

PRESCOTT CITY COUNCIL
REGULAR COUNCIL MEETING
PRESCOTT, ARIZONA
AUGUST 8, 2006

A REGULAR VOTING MEETING OF THE PRESCOTT CITY COUNCIL WAS HELD ON TUESDAY, AUGUST 8, 2006, in the Prescott Municipal Building, 201 S. Cortez Street, Prescott, Arizona.

Mayor Simmons opened the meeting at 3:00 P.M. and asked Councilman Luzius to lead 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 announced the title and deed to the property on Montezuma Street for the downtown fire station were in the City's name and there were some final escrow issues as far as the cleanup of the property was concerned. Staff hoped to get a Request for Proposals out in 30 days for the design of the new fire station and it had been a high priority of the Council to get this done.

I. PUBLIC COMMENTS:

A. Bob Park (Veterans for Secure Borders) – Immigration Issues; Solutions not Problems.

Mr. Park explained to the Council there were local and State laws the City could use in looking at the illegal immigrant situation that so many cities and states were facing and it would take local communities working together to have an impact.

Councilman Lamerson inquired about environmental damage and Mr. Park replied Lake Pleasant was a good example where the Minutemen Project and Hunters Who Care got together and cleaned up the trash. The desert areas along the border were especially littered with trash.

Councilman Roecker commented he had met with Mr. Park and was very impressed; Mr. Park had a lot of data and the City could learn a lot from him and he could help with its problem.

II. PRESENTATIONS

A. Dallas Hammit, ADOT Prescott District Engineer, re State Route 69.

Mr. Hammit commented he had been the district engineer for one year now. He said that a Hazard Elimination Study had been done on State Route 69 (SR69) and there was a Federal program where State agencies could look up a safety study done in a specific area, but it was not a public document.

Mayor Simmons asked why it wasn't a public document and Mr. Hammit replied the information gathered was protected from discovery and that was part of the Federal legislation; the study was done between Milepost 290 to 292 from Stoneridge Boulevard to Sunrise Boulevard; they looked for patterns in the accidents; for each study there was \$3 million available to tap from to make improvements to those areas.

Mr. Hammit presented the following information:

SR 69 Hazard Elimination Study Overview

A Hazard Elimination Study (HES) was performed on the section of State Route 69 between mile posts 290 and 292. This is a four-lane roadway with a yellow painted median. There exist seven crossroads within the study section, all are stop controlled. The posted speed limit in this area is 55 miles per hour.

There have been a total of 126 reported collisions in this section between October 2000 and October 2005. (Six collisions involved fatalities and 35 involved injury or possible injury).

Of the six fatal collisions, four were crossover collisions and two angle/left turn collisions. Three of the four crossover collisions listed drugs or DUI as a contributing factor, the other listed reckless driving as a contributing factor.

A thorough review of the Arizona Traffic Accident Report indicated six collision types. These collision types are:

- 1. Rear End Collisions: 37 collisions (29%)*
- 2. Median Crossover Collisions: 23 collisions (18%)*
- 3. Angle/Left Turn Collisions: 22 collisions (17%)*

4. Collisions Involving Deer: 22 collisions (17%)
5. Run Off Roadway Collisions: 5 collisions (4%)
6. Other Collisions: 17 collisions (13%)

The following table lists the potential mitigation measures for the type of collision with pros and cons for each.

Collision Type	Potential Measure	Pros	Cons/Inapplicability to Study Area
Rear End	Reflective Signing	<ul style="list-style-type: none"> • Warns motorists of roadway conditions 	<ul style="list-style-type: none"> • No discernible darkness pattern in collisions • May increase fixed object collision
Run Off Roadway	Longitudinal Rumble Strips	<ul style="list-style-type: none"> • Alerts inattentive drivers. • Mitigates some run-off-road collisions 	<ul style="list-style-type: none"> • Noise
Median Cross Over	Centerline Rumble Strips	<ul style="list-style-type: none"> • Alerts inattentive drivers • Mitigates some crossing over center line type collisions 	<ul style="list-style-type: none"> • Mitigates some collisions involving inattentive driver
	Recessed Pavement Markings	<ul style="list-style-type: none"> • Illuminates travel lanes 	<ul style="list-style-type: none"> • No discernible darkness pattern in collisions
	High Tension Cable Median Barrier	<ul style="list-style-type: none"> • Eliminates conflicting movements at minor roads • Mitigates crossover collisions • Reduces severity of collisions • Easy to install and uninstall • Restricts access 	<ul style="list-style-type: none"> • High maintenance cost • Intersection widening needed • Fixed object collision frequency may increase • Emergency vehicle response time increases • Impacts operation of existing signalized intersections • Maintenance of end treatments¹ • Restricts access • May impede snow removal
	F-Shaped Concrete	<ul style="list-style-type: none"> • Eliminates conflicting movements at minor roads • Mitigates crossover collisions • Reduces severity of collisions • Restricts access 	<ul style="list-style-type: none"> • High implementation cost • Drainage improvements necessary • Fixed object collision frequency may increase • Emergency vehicle response time increases • Impacts operation of existing signalized intersections • Maintenance of end treatments¹ • Restricts access

Left Turn/Angle	Median Islands in cross streets to restrict access to right in/right out	<ul style="list-style-type: none"> Eliminates some conflicting movements Restricts access 	<ul style="list-style-type: none"> Restricts access Impacts operation of existing signalized intersections
	Two Way left turn lane	<ul style="list-style-type: none"> Refuge for left turning vehicles Reduces the necessary intersection sight distance 	<ul style="list-style-type: none"> Requires advanced maneuvering Creates speed differential² Can introduce other types of collisions
	Traffic Signals	<ul style="list-style-type: none"> Mitigates left turn/angle collisions 	<ul style="list-style-type: none"> May increase other type of collisions
	Curbed Median	<ul style="list-style-type: none"> Mitigates left turn/angle collisions Restricts access 	<ul style="list-style-type: none"> Unable to redirect errant vehicles Does not mitigate median crossover collisions Drainage improvements necessary High implementation cost Restricts access Vaulting may occur
All	Reduction in Speed Limits	<ul style="list-style-type: none"> Lowers speed 	<ul style="list-style-type: none"> Creates speed differential² Promotes weaving Introduces other collision types
	Photo Radar	<ul style="list-style-type: none"> Enforces posted speed 	<ul style="list-style-type: none"> Does not mitigate reckless driving
<p>With the information listed above it has been determined that a concrete 32 inch F-shaped barrier in the center of the existing median would be the preferred mitigation for the median crossover and angle/left turn collisions. This barrier would be installed within the study limits with one opening. This opening would be signalized when signals warrants³ were met. Once comments are gathered on the study, ADOT is prepared to begin final design and would expect construction to begin soon after the completion of the design.</p>			
<p>^{1.} End Treatments – A protective device placed at the end of barriers to mitigate damage in the event of a collision</p>			
<p>^{2.} Speed Differential – The difference in speed between faster and slower moving traffic.</p>			
<p>^{3.} Signal Warrants – 8 warrants or tests that one or more must be met to justify the installation of a traffic signal.</p>			

Councilman Bell asked how long it would take for Federal Highway approval and he was pleased to see a recommendation. Mr. Hammit responded approval would take approximately one week; the report would be reviewed and the review process was done locally.

Mr. Hammit added the estimate was \$2.4 million for two miles and if a traffic signal was warranted it could be funded through a State-wide Signal Fund or Hazard Fund; but a signal didn't mitigate accidents.

Councilman Bell asked how long it would take for the design and Mr. Hammit replied that the design would be done fairly quickly and the project completed within the fiscal year, possibly next summer.

Councilwoman Suttles asked if more studies would be done and the project would continue into Prescott Valley and Mr. Hammit replied Prescott Valley was working on a different approach for the development expected along SR69, such as a curb median and added the barriers could be taken out as signals were warranted along the route.

B. Presentation by Representative on State Proposition No. 105, *State Trust Land*.

Bas Aja, representing the Cattleman's Association, presented the following information regarding Proposition 105:

- Both Proposition 105 and 106 were Constitutional amendments and should not be taken lightly.
- Proposition 105 had two components: (1) was a new, modern planning tool, and (2) was a mechanism for conservation for State Trust Land. Also allows for public right of way with no publication requirements.
- It allowed for the disposition of easements and public rights-of-way without advertising, auction or compensation.
- Proposition 106 allowed the bureaucrats at the Land Department to take money from the Trust; the fund which currently was designated for education and schools should remain untouched and allowed to grow for the future.
- It did not create a Board of Trustees.

C. Presentation by Representative on State Proposition No. 106, *Conserving Arizona's Future*.

Patrick Graham, State Director for The Nature Conservancy, presented the following information:

- Primary goals were to (1) conserve land for open space and protection of water sources; (2) require State Land Department to follow local plans; (3) achieve more timely disposal of State Trust Land suitable for development; and (4) increase funding for classrooms and teacher salaries.
- The initiative would reportedly designate nearly 65,000 acres of State Trust Lands within the Big Chino Subbasin and Prescott area as either permanently or provisionally reserved.
- The U.S. Congress would have to amend the Arizona-New Mexico Enabling Act by 2009 before this could be enacted.
- Proposition 105 would reduce revenues by conserving lands without compensation.

Council questions:

- Starting another layer of government with a Board of Trustees?
 - The Board would take on new responsibilities and look at the recommendations of which lands to keep and which to dispose of; these decisions had lasting impacts on the community.
- Would the Board members be volunteers?
 - Yes. Board would be appointed by the Governor and confirmed by the Senate.
- How could a Board member be removed?
 - Not sure.
- Who approves recommendations and moves into action?
 - Land Commissioner
- Does Commissioner have veto power over the Board?
 - No.
- Where does the money come from for management?
 - Money came from leases of the land or from the sale of the land.
- A percentage of sales went to maintenance. If Badger P Mountain and Glassford Hill were preserved, would there be a management plan and how would maintenance be funded?
 - Not sure.

Council comments:

- The Board should have representatives from the Counties with State Trust Lands.
- Highest and best use of the State Trust Lands should be considered as the money went to education and the property was owned by the taxpayers.
- Proposition 106 allowed spending of the principal, not just the interest. It was clarified the funds could be used to supplement the State budget and the funds would first come out of earnings, not the trust and when the trust reached \$7 billion it would come out of the principal.
- Proposition 105 was referred by the Legislature and Proposition 106 was referred by initiative.

III. CONSENT AGENDA

Mayor Simmons announced Item G was being removed from the Consent Agenda for discussion.

Councilman Roecker MOVED to APPROVE Consent Agenda Items III-A through III-F and III-H, which was SECONDED by Councilman Lamerson. The motion passed unanimously.

- A. Authorize purchase of call recorder for Police Department from Mitel in the amount of \$40,134.00, plus tax.
- B. Approve Renewal of Off-Track Pari-mutuel Wagering for Turf Paradise at Matt's Saloon, 112 S. Montezuma Street.
- C. Approve Final Plat for Centerpointe West Medical Center, located south of Centerpointe West Drive at Distinction Way, creating a new street and utility easements, FP06-006.
- D. Approve Final Plat for Prescott Vistas, 11 lots on 10 acres located north of Newport Heights, FP06-013.
- E. Approve Final Plat for the Reserve at Willow Hills, a 54 lot residential subdivision located south of Willow Lake Road and east of Lakeside Village Drive, FP06-012.
- F. Approve Final Plat for the Reserve at Willow Hills Commerce Center, a commercial subdivision containing 17 lots, located south of Willow Lake Road and east of Lakeside Village Drive, FP06-011.
- H. Approve Minutes of the Prescott City Council Workshop of July 18, 2006; the Prescott City Council Study Session/Regular Voting Meeting of July 18, 2006; the Prescott City Council Regular Meeting of July 25, 2006; and the Prescott City Council Special Meeting of August 1, 2006.

Mayor Simmons presented Item G for discussion –

- G. Adopt **Resolution No. 3761** – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, 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 language in Proposition 400 drew a distinction with annexations of over 250 acres and some under 250 if the properties were under the same ownership for 10 years or more. The new proposed fee schedule presented the question if someone

annexed 240 acres and then a couple of years later annexed 100 acres, how would that be handled as there was no fee for annexing under 250 acres and at what time would fees kick in.

Mayor Simmons commented there needed to be some harmony between Proposition 400 and the fee schedule and asked staff to come back with new annexation fees reflecting how that situation would be handled and establish a trigger to collect the fees.

Councilman Lamerson suggested having a mechanism in place for the situation when someone wanted to annex 1,000 or 2,000 acres to consider the water situation and maybe pay the fees as the property was developed.

Mr. Guice commented development plans often changed and it would be his suggestion to establish a fee on the number of acres as part of an overall planning process.

Councilman Lamerson concluded saying it was a high Council priority to annex as much land as possible to get everyone on sewer and control the development.

Attorney Gary Kidd suggested putting this on the agenda next week for discussion.

IV. REGULAR AGENDA

A. Public Hearing and consideration of a liquor license application from Brian Lowe for a Person Transfer of the Series 6, Bar, License at Brian's Irish Pub, located at 218 West Gurley Street.

Clerk Elizabeth Burke explained the public hearing was being held today; the application was a person transfer for Brian's Irish Pub; the property had been posted July 14 and no protests or comments had been received.

The applicant was in the audience.

Councilman Lamerson asked the question, unrelated to this item, why the State Liquor Board overturned Council decisions and why the Council bothered voting on them. Attorney Kidd responded State Statutes required approval or disapproval at the local level which recommendation was then forwarded to the State.

Councilman Roecker asked staff to invite someone from the State Liquor Department to address Council and explain why a local vote of denial could be overturned by the State.

Mayor Simmons redirected the Council to today's liquor license application.

Councilman Bell MOVED to CLOSE the public hearing, which was SECONDED by Councilman Roecker. The motion passed unanimously.

Councilman Bell MOVED to APPROVE the liquor license application from Brian Lowe for a Person Transfer of the Series 6, *Bar*, License at Brian's Irish Pub, located at 218 West Gurley Street, which was SECONDED by Councilman Lamerson. The motion passed unanimously.

B. Public Hearing and consideration of a liquor license application from Anna Maria Garcia, Agent for Annalina's Authentic Mexican Food, L.L.C., for a new Series 12, *Restaurant*, License for Annalina's Authentic Mexican Food, located at 126 S. Montezuma Street.

Clerk Elizabeth Burke explained the public hearing was being held today; this application was a new Series 12 Restaurant license for Annalina's Authentic Mexican Food; the property had been posted July 10 and no protests or comments had been received.

The applicant was in the audience.

Councilwoman Suttles MOVED to CLOSE the public hearing, which was SECONDED by Councilman Lamerson. The motion passed unanimously.

Councilwoman Suttles MOVED to APPROVE the liquor license application from Anna Maria Garcia, Agent for Annalina's Authentic Mexican Food, L.L.C., for a new Series 12, Restaurant, License for Annalina's Authentic Mexican Food, located at 126 S. Montezuma Street, which was SECONDED by Councilman Lamerson. The motion passed unanimously.

C. Public Hearing and consideration of a liquor license application from Benjamin Alvarez, Agent for Ben Alvarez, L.L.C., for a Series 12, Restaurant, License for Casa Alvarez to be located at 810 White Spar Road.

Clerk Elizabeth Burke explained the public hearing was being held today; the application was for a license for Casa Alvarez, to be located at 810 White Spar Road; the property had been posted July 14 and no protests or comments had been received.

The applicant was in the audience.

Councilman Luzius MOVED to CLOSE the public hearing, which was SECONDED by Councilwoman Suttles. The motion passed unanimously.

Councilman Lamerson MOVED to APPROVE the liquor license application from Benjamin Alvarez, Agent for Ben Alvarez, L.L.C., for a Series 12, Restaurant, License for Casa Alvarez to be located at 810 White Spar Road, which was SECONDED by Councilman Roecker. The motion passed unanimously.

D. Public Hearing for ANX06-001, annexing approximately 157 acres located south of Centerpointe West, (Ty Myers, Agent). (Centerpointe South)

Community Development Director Tom Guice explained the property was located east of Highway 89 in the vicinity of the Phippen Museum, owned by Ron and Laura James, and was proposed as Centerpointe South to be developed by Chamberlain Myers L.L.C. Ty Myers was in attendance today if Council had questions.

There being no public comment, Councilman Roecker MOVED to CLOSE the public hearing, which was SECONDED by Councilwoman Suttles. The motion passed unanimously.

E. Public Hearing for ANX06-002, annexing approximately 25 acres located north of Prescott Municipal Airport (Ty Myers, Agent).

Community Development Director Tom Guice explained the property was located northwest of Highway 89 on the north side of Ruger Road adjacent to the Prescott Municipal Airport; the property was owned by Ty Myers and was proposed for development as the Prescott Airport Development; signatures would be solicited beginning August 15.

There being no public comment, Councilman Roecker MOVED to CLOSE the public hearing, which was SECONDED by Councilman Bell. The motion passed unanimously.

F. Appointment of City Council representative to the Upper Verde River Watershed Protection Coalition Executive Board.

Councilwoman Suttles MOVED to APPOINT Councilman Luzius to the Upper Verde River Watershed Protection Coalition Executive Board, which was SECONDED by Councilman Bell.

Councilman Lamerson asked Councilman Luzius why he wanted to be on this committee when he had voted not to have the committee. Mr. Luzius replied the formulation of the committee had gone on for four or five months with clandestine meetings spearheaded by the County Board of Supervisors; there were violations of the Open Meeting Law and he didn't see the need for another committee. He said there was a directive from Senator John McCain stating municipalities on this side of the mountain should have representatives at the

Verde meetings; he wanted to try to keep the city on the straight and narrow so citizens knew what was going on and meetings and business should be transparent; he was qualified to be on the board and had attended numerous water meetings.

Mayor Simmons clarified the organizational meetings were not clandestine meetings and there was never a quorum present.

Councilman Luzius responded the meetings weren't publicized and Mayor Simmons said it wasn't necessary.

Councilman Blair commented Council discussed their missions and goals at the retreat at the golf course clubhouse and made the commitment without a formal vote that the waterline project be moved forward, yet Councilman Luzius didn't vote for the waterline either and he was a negative influence.

Councilman Luzius explained his vote wasn't going to stop anything.

Councilman Roecker clarified the City had not broken off their relationship with the Coalition or Verde River Partnership, but there were some details to work out.

Councilman Bell commented ADWR had told the City the only way to reach safe yield was to import water from outside the AMA and that was the City's plan; Councilman Luzius supported safe yield but voted against the pipeline project and wondered if the water would be trucked in instead and Councilman Luzius replied he wasn't against the pipeline, only against not having a mitigation plan.

Councilman Roecker called for the question.

The motion failed 1-6, with Mayor Simmons, Councilmembers Bell, Blair, Lamerson, Roecker and Suttles casting NAY votes.

Councilman Roecker MOVED to APPOINT Mayor Simmons to the Upper Verde River Watershed Protection Coalition Executive Board, which was SECONDED by Councilman Bell.

Councilman Blair suggested naming an alternate in case Mayor Simmons wasn't available to attend the meeting and Councilwoman Suttles suggested the Mayor Pro Tem and MOVED to AMEND the motion to include naming the Mayor Pro Tem as an alternate, which was SECONDED by Councilman Lamerson.

The motion to appoint Mayor Simmons and Mayor Pro Tem passed 6-1 with Councilman Luzius casting a NAY vote.

G. Authorize staff to purchase the Nature Center property for \$1,810,000.00, and to approve the purchase agreement with the Prescott Unified School District No. 1 for the purchase of said property.

Attorney Gary Kidd explained staff from the City and School District had been negotiating the purchase agreement and there was a lot of give and take on both sides; the legal department approved the agreement which would authorize the purchase of the 18 acres for open space.

Manager Steve Norwood said there was one item that had caused the School District some concern and that was in having two payments made, one by September 2006 and the second one in 2007. There would be no interest earnings and he suggested cutting one check and paying them as there was \$5 million in the Open Space Fund.

Councilman Luzius MOVED to AUTHORIZE staff to purchase the Nature Center property for \$1,810,000.00, and to approve the purchase agreement with the Prescott Unified School District No. 1 for the purchase of said property with the modification to make one payment, and authorize the Mayor and city staff to execute all necessary documents to effectuate the purchase, which was SECONDED by Councilman Lamerson.

Ed Parry, 228 Park Avenue, asked if the agreement contained any reference to the school district helping with the maintenance of the property.

It was clarified the agreement specified maintenance costs would be shared 50/50.

The motion passed unanimously.

V. ADJOURNMENT

There being no further business to come before the Prescott City Council, Mayor Simmons ADJOURNED the meeting at 5:00 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 Voting Meeting of the City Council of the City of Prescott, Arizona held on the 8th day of August, 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