

PRESCOTT CITY COUNCIL
COUNCIL STUDY SESSION
PRESCOTT, ARIZONA
AUGUST 15, 2006

A STUDY SESSION OF THE PRESCOTT CITY COUNCIL WAS HELD ON TUESDAY, AUGUST 15, 2006, in the Prescott Municipal Building, 201 S. Cortez Street, Prescott, Arizona.

Mayor Simmons opened the meeting at 3:00 P.M. and 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 announced the Yavapai Food Bank was in desperate need of food and the City would be aggressively accepting donations for the next two weeks; employees and the public could bring in non-perishable food to City Hall and there would be collection boxes available in the lobby.

Councilman Luzius remarked the Arizona Shakespeare Festival was over and there were some great performances; everyone should plan on attending next year.

I. PUBLIC COMMENTS:

A. Eric Bewley re Prescott High School Badger Football season

Eric Bewley from the Badgers Booster Club said they were all excited this year as the team was made up of undefeated freshmen and there was even a soccer player from Brazil playing this year; there was a new Badger merchandise line and he presented the Council with hats and t-shirts; they had an on-line store, a photo gallery, and other school information on their website; he thanked Council for bringing families into Prescott and raising school attendance by 4%.

Mr. Bewley requested the football banner be strung between the Hassayampa Inn and Elks Opera House each Friday before a game; and concluded saying the kids did a great job of representing Prescott.

Mayor Simmons commented he understood this was Eric's last year to come to Council to do this presentation and he commended Eric for doing a great job and being the representative for the Badger Booster Club.

B. Mike Vax re Prescott Jazz Summit

Mike Vax remarked music was an important part of education, as was sports; he provided two complimentary tickets to the Mayor and each of the Council for the Jazz Summit that would be held August 25-27; each year they have a bigger turnout and 150 music students attended last year and it was fun to watch the professionals from all over the United States work with the kids; on Saturday afternoon there would be performances by five high school jazz bands at the Ruth Street Theatre; a free concert would be held on Friday at noon on the Courthouse Square and the event concluded at the Elks Opera House Theater on Sunday; he hoped the Mayor and Council would attend and those in the audience; he hoped more events would be done at the Elks Theater as it was a great venue; he had recently attended the Arizona Review and they had all types of music in their show and it was very entertaining. He thanked Councilman Bell for providing a quality show for the community to see.

II. DISCUSSION ITEMS

A. Authorization of payment to Dell, Inc. in the amount of \$39,291.02 to purchase 33 new computers for the downtown library.

Recreation Services Director Jim McCasland explained the Prescott Public Library was getting closer to reopening and new computers for public use were needed. This request was to purchase 33 computers from Dell, Inc. in the amount of \$39,291.02.

Councilwoman Suttles asked why the money came from the Yavapai County Library District Property Tax funds and Mr. McCasland responded the County collected a library district tax and the proposed expenditure was from Prescott's share of the tax.

B. Ken Lindley Field Tennis Courts

1. Award of playing surface bid in the amount of \$62,936.00 to General Acrylics.
2. Award contract in the amount of \$30,188.00 to American Fence.

Recreation Services Director Jim McCasland explained the project included the removal and installation of new synthetic fabric at the Ken Lindley Field tennis courts, as well as new net posts and tennis nets; one bid was received from General Acrylics of Phoenix in the amount of \$62,936 and they installed the first phase of the project in FY05; the second project to be done was to remove and replace the fencing around the courts.

Councilwoman Suttles asked how the current costs compared to the first phase and Mr. McCasland replied the first phase was slightly less than this bid but inflation had to be factored in; the courts were installed in 1984 and this surface seemed to work very well.

Councilman Blair asked about the second action for Council relating to the removal of the chainlink fence and the installation of new chainlink fencing and Mr. McCasland said the fencing removal and installation would be done by American Fence of Prescott Valley through the State of Arizona Purchasing Contract.

Councilman Lamerson asked for clarification of whether the total price was \$62,936 or \$93,000 and Mr. McCasland said they were separate projects and one could be done without the other being done.

C. Authorization of staff to enter into a contract with 3D/International for design and construction services of a ten-acre park in an amount not to exceed \$781,000.00.

Recreation Services Director Jim McCasland explained the Development Agreement with M³ for Prescott Lakes included the dedication of a ten-acre park to be developed by the City; a plan was developed in 2002 and the City had to wait for the infrastructure to be put in place; the engineering and development of the park were combined into one project and the estimated maximum cost was \$781,000.

Councilman Blair asked to see the proposed improvements and Mr. McCasland presented an overhead of the proposed project; it would have one entrance and exit, basketball courts, two restrooms, parking lot, trailhead to the Vista Park, landscaping, and more.

Councilwoman Suttles inquired whether more employees would be hired and asked about the Parks and Recreation Master Plan that would be done soon. Mr. McCasland replied no new employees would be hired and the Park Master Plan was currently in the preliminary stage; this 10-acre site as well as the 19-acre site of the Adult Center had been planned for 10 years; this park was included in the original development agreement with Prescott Lakes in 1992 or 1993.

Councilman Lamerson asked why City employees couldn't do this work and if there was a big rush to get this done as that the \$781,000 could be used for streets. Mr. McCasland replied parks employees were already very busy and the money came out of the Park Impact Fees which was derived from building permits and the Prescott Lakes development had contributed a lot of the money in this fund which could not be used for streets.

Jack Wilson, 1514 Eagle Ridge Road, asked if the park would be a public park and Mr. McCasland replied it would be public and could be accessed from Samaritan Way or Sarafina Drive.

Mr. Wilson asked why the project wasn't bid and Mr. McCasland responded the City had a contract with the Mohave Educational Service Cooperative and this project would be done under the job order contracting program. The work would be performed by local contractors who were familiar with local working conditions and costs could be controlled better under this job order contracting system.

Manager Steve Norwood added it was similar to the Construction Manager at Risk concept.

D. Authorization of issuance of purchase order to Mohave Educational Services Cooperative in the amount of \$189,809.37 for construction of sidewalk enhancements along the north side of Goodwin Street between McCormick Street and Summit Avenue

Engineering Services Director Mark Nietupski explained the project would include concrete curb and gutter, sidewalk and installation of decorative street lights along the north side of Goodwin Street between McCormick Street and Summit Avenue and would provide a continuation of the existing streetscape theme within the downtown area. One driveway onto Goodwin Street would be eliminated; a parkway area between the sidewalk and property line would be created and the adjacent property owner would landscape this area and maintain it. The project would be contracted through the Mohave Educational Services Cooperative and the cost estimate was \$189,809.37, which would come from the 1% Street Fund. The project was planned but mistakenly omitted during the budgeting process this year and as some money was saved on the recent overlay project staff would like to get the project done; the project would use local contractors and could be started soon and probably finished in October.

Councilman Lamerson asked why Willow Creek Road was part of the chip seal project as it was a new road and Mr. Nietupski replied the ACFC was a pavement preservative product and additional sections of Willow Creek Road would be done each year.

Councilwoman Suttles remarked this was in front of the Goodwin Street Plaza and asked if the other side of the street would be done and Mr. Nietupski replied

there was no sidewalk on that side of the street. There were discussions with Sharlot Hall Museum to make some improvements to Beach Avenue between the Goodwin Street Plaza and Sharlot Hall Museum, and more improvements were planned for McCormick Street and on Goodwin Street in the future.

Councilman Luzius asked how much the decorative street lights cost and Mr. Nietupski replied he could get that answer by next week; the City was furnishing the lights.

E. Adoption of Ordinance No. 4550 - dedication of right-of-way north of Sierry Peaks Drive and west of Downer Trail.

Engineering Services Director Mark Nietupski explained the dedication of right-of-way was a requirement of the development agreement adopted by Resolution No. 3746 for construction of the East/West Connector from Sierry Peaks Drive/Downer Trail intersection to Gail Gardner Way; and the dedication was being made by Morgan Reserve, L.L.C., at no cost to the City.

Mayor Simons asked if the right-of-way would be 50-feet on each side and Mr. Nietupski replied the property was actually a triangular piece that would allow for a T-type intersection.

F. Authorization of purchase of an aerial lift (bucket) truck for street maintenance and operations from Terex Utilities in the total amount of \$61,968.00 as detailed by their proposal dated August 2, 2006.

Public Works Director Craig McConnell explained the bucket truck would be used for tree trimming, putting up Christmas banners, and the Parks and Recreation Department could use it for their lighting needs; it was a budgeted item; the Traffic Signal Crew had a smaller truck with a 45' maximum reach; this truck would have a 55' maximum working height; the truck would not be used full time initially and staff located a high quality, used vehicle; the truck would have a service life of 10 years; it had been checked out mechanically and the price of a new truck would be at least twice as much.

Councilman Blair asked how old the vehicle was and Mr. McConnell replied it was a 2000 GMC cab and chassis.

G. Approval of contract/agreement with Sigma Communications Reverse 911 for the purchase and installation of Reverse 911 hardware and software in the amount of \$57,962.72 under GSA Contract #GS-35-F-023S.

Deputy Police Chief Mike Kabbel explained this item was a contract for the purchase and installation of Reverse 911 hardware and software for use in the Prescott Regional Public Safety Communications Center and the funding was from a Homeland Security Grant accepted by Resolution No. 3725 in December 2005.

Councilman Blair asked Deputy Chief Kabbel what Reverse 911 meant and Mr. Kabbel explained it was two different things, it was a product and a company; the program utilized information already in the Emergency 911 system, specifically addresses and phone numbers, and it would automatically do emergency notifications as well as utilizing the city's GIS maps.

Deputy Chief Kabbel gave a couple of examples of how the Reverse 911 system could be utilized. The first example was a hazardous materials spill that created a plume of smoke; the GIS system would show the exact location of the smoke, tell the dispatcher who to contact first, notify residents in the area of the situation, and provide other valuable information to get a quick emergency response underway. The second example was a water main break or a large sinkhole – a message would be created and the program would automatically contact residents in the area by phone and notify them of the problem in their area. In the case of an evacuation, it would plot a map and give a list of residents in that area and also provide a list of those contacted; the system could also provide potentially life-saving instructions to the dispatcher who could then relay those instructions to an individual.

H. Homestead Subdivision:

1. Public Hearing (August 29) and Adoption of Ordinance No. 4551 - Rezoning for the proposed Homestead Subdivision from SF-35 to SF-18 on a 18.81 acre parcel located east of Senator Highway and west of Summer Field (RZ06-003).
2. Approval of **Preliminary Plat** for the Homestead Subdivision, creating 36 lots on 19.5 acres located east of Senator Highway and west of Summer Field (SP06-003).
3. Approval of **Water Service Agreement** for 12.60 acre feet with Tenney Feed & Livestock Company, Inc. the Tenney Living Trust, and Jeanine Brown for the Homestead Subdivision, located east of Senator Highway and west of Summer Field.

Community Development Director Tom Guice explained this was a three part item - the first was the public hearing scheduled for August 29; the second was to consider the preliminary plat of 36 lots on 19.5 acres; and the third was the water service agreement for 12.6 acre feet of water.

Following a query by Councilman Luzius regarding input from the public today, Mayor Simmons clarified there would be no input until the Public Hearing on the 29th, as that was the date published for the Public Hearing.

A gentleman from the audience asked to be heard today as he would not be able to attend the August 29 meeting. Mayor Simmons clarified today was not the Public Hearing and no input would be taken.

Attorney Gary Kidd reminded the Council State Statutes required a Public Hearing be noticed and the notices said the 29th and the agenda clearly stated the Public Hearing would be August 29th. If the Public Hearing was opened today it would violate State Statutes because it wasn't properly noticed that way. Written comments could be submitted to Mr. Guice if residents couldn't attend the meeting.

The gentleman asked if he could make a brief statement; Mayor Simmons said there would be no public input today because it had been published for the Public Hearing to be held on the 29th; however, he would read the gentleman's statement on the 29th if he would submit something in writing.

Mr. Guice responded to an audience member (whose comment was inaudible) that notices were sent out that the public hearing would be held on August 22nd; then the Council cancelled the August 22nd meeting and rescheduled it for August 29th and new corrected notices were then hand-delivered to residents in the surrounding areas.

Christina Johnson, 252 South Virginia Street, remarked they had received several notices from the City and others and asked Mayor Simmons what would be studied today and he replied nothing would be studied today and explained the public hearing was noticed to be held on August 29th and that was when everyone would have an opportunity to speak.

Attorney Gary Kidd repeated the Statutes required the property owners within 300 feet be notified by mail, the notice be posted and the public hearing held. All Statutes had been followed properly.

Robert Reuillard, 7848 N. Sunset Ridge in Prescott Valley, said it was clearly communicated that the 15th was the Study Session and the voting session would be the 22nd, which was later revised to the 29th. Many people had showed up today, including the Tenney's and surrounding

residents, but reiterated it had been communicated properly that the Public Hearing would be held August 29th.

Councilman Luzius commented he was not happy with the way this had been handled and suggested another notice be sent out stating that people who wanted to speak on this subject be here on the 29th; there were 20 to 30 people here today expecting to be able to talk and the City owes it to them to let them know where they should be and when.

Eric Birtic, 123 South Mt. Vernon Avenue, asked if the audience could talk at Study Sessions and Mayor Simmons responded they could talk unless it was noticed on the agenda a Public Hearing would be held on a different date, as today's agenda read.

Councilman Roecker said that if there was someone wanting to speak, and couldn't attend the 29th, they could give their comments in writing to Mr. Guice or the City Manager's secretary and those comments would be added to the Council's packet for that meeting.

Mayor Simmons added they would be publicly read at the Public Hearing.

Councilwoman Suttles proposed there may be a need to have more than one public hearing on this in which case the Council would continue the Public Hearing to another specific meeting date.

Councilman Luzius remarked collecting the letters and reading them weren't the same thing as the property owner being able to speak with the passion they felt and not being allowed to speak today was unconscionable.

I. Willow Creek Heights Subdivision:

1. Adoption of **Ordinance No. 4552** - Rezoning for the proposed Willow Creek Heights Subdivision from SF-35 to SF-18 on a 3.1 acre parcel located at 748 South Lakeview Drive (RE06-004).
2. Approval of **Preliminary Plat** for the Willow Creek Heights Subdivision, creating four lots on 3.1 acres located at 748 South Lakeview Drive (SP06-005).
3. Approval of **Water Service Agreement** for 1.40 acre feet with the Benson Family Trust for the Willow Creek Heights Subdivision, located at 748 South Lakeview Drive.

Community Development Director Tom Guice explained this was a request for rezoning, consideration of preliminary plat approval and a water service agreement at 748 South Lakeview Drive; there was an existing home on the

property; Planning and Zoning Commission voted unanimously to approve the preliminary plat and the rezoning with a suggested change to the preliminary plat that the flag lot created in the northern part identified as “not a part of this plat” be identified as Lot No. 5 with public access from the cul-de-sac.

There were no questions from Council or the audience.

J. Approval of replat revising a portion of Tract C, Prescott Airpark, Unit II, creating two lots from one, located at 6737 Corsair (RE06-022).

Community Development Director Tom Guice explained the replat would create two one-half acre lots from one one-acre lot at the Prescott Airpark, Unit II and was zoned Industrial Light.

There were no questions from the Council or the audience.

K. Adoption of Resolution No. 3761 rescinding Resolution Number 3582 and adopting a new resolution establishing and adopting a Council policy establishing application and review fees for annexations.

Community Development Director Tom Guice explained the revised new Section 3 in the proposed resolution would ensure continuity with Proposition 400.

Councilwoman Suttles asked those involved with Proposition 400 if this worked for them and Jack Wilson commented all they wanted was transparency and openness of the process.

L. Award of contract with Empire Machinery in the amount of \$44,327.26 to repair the D-9 Bulldozer for Solid Waste.

Assistant to the City Manager Laurie Hadley explained a bulldozer that had been used at the landfill and was now used for maintenance of the landfill as well as jobs at the transfer station, was 17 years old and recently had an engine malfunction. It was the only bulldozer the City owned and staff wanted to repair it instead of replacing it as a new one would cost between \$850,000 and \$1 million. Bids were received for repairs and the low bidder was Empire Machinery in Phoenix; the quote included transportation to and from their facility in Prescott as the City had no way to transport the machine.

Councilman Blair asked if there was a warranty and Ms. Hadley replied there was a one-year warranty and the City would buy a service agreement for ongoing maintenance.

M. Adoption of Resolution No. 3770 authorizing an amendment to the Intergovernmental Agreement with Yavapai County for the tire collection yard.

Assistant to the City Manager Laurie Hadley explained an amendment to the Intergovernmental Agreement with Yavapai County for a Waste Tire Collection Site was necessary; the agreement was entered into 10 years with the County leasing land adjacent to the transfer station; the land was now needed for the transfer station expansion project and the tire collection site was being moved further south on Sundog Ranch Road; the Board of Supervisors had already approved this; and everything else in the agreement would remain the same.

Councilwoman Suttles asked how long the tires were held, who picked them up and if they were recycled. Ms. Hadley responded the County was required to have this service under State Statutes; an authorized tire dealer took the tires; and the City received a small amount of rent for the land.

N. Approval of Minutes of the Prescott City Council Study Session of August 1, 2006 and the Prescott City Council Regular Meeting of August 8, 2006.

O. Selection of items to be placed on the Consent Agenda for the Regular Voting Meeting of August 29, 2006 (rescheduled from August 22, 2006).

Councilman Roecker presented the Consent Agenda Items: all but Item H was placed on the Consent Agenda.

III. ADJOURNMENT

There being no further business to come before the Prescott City Council, Mayor Simmons ADJOURNED the meeting at 4:19 P.M.

ROWLE P. SIMMONS, Mayor

ATTEST:

ELIZABETH A. BURKE, City Clerk