Bell The motion passed unanimously with Mayor Simmons abstaining.

Prescott City Councilmember Suttles asked City Attorney Gary Kidd to explain the basis on which a liquor license application could be denied. The City Attorney listed the following considerations:

1. Written comments or protests received within the 20 day posting period.
 - a. Written protest from Goodwin Street Pharmacy owner John Phillips during the 20 day posting period. The protest was withdrawn prior to the Public Hearing.
2. Testimony at the Public Hearing from anyone owning or leasing property within a one-mile radius of the property.
 - a. A written protest was received from the Prescott Unified School District after the 20 day posting period ended and prior to the Public Hearing.
 - b. Testimony from adjacent business owners and employees received at the Public Hearing.
3. Reasons for recommending disapproval of a liquor license application could include:
 - a. The number and series of licenses in close proximity.
 - b. Evidence that all necessary licenses and permits had been obtained from the state and all other governing bodies.
 - c. The residential and commercial population of the community and its likelihood of increasing, decreasing or remaining static.
 - d. Residential and commercial population density in close proximity.
 - e. Evidence concerning the nature of the proposed business, its potential market, and its likely customers.
 - f. Effect on vehicular traffic in close proximity.
 - g. The compatibility of the proposed business with other activity in close proximity.
 - h. The effect or impact of the proposed premises on businesses or the residential neighborhood whose activities might be affected by granting the license.
 - i. The history for the past five years of liquor violations and reported criminal activity at the proposed premises provided that the applicant has received a detailed report of such activity at least 20 days before the hearing by the Board.
 - j. Comparison of the hours of operation of the proposed premises to the existing businesses in close proximity.

Other considerations:

- a. The public convenience would not be served by issuance of the license, giving specific reasons. Note: no specific reasons were given.
- b. The best interests of the community would not be served by the issuance of the license, giving specific reasons. Note: no specific reasons were given.

Mayor Simmons declared a conflict of interest as his wife worked for the Prescott School District and abstained from voting.

Councilman Lamerson MOVED to DENY State Liquor License Application No. 09130020, for the location transfer of a Series 09, Liquor Store License for Alfie Ware, Agent for Prescott Capital Corporation, for Liquor Barn to be located at 405 West Goodwin Street, stating the reasons for such denial as those listed by City Attorney Kidd, which was SECONDED by Councilman Luzius. The motion passed unanimously with Mayor Simmons abstaining.

B. Implementation of treatment for compliance with the new EPA standard for arsenic in drinking water –

Councilman Lamerson announced he had been working with Congressman Rick Renzi on some possible new legislation and he wished to delay voting on the four items.

Councilman Roecker MOVED to DEFER the four items due to pending legislation in Washington until the City Manager brings them back to Council, which was SECONDED by Councilman Lamerson. The motion carried unanimously.

1. Approve implementation of the Action Plan to design, permit, and construct arsenic treatment at the Chino Valley Water Production Facility;
2. Approve Supplemental Agreement No. 2 to Contract #04-273 with DSWA (Damon S. Williams Associates) in the amount of \$254,890.00 for additional design services and preparation of packages for advanced procurement of long lead-time items; and
3. Award contract with PinnacleOne, Inc., in the amount of \$227,000.00 for design phase project management services.
4. Award contract for Construction Manager at Risk preconstruction services for Chino Forebay Water (Arsenic) Treatment Facility to McCarthy Building Companies, Inc. in the amount of \$368,118.00.

VI. ADJOURNMENT

There being no further business to come before the Prescott City Council, Mayor Simmons ADJOURNED the meeting at 5:01 P.M.

ROWLE P. SIMMONS, Mayor

ATTEST:

ELIZABETH A. BURKE, City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the City Council of the City of Prescott, Arizona held on the 25th day of April, 2006. I further certify the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____, 2006.

AFFIX
CITY SEAL

ELIZABETH A. BURKE, City Clerk