

PRESCOTT CITY COUNCIL
REGULAR COUNCIL MEETING
PRESCOTT, ARIZONA
SEPTEMBER 12, 2006

A REGULAR MEETING OF THE PRESCOTT CITY COUNCIL WAS HELD ON TUESDAY, SEPTEMBER 12, 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 Roecker 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 was absent and Assistant to the City Manager Laurie Hadley reported the recent food drive to benefit Yavapai Food Bank was very successful and 1,959 pounds of food were delivered; the food drive to observe the 9-11-01 World Trade Center tragedy was held yesterday to benefit various food banks; also, a new phone system was on line in City Hall and asked the community to be patient with staff.

Mayor Rowle Simmons referred to an article in Monday's Prescott Courier regarding the induction of (Recreation Services Director) Jim McCasland into the Softball Hall of Fame which was now located at the Grace Sparkes Memorial Activity Center and Jim had quite a history in softball.

I. PUBLIC COMMENTS:

A. Mary Young re Festival of Trees.

Mary Young explained she opened Classy News at the Hotel St. Michael last year and became aware at Christmastime that there was one weekend that there were no events happening in the downtown area—the weekend following the Acker Showcase night. She discussed an idea for a Festival of Trees with David

Maurer of the Chamber of Commerce and with Becky Garvin, events coordinator for the City of Prescott and they were both interested in her idea; the Prescott Downtown Partnership handled all the paperwork for them. The idea was to pair a downtown business with a non-profit organization to decorate a Christmas tree and display it in the business and then auction it off to raise funds for that non-profit organization. The trees would be small and others large depending on the amount of display room in the business. Over 20 businesses and non-profits were signed up so far and sign-up would continue one more week. She hoped this would become an annual event.

Councilman Blair asked if there was a competition in decorating the trees and Ms. Young replied there would be various themes used in the decorating of the trees; that True Value Hardware had offered the non-profits trees at cost and 20% off decorations.

Councilman Blair said he would like to see live trees donated and decorated in city right-of-way and Ms. Young replied that could not be accomplished according to the Fire Code, and only artificial trees could be used.

B. Presentation by 4H Club to City of Prescott K9 Unit.

This item was presented at 3:33 P.M.

Allie and Abbie Boaz presented a check to Officer Ron Jacobelli in the amount of \$1,300 which represented a portion of the profits made from the sales of their 4-H animals. They said that each year they chose a charity and this year decided to donate to the City of Prescott K-9 division for dog vests or other uses.

Officer Jacobelli thanked the 6th and 7th graders and said the money would go toward a first aid kit for the dog which was greatly needed as the dog was too young yet to be fitted for a vest and the remainder of the money would be used for annual checkups at the vets.

II. PROCLAMATIONS:

A. *National Alcohol and Drug Addiction Recovery Month – September 2006*

Councilman Luzius read the proclamation and presented it to John Brackey, the General Manager for Chapter 5 and Gwen Henderson from Women in Recovery.

John Brackey invited everyone to find out what services were available in the community for those needing assistance.

B. Constitution Week – September 17 – 23, 2006

Councilman Lamerson read the proclamation and presented it to Jean Petrie, the Constitution Week Chairman and to Lee Nelson, member of the General George Crook Chapter of the Daughters of the American Revolution.

Ms. Petrie remarked President Dwight D. Eisenhower signed a public law to do a proclamation for Constitution Week each year and she urged the community to know their rights and know the Constitution.

III. CONSENT AGENDA

Mayor Simmons announced Item K was being removed from the Consent Agenda.

Councilman Luzius MOVED to ADOPT the Consent Agenda, Items III-A through III-R, excluding Item K, which was SECONDED by Councilman Bell. The motion passed unanimously.

- A. Adopt Resolution No. 3773 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona accepting a grant from the Arizona Division of Emergency Management, Homeland Security Grant Program, for funding for the Regional Communications Center emergency equipment communication upgrades and authorizing the execution of any and all documents to implement same.
- B. Approve contract/agreement with the Omega Group for the purchase of CrimeView upgrade software, installation and training services in the amount of \$25,185.00.
- C. Adopt Resolution No. 3774 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona authorizing the City of Prescott to enter into an Intergovernmental Agreement with the Yavapai County Library District to participate in resource sharing and cooperative funding to the benefit of the City of Prescott Public Library, and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.
- D. Authorize purchase turf mower, turf aerifier, and turf top dresser from Simpson Norton in the amount of \$72,118.18 for the City of Prescott Parks, Recreation and Library Department.
- E. Adopt Resolution No. 3775 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona amending Contract #140-05 to

provide for extension of the use of CDBG grant funding for contracting for and constructing homes in conjunction with Habitat for Humanity.

- F. Approve purchase of wireless mobile column lifts from Gray Professional Service Equipment, a sole source provider, in the amount of \$116,598.24, which includes freight and all applicable sales tax.
- G. Approve purchase orders to Sanderson Ford, Nelson Ford, Five Star Ford, Galpin Ford, and Mel Clayton Ford in the amount of \$70,461.50, \$97,206.69, \$53,941.98, \$288,311.50 and not to exceed \$108,000.00, respectively, for the purchase of light duty vehicles.
- H. Water Meters:
 - (1) Award contract to Mountain States Pipe and Supply Company for the purchase of water meters in the total amount of \$734,011.07 utilizing the competitively bid contract of the City of Flagstaff.
 - (2) Award contract to Metering Services, Inc., for the installation of water meters on Route No. 4 in the amount of \$111,870.00.
- I. Adopt Ordinance No. 4553 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona abandoning a portion of unused and unimproved right-of-way at the end of Second Street, north of Merritt Street.
- J. Approve Special Use Permit for a Telecommunications Site for Cingular Wireless, including the replacement of an APS Power Pole at Twin Lakes Market, 3122 N. Highway 89 (SUP06-002).
- L. Approve Final Plat for Estancia Estates comprising 5 lots on 4.98 acres, located on Brillante Lane near E. Soaring Way, zoned SF-35 (FP06-015).
- M. Adopt Resolution No. 3776 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the City of Prescott to apply for Local Transportation Assistance Grant funds and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.
- N. Adopt Ordinance No. 4554 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, extending and increasing the corporate limits of the City of Prescott by annexing properties generally located east of Highway 89 in the vicinity of the Phippen Museum, for the Centerpointe South Development, and assigning a zoning classification thereto.

- O. Award contract to Action Container Solutions for 85 front loading containers in the amount of \$59,182.18.
- P. Approve cooperative purchasing agreement with Toter Carts to purchase 840 64-gallon Green EVR II Nestable Universal Containers in an amount not to exceed \$75,000.00. (Houston-Galveston Area Cooperative)
- Q. Adopt Resolution No. 3777 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona amending Resolution No. 3453 by rescinding Section 5, Exhibit D, contained therein, authorizing the City of Prescott to enter into an Intergovernmental Agreement with the Central Yavapai Fire District for Joint Operational Training, and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.
- R. Approve Minutes of the Prescott City Council Regular Meeting of August 29, 2006, and the Prescott City Council Joint Study Session/ Special Meeting of September 5, 2006.

Mayor Simmons presented Item K.

K. Victory Hills:

- (1) Approve Preliminary Plat for Victory Hills, a mixed single-family and townhouse subdivision containing 30 lots on 4.81 acres, located at the intersection of Wagon Trail and Pike Place, being generally west of Gail Gardner Way, zoned Multi Family – Medium (Manufactured Home) subject to the Department comments included in the Council Agenda Memo dated August 30, 2006.
- (2) Approve Water Service Agreement with Joseph M. Vincent for 10.50 acre feet for Victory Hills (SP06-001).

Councilman Roecker explained he asked for this to be removed from the Consent Agenda after a citizen called and asked about ingress and egress to the area and how cars were going to get through Wagon Trail, Apple Blossom Lane, and the other streets in the area.

Public Works Director Craig McConnell responded the City's traffic engineer sketched out a way where the new subdivision was accessed and Vincent Lane would intersect with an existing street (Pike Place); a drainage ditch came down to the intersection which created a problem but by extending the drainage underneath the roadway a mini-roundabout could be put in for safety; the preliminary plat or final plat could be conditioned for the developer to mitigate the issue; the other part of the question pertained to what would happen to the intersection with Gail

Gardner Way and the traffic engineer did some traffic volumes on the street and about 12 vehicles made left turns out onto Gail Gardner Way and that would be increased by approximately 5 vehicles; a traffic signal was not warranted at this time and the traffic engineer believed the issues were manageable as cited.

Councilman Roecker asked if the improvements would be paid for by the developer and Michael Haywood, 115 East Goodwin Street, representing the developer, responded the developer would pay and this was a good idea, and he added that a statute of Rowle would look good in the middle of the roundabout.

Councilman Roecker asked if the subdivision would be gated and Mr. Haywood replied it was not a gated community and it would be duplexes and townhomes.

Councilman Luzius remarked he didn't like traffic circles so he was unsure of the roundabout idea; there was a lot of rock on the hills that would have to be relocated and asked if there would be a lot of blasting done and Mr. Haywood assured him there would not be a lot of blasting.

Councilman Blair asked Mr. McConnell about the private streets being put in; the streets would be 28 foot wide but sometimes the City was asked to take over roads that had problems and asked what kept the City of Prescott out of the loop from repairing those roads. Mr. McConnell explained even though the streets were private they were built to city standards and keeping private streets from becoming public streets was a legal issue.

Councilman Blair remarked if the subdivision was not gated it wasn't private and the public could drive on their streets, and asked if the Homeowners Association was responsible for snow removal and other hazards. Attorney Gary Kidd responded that was a policy and legal question; the streets were not dedicated as public streets even though they were open to the public and were owned by the Homeowners Association; but public funds could not be expended on those private streets, unless they were dedicated to the city.

Councilman Blair asked Mr. Haywood why they were going in that direction, not putting in public streets, but rather private streets and Mr. Haywood said it was the same as Haisley Homestead, and many other subdivisions; the homeowners signed agreements to take care of them and the only difference was in the amount of right-of-way; with private streets the streets would be built to city standards and would be 28 feet wide with a 40 foot right-of-way and the City of Prescott required a 50 foot right-of-way; the streets were open to the public, emergency vehicles

and public and private utilities were allowed; to put in a gate would require a replat.

Councilman Roecker MOVED to APPROVE the Preliminary Plat and water service agreement for Victory Hills, which was SECONDED by Councilwoman Suttles. The motion passed unanimously.

Mayor Simmons encouraged the audience to get out and vote today if they hadn't already done so.

IV. REGULAR AGENDA

A. Approval of completion of the application process to the Arizona Office of Homeland Security for grant funds totaling \$143,966.00.

Police Chief Randy Oaks explained there were three projects this funding would be used for. The first was for a multi-agency tactical radio system which would have an encrypted radio frequency to make it difficult to break into by outsiders who wanted to listen to the transmissions and this was in the amount of \$94,500 - (20 radios each to Prescott, Prescott Valley, and the Yavapai County Sheriff's Office and 10 radios to Chino Valley). The second project was to purchase emergency management satellite telephones in the amount of \$7,323, which would provide communications in areas or during times cellular telephone service was not available. The third project was the radio frequency consolidation program which would consist of purchasing and installing radio and antenna equipment for backup use in the dispatch center in the Yavapai County Sheriff's Office in the amount of \$42,143. The total grant was \$143,966. The State deadline to complete the application process was September 25.

Councilman Bell MOVED to APPROVE completion of application process to the Arizona Office of Homeland Security for grant funds totaling \$143,966.00, which was SECONDED by Councilman Blair. The motion passed unanimously.

Councilwoman Suttles asked about grant applications and asked if the department searched for grants or waited and applied after being notified there was money available. Chief Oaks responded they sought out grants that were available that would fit into one of their planned projects, they requested Council permission to submit an application, then requested Council to accept the funds and thanked Council for allowing staff to get these items on an agenda quickly.

B. Recess into Executive Session.

Councilman Lamerson MOVED to RECESS to Executive Session, which was SECONDED by Councilwoman Suttles. The motion passed unanimously.

V. EXECUTIVE SESSION:

- A. Discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation. Pursuant to A.R.S. 38-431.03(A)(4)
1. Sullivan v. City of Prescott (Yavapai County Superior Court Case Number CV2004-431)
 2. Ouellette v. City of Prescott (Yavapai County Superior Court Case Number CV2005-1039)

VI. POST EXECUTIVE SESSION:

- A. Approval of Settlement in Sullivan v. City of Prescott** (Yavapai County Superior Court Case Number CV2004-431) in the amount of \$45,000.00.

Councilwoman Suttles MOVED to APPROVE settlement in Sullivan v. City of Prescott, in the amount of \$45,000.00, which was SECONDED by Councilman Blair. The motion passed unanimously.

- B. Approval of Settlement in Ouellette v. City of Prescott** (Yavapai County Superior Court Case Number CV2005-1039) in the amount of \$20,000.00

Councilman Roecker MOVED to APPROVE settlement in Ouellette v. City of Prescott, in the amount of \$30,000.00 (with \$20,000.00 as fine and \$10,000.00 to be held for cleanup) and authorize staff to execute the settlement including such additional terms to insure code enforcement, which was SECONDED by Councilman Lamerson. The motion passed unanimously.

VII. ADJOURNMENT

There being no further business to come before the Prescott City Council, Mayor Simmons ADJOURNED the meeting at 4:24 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 12th day of September, 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