

PRESCOTT CITY COUNCIL
COUNCIL STUDY SESSION/
SPECIAL MEETING
PRESCOTT, ARIZONA
SEPTEMBER 5, 2006

A JOINT STUDY SESSION/SPECIAL MEETING OF THE PRESCOTT CITY COUNCIL WAS HELD ON TUESDAY, SEPTEMBER 5, 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

Mayor Simmons announced Item L was being pulled off the agenda.

STUDY SESSION

I. DISCUSSION ITEMS:

- A. **Adoption of Resolution No. 3773 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona accepting grant funds from the Arizona Division of Emergency Management, Homeland Security Grant Program #2005-GE-T5-0030 in the amount of \$98,690.85.**

Police Chief Randy Oaks explained Council authorized the submittal of a grant application on May 3rd and in August the Police Department was notified the grant in the amount of \$98,690.85 had been funded; these funds would be used to complete the 911 system with a backup location at the Yavapai County Sheriff's Office; in the case of a power outage in either location, the dispatch system would be operational from the other entity's dispatch center; the project would include the purchase and installation of in-house backup radio system, installation of telephone

bypass array system, new base stations and filter to be located in the Police Headquarters Building, and completion of the Reverse 911 system.

Mayor Simmons commented he didn't realize radios were involved in this project and since his company may bid on the project he asked if he shouldn't vote on this item next week. Attorney Gary Kidd responded it would be all right for him to vote on this item as it was only accepting a grant.

B. Approval of contract/agreement with the Omega Group for the purchase of CrimeView upgrade software, installation and training services in the amount of \$25,185.00.

Police Chief Randy Oaks explained the software would allow the Police Department to map crime data in conjunction with the City's GIS system and crime locations could be platted on a map to show specific activity in a specific area.

Councilwoman Suttles asked how often the software needed to be updated and Chief Oaks responded new versions of software came out fairly often but could be added to the existing software program; the software should be usable at least 3-5 years.

C. Adoption of Resolution No. 3774 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona authorizing the FY 2006-2007 Library Service Agreement between the Yavapai County Library District and the City of Prescott.

Recreation Services Director Jim McCasland explained this was an annual agreement with the Yavapai County Library District and the City would receive the amount of \$508,935.00 this year.

D. Authorization to 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.

Recreation Services Director Jim McCasland explained the request was to purchase three pieces of maintenance equipment for City parks; one mower was old and undependable and the turf top dresser was used along with the turf aerifier; and the mower would be put in a City auction.

- E. **Adoption of Resolution No. 3775 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona extending the expiration date of CDBG Contract #140-05 Habitat for Humanity from September 25, 2006 to September 25, 2007.**

Grants Administrator Linda Hartmann explained the request was to extend the contract time with the Arizona Department of Housing for the Habitat for Humanity project; bids for land preparation prior to development were unsuccessful and the project would rebid soon.

Councilwoman Suttles asked how much time there was before the CDBG money needed to be spent and Ms. Hartmann responded this was the last project for the 2004 projects and the funding had to be spent by September 26, 2007.

- F. **Approval of 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.**

Administrative Services Director Mic Fenech explained the request was to purchase two sets of wireless column lifts for the Central Garage and the maintenance facility; there was an in-floor jack for the smaller vehicles but the larger remote jacks would be able to lift larger vehicles; this was a budgeted item in the FY07 budget.

- G. **Approval of 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, \$106,288.46, \$288,311.50 and not to exceed \$108,000.00, respectively, for the purchase of light duty vehicles.**

Administrative Services Director Mic Fenech explained the city had a vehicle replacement program and vehicles between 11 and 19 years old or older were being replaced on an as-needed basis; staff was seeking approval to purchase 33 vehicles, 10 of those were new vehicles in the system and the remainder were replacements; the retired vehicles would be auctioned off and the money would be put back into the vehicle replacement fund; the procurement code allowed staff to take into consideration the use tax and staff time when considering who would be awarded the bid and as Galpin Ford was located in Dewey the City was unable to take advantage of the sales tax reduction; the amount to be awarded to Five Star Ford was incorrect and would be corrected by next week; the total amount was approximately \$650,000.

Councilwoman Suttles asked about the purchase of equipment for the Fire Department and Mr. Fenech responded the equipment included lights and other safety equipment and these would be purchased from Arizona Emergency Products in an amount not to exceed \$20,000.

Councilman Blair asked if staff looked at the mileage on the vehicle to tell how much it had been used or if they just looked at the age of the vehicle. Mr. Fenech explained there were certain guidelines used to determine when a vehicle needed to be replaced. The final determination was made by the Central Garage Supervisor Charlie Potts who looked at the vehicle mechanically and how expensive it would be to repair it, and also looked at the maintenance history.

H. Water Meters:

- (1) Award of 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 of contract to Metering Services, Inc., for the installation of water meters on Route No. 4 in the amount of \$111,870.00.**

Public Works Director Craig McConnell explained staff was requesting approval to purchase water meters and award a contract for the installation of those meters on Route No. 4; the city had 7 routes and Route No. 4 was in the Iron Springs Road/Williamson Valley Road area and there were 3,700 customers in this section; the existing meters were approximately 14 years old and the replacement meters would be “radio read” meters which would be more accurate and potentially increase revenues; the new meters would enable the City to account for any loss of water for which the City is accountable to the State; they would increase efficiency and enable the City to reduce one water meter reader position in a couple years.

Mr. McConnell continued approximately 4,700 meters would be purchased and 3,700 of them would be installed in Route No. 4—the rest would create an inventory to put into new homes; the City was using the City of Flagstaff bid to purchase the meters and the installation was bid by Prescott; advance notification would be given to residents when the meters would be changed out; the old meters would be stockpiled and the City would look at disposing of them, either selling them to a small water company or another entity or selling them as scrap; they could be used for rebuilding existing water meters.

Manager Steve Norwood asked Mr. McConnell to explain how the radio read device worked and Mr. McConnell explained the radio receiver communicated with the reader and the data could be downloaded into the billing database; the meter reader didn't have to get out of his truck or lift meter lids to read the meter and the new device would increase man-hour productivity.

- I. **Adoption of 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.**

Engineering Services Director Mark Nietupski explained the right-of-way was unused and unimproved at the end of Second Street, north of Merritt Street and was not required for any future roadway or utility improvements. The adjacent property owner requested the right-of-way be abandoned; the property owner, Mr. Moore, offered \$14,000 and would pay the \$30.00 abandonment filing fee and \$235.00 processing and recording fees and the money would go into the HURF fund.

- J. **Approval of 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).**

Community Development Director Tom Guice explained an existing APS power pole would be replaced with a metal pole which would carry existing utility lines along with the top mounted cell site antenna array and an equipment compound would be located on the westerly side of the existing building. The Planning and Zoning Commission voted unanimously to approve this request.

It was clarified the city would not receive any revenue from this; the lease was between Cingular Wireless and Twin Lakes Market and Council was approving a Special Use Permit to allow the site.

- K. **Approval of 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), and associated Water Service Agreement for 10.50 acre feet (SP06-001).**

Community Development Director Tom Guice explained the property was north of Lamb Chevrolet and the subdivision would consist of 30 lots on 4.81 acres; the roadways would be private but would be paved 28 feet wide, with curb and gutter on both sides and a sidewalk on one side; a

Water Service Agreement was also necessary and the Planning and Zoning Commission had approved the preliminary plat unanimously.

Item L was removed from the Agenda –

- L. Approval of Final Plat for Estrella Hill, a single-family subdivision containing 10 lots on 13 acres, located north of Estrella Road and west of Meadowridge Road, zoned SF-35 (FP05-017).**
- M. Approval of 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).**

Community Development Director Tom Guice explained the Final Plat complied with all subdivision regulations and staff recommended approval.

- N. Adoption of Resolution No. 3776 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing staff to submit a LTAFII application to the Arizona Department of Transportation.**

Community Development Director Tom Guice explained staff was asking for authorization to apply for Local Transportation Assistance Funds for 2006; the funding amounts were sporadic each year and staff would suggest using 50% of the program funds this year with 50% to be used next year; there would be approximately \$120,000 available this year and \$75,000 available for next year. A Memorandum of Understanding would be entered into with Northern Arizona Council of Governments to administer the program.

It was clarified the City had two fiscal years in which to spend the money and the funding would only be for the Prescott area; each of the quad-cities was participating in the program.

Councilman Roecker asked Terry Drew of NACOG to discuss rumors of fraud and the selling of vouchers under this program.

Terry Drew, NACOG, remarked the voucher program was very successful and Steve Silvernale had been outstanding in his participation with this program with his bus and taxi businesses; many of the problems had been worked out and there was an small incidence of people selling their vouchers, but those incidences were being investigated and the problems would be resolved soon; the program was 99% successful.

- O. **Adoption of 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. (ANX-06-001)**

Community Development Director Tom Guice explained the request was to annex approximately 157.5 acres of residentially zoned property for a combination of commercial and residential development; the property was east of Highway 89 in the area of the Phippen Museum; the annexation would require an amendment to the Airport Specific Area Plan Land Use Map and the General Plan Land Use Map; the area was being referred to as Centerpointe South; the property would be annexed and assigned the Single Family-18 zoning classification and the property would be rezoned following annexation.

Councilman Blair asked when it would be rezoned and Mr. Guice responded it would go to the Planning and Zoning Commission along with the amendments to the Airport Specific Area Plan and General Plan and would be proposed to rezone to large lot residential (Rural Estate 2 acre minimum) and Business Regional for the westerly area and the easterly area would retain its residential zoning until a formal development plan was submitted.

Councilman Blair asked how the zoning of annexed property was decided, whether it was based on the General Plan or an area plan and Mr. Guice responded Arizona Revised Statutes were very specific about annexations and the zoning assigned was the most comparable to a City zoning classification. Then the property could be rezoned to the actual desired use later and this area was appropriate for industrial and residential zoning and the General Plan and any area plan would be a guide.

Councilman Blair suggested the City be more proactive to what the General Plan and Specific Area Plan called out for and should automatically rezone property to its highest and best use and not wait 10 years.

Mr. Guice replied that was an option, noting that zoning and rezoning were discretionary and Council didn't have to do it; the rezoning process did give the City an opportunity to negotiate specific things and that ability would be taken away.

Councilman Lamerson was concerned about a property owner not being able to use his property the way he wanted to when neighbors objected to his plans and asked if there could be some mechanism put in place that protected the property owner and his plans for his property. Mr. Guice replied a Development Agreement was used many times and it could be specified in that agreement the density or intensity of use for that property; the rezoning process was an important process and should be public.

Attorney Gary Kidd added a pre-annexation agreement could be used; the City could not commit to a different zoning classification than a comparable zoning at the time of annexation but the intent to rezone could be set out in the agreement and statutes required going through a rezoning process.

Councilman Lamerson added the City had annexed property in the past and when the property owner didn't get what they wanted, they wanted to be de-annexed but they were stuck and referred to the annexation in the area of Side Road off Highway 89A. He wanted to see a mechanism available through a development agreement or something else that would protect the property owner.

Attorney Kidd added an agreement could include such things as a commitment to a water allocation, intersection improvements, public improvements, or a dedication of right-of-way, as well as other specific items; and if the property was adjacent to another municipality it could de-annex and then annex to another municipality but could not de-annex to the County.

Councilman Blair asked if there was a proposed residential area and if a water service agreement would be necessary. Mr. Guice replied there was an area containing 26 residential lots in this proposed plan which would require an Airport Specific Area Plan amendment to allow residential development and the project would have to go to the Water Allocation Committee for approval of a water allocation.

Councilman Roecker asked if the water service agreement would be considered at the time the preliminary plat was brought forward and Mr. Guice replied that was correct and the developers knew they had to go to the Water Allocation Committee.

Councilman Blair asked if the Water Allocation Committee denied them water, if the property could be used for industrial purposes and Mr. Guice said yes, adding that a navigation easement would be required for any plat proposed for the airport area.

P. Award of contract to Action Container Solutions for 85 front loading containers in the amount of \$59,182.18.

Assistant to the Manager Laurie Hadley explained staff was recommending the award of the purchase of 85 front loading containers for commercial waste and recyclable materials; two bids were received and Action Container Solutions was a reliable vendor.

Q. Approval of 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.

Assistant to the Manager Laurie Hadley explained staff was recommending the purchase of these containers through the Houston-Galveston Area Cooperative and 1,600 containers would be purchased during the year, but due to storage space constraints only 840 containers would be delivered at one time; \$75,000 covered the full year's purchase cost.

Councilman Blair asked how residents could get cans replaced and if were they charged. Ms. Hadley said the containers had a 10-year lifecycle and there was no cost to replace them; staff tried to repair the ones that could be repaired or recycled them if they couldn't be repaired.

R. Adoption of Resolution No. 3777 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona approving an Intergovernmental Agreement with Central Yavapai Fire District for Joint Training.

Fire Chief Darrell Willis explained this was a revised agreement; the previous agreement provided a Prescott training officer for Central Yavapai Fire District and they paid a portion of the salary; they were building their own training center in Prescott Valley and would be hiring a full time training officer. The two departments would continue to meet and conduct joint training to prepare for automatic aid responses.

S. Approval of 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.

T. Selection of items to be placed on the Consent Agenda for the Regular Voting Meeting of September 12, 2006.

Items A – S, excluding Item L were placed on the Consent Agenda.

II. ADJOURNMENT –

The Study Session was ADJOURNED at 4:12 P.M.

SPECIAL MEETING

I. Call to Order.

Mayor Simmons called the Special Meeting to order at 4:20 p.m.

II. Roll Call.

Present:

Absent:

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

None

III. Executive Session:

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

A. Discussion or consultation for legal advice with the attorney or attorneys of the public body. Pursuant to A.R.S. §38-431.03(A)(3)

1. Safe Harbor (520 Delano)

B. 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. §38-43103(A)(4)

1. Ingram v. City of Prescott (CV2006-0366)

2. Marder v. City of Prescott (CV2006-0601)

IV. Reconvene into Open Session.

The Prescott City Council reconvened into Open Session at 4:43 P.M.

V. Adjournment.

There being no further business to come before the Prescott City Council, Mayor Simmons ADJOURNED the meeting at 4:43 P.M.

ROWLE P. SIMMONS, Mayor

ATTEST:

ELIZABETH A. BURKE, City Clerk