

PRESCOTT CITY COUNCIL
REGULAR COUNCIL MEETING
PRESCOTT, ARIZONA
OCTOBER 24, 2006

A REGULAR MEETING OF THE PRESCOTT CITY COUNCIL WAS HELD ON TUESDAY, OCTOBER 24, 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 Blair 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 reported the household hazardous material disposal event on Sunday was a success with approximately 500 residents from the quad-city area participating and 6,000 gallons of paint, 128 car batteries, 165 gallons of pesticides, and mercury were handled. He thanked staff from the City and Yavapai County, the DPS bomb squad and many others for helping; the event was well organized, no one had much of a waiting time and this would be an annual event.

Mayor Simmons asked for a moment of silence for the five victims of the plane crash last week that took the life of Warren Parkes who organized the Arizona Skyfest held at Ernest A. Love Field September 30 and asked Reverend Dan Storvick of the American Evangelical Lutheran Church to present some words of comfort.

I. PUBLIC COMMENTS:

A. Comments by representatives of *Save our Courthouse* regarding City's commitment to encourage the County to keep all courts downtown.

Cliff Petrovsky, representing the Friends of Save our Courthouse and a business owner/partner of Bashford Court, commented the Board of Supervisors was looking at future court expansion with new court rooms, jails and juvenile detention space needed; the group had gathered over 1,600 signatures of County and City residents who were against the County moving the Court system from the downtown area and the wanted the County to slow down and look at this carefully; look at sites available; look at what needed to be done. A rally had been held a few weeks ago at the Courthouse and Supervisor Tom Thurman had expressed a willingness to put this on the table, slow down the process and form an ad hoc committee to review the needs. The City was in a position to come to the table also, along with the Chamber of Commerce, the Prescott Downtown Partnership, and other interested downtown business owners and take a second look at the situation. As a property owner his 14 shops at Bashford Court were open Monday through Friday and the courts provided visitors to their businesses; tourists also enjoyed the Courthouse Square and shopping downtown. It was a fragile system that needed to be preserved; he appreciated Council listening to him today and hoped the Council would get involved in keeping the Courts downtown.

Mayor Simmons noted the City was committed to that and the City had been proactive, despite criticism the City wasn't doing enough and had countless meetings with Supervisors Springer and Thurman and the County wanted to keep things downtown also; the City would help facilitate the cause and supported it. The City had invested \$10 million in the downtown area over the past several years and wanted to keep it a vital area. The Chamber of Commerce was taking the role as a participant in the discussions at the request of Supervisor Thurman; the City was available and ready to lend a hand and he appreciated all those who showed up today.

B. Bob Drake – Safety on the Square.

Bob Drake, 142 S. Montezuma Street, remarked the streets and sidewalks looked very nice for the movie being filmed right now and hoped the appearance could be kept up and asked if butt cans could be put in front of the bars and businesses to help keep the sidewalks neat. (He was told something was already being done about that.)

His reason for coming to Council was to see if anything could be done about those who rode bicycles and skateboards on the sidewalks; he wanted to see the following actions:

- signs saying no skateboards and bicycles allowed on the sidewalk in the downtown business district;
- a police officer go to the Mile High Middle School and talk to the kids about not riding on the sidewalk;
- station a police officer in the downtown area for 30 days, take away the offenders bikes and skateboards, fine them and the parents would take care of the situation before long.

II. PROCLAMATIONS:

A. October 24, 2006 – Acupuncture and Oriental Medicine Day

Councilman Luzius read the proclamation. No one was present to receive it.

III. PRESENTATIONS:

A. Introduction of new businesses.

Sam Welchons, Chamber of Commerce representative, presented the following businesses:

1. Carleton Financial - financing and leasing solutions; located next to Desert Hills Bank.
2. Kachina Installations – cabinet company.
3. Joyful Health – 1058 Fair Street

B. Report on results of Baseball Stadium feasibility study.

Economic Development Director Jane Bristol explained the market feasibility study was funded by the Chamber of Commerce, private funding and a REDI grant. Two sites had been identified at this time as possible locations for a stadium, the rodeo grounds on Fair Street and the athletic field of the Prescott Mile High Middle School off Goodwin Street.

Chamber of Commerce CEO, David Maurer, explained the project would generate jobs and sales tax revenues, as well as offering new events to the area; they had several discussions with the Prescott Unified School District regarding the Mile High Middle School athletic field and the school was interested in the idea; and the stadium would be used April to September for baseball but other

events could be held there as well year around; the group was asking Council for permission to continue exploring the possibility of siting a stadium in Prescott.

The majority of Councilmembers were supportive of the concept and encouraged the Chamber to continue exploring the idea. Councilman Luzius suggested other sites be identified and said he didn't think the athletic field should be taken away from the students and the rodeo grounds property wouldn't offer enough parking for events.

C. Presentation of proposed new police car design.

Sergeant John Brambilla explained the process the Police Department used to come up with a new design for their Police Cars which would go back to the traditional black and white color scheme.

Chief Randy Oaks further explained the proposed graphics would cost less than the current design and the savings would be used to retrofit the existing department cars and there were also Federal funds available. \

D. Elks Opera House Operational Review.

John Olsen, representing the Elks Foundation, remarked it had been his pleasure to watch the continuing restoration efforts in the Elks Opera House and he appreciated the support of the City and commended Mic Fenech and Susan Hampton for the terrific job they had done; the Foundation had \$108,000 in direct money for improvements to date and \$30,000 came from the Prescott Area Arts and Humanities Council; the new fundraising campaign was going to start soon and Elisabeth Ruffner would be heading that up; the program to sell individual seats had raised \$17,000; he was excited about the future improvements and see the Elks building become a tourist destination.

Administrative Services Director Mic Fenech presented a list of the changes that had taken place over the past couple years and the proposed improvements for the on-going effort to put the theater back to its 1928 appearance. More and more events were being booked into the theater and the sound system and lighting were two much-needed upgrades. They were exploring the idea of having a beer and wine liquor license in the theater, also. The funding requests would be discussed at budget time and it was estimated to take over \$1 million to bring the theater totally back to top condition.

The original elk, named Bill, was coming back to stand atop the theater once again. Negotiations with the Elks organization were successful in the theater getting the original elk back, and in turn the City was replacing the elk on the Prescott Valley lodge building with a new one, through a \$10,000 donation given by Jack Wilson. Most of the work was being donated and after the fixture was restored, "Bill" would proudly watch over Prescott once again. It was hoped the

elk would be in place by the night of the Acker Music Showcase in early December.

The Council had the option of leasing the theater to an organization to run or to continue with the City running it. The theater enhanced the quality of life in the community and was an economic development, historic preservation, and cultural investment and was a treasure of the downtown area. It wasn't intended to be run for its profitability.

IV. **CONSENT AGENDA**

Mayor Simmons announced Item B was being pulled from the Consent Agenda.

Councilman Luzius MOVED to ADOPT the Consent Agenda, Items IV-A through IV-G, excluding Item B, which was SECONDED by Councilman Lamerson. The motion passed unanimously.

- A. Adopt **Ordinance No. 4562** - An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the sale of miscellaneous surplus property and authorizing the Administrative Services Director to execute any and all documents to effectuate said sales. (auction/Rene Bates Auctioneers)
- C. Approve **purchase of a Caterpillar 420D Backhoe-Loader** from Empire Machinery in the amount of \$97,492.06, utilizing the competitively bid contract of Coconino County.
- D. Approve application for **grant funds** in the amount of \$60,000.00 to the Governor's Office of Highway Safety for continued operation of the Tri-City **DUI Task Force**.
- E. Approve **Final Plat of Estrella Hills**, ten lots on 13 acres, located west of Meadowridge Road and north of Estrella Road, zoned Single-family SF-35, with the condition that the applicant install a physical traffic calming device on Estrella Road within the property frontage, consistent with the City Traffic Calming Policy. (FP06-017).
- F. **Tamarack Estates:**
 - 1. Adopt **Ordinance No. 4563** - An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona amending the zoning of that certain property described as Parcel No. 105-03-002A located on Tamarack Lane north of Rosser Street and west of Blooming Hills Drive, commonly referred to as Tamarack Estates from SF-35 to SF18 in the City of Prescott.

2. Approve **Preliminary Plat** for Tamarack Estates, 12 lots on 6.5 acres, located west of Blooming Hills Estates between Tamarack Lane and Delano Avenue (SP06-002).
 3. Approve **Water Service Agreement** with Tamarack Estates, L.L.C. for 4.2 acre feet annually for Tamarack Estates, 12 lots on 6.5 acres, located west of Blooming Hills Estates between Tamarack Lane and Delano Avenue.
- G. Approval of **Minutes** of the Prescott City Council Regular Voting Meeting of October 10, 2006.

Mayor Simmons presented Item B for discussion –

- B. Approve **license agreement** with the Prescott Chamber of Commerce for the use of ten parking spaces in the City-owned lot located directly south of the Chamber, in exchange for providing visitor services to the community.

Councilman Luzius asked if awarding this agreement for the leasing of ten parking spaces to the Chamber of Commerce would affect his suggestion last week that the parking lot and the corner lot belonging to Steve Pierce (Montezuma and Goodwin Streets) be used in conjunction to build a County court building and Attorney Gary Kidd responded the agreement had a 30-day termination provision and the City had the ability to sell, trade or negotiate the use of the parking lot and give 30 days notice to cancel the agreement.

Councilman Luzius MOVED to ADOPT Item B, which was SECONDED by Councilman Lamerson. The motion passed unanimously.

V. **REGULAR AGENDA:**

- A. **Adoption of Resolution No. 3784** – 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 Town of Chino Valley and the Town of Prescott Valley for professional services for analysis of U.S. Geological survey reports with Errol L. Montgomery and Associates, Inc., and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.

Public Works Director Craig McConnell explained staff was requesting Council approval of an intergovernmental agreement to fund a professional review of two USGS reports and Project Manager Jim Holt pointed out last week that the USGS was a scientific agency and the reports were scientific products and the USGS did not address safe yield or the AMA's water management goals.

The USGS reports were peer reviewed but were not reviewed as they applied to Prescott or to the AMA and Montgomery and Associates would look at the implications on the long term water management strategies; this was not another study but a critique of the reports to evaluate their scientific data and reach an understanding of their effects on the water providers in the Prescott AMA. Prescott Valley and Chino Valley had already approved the IGA and the municipalities wanted a better understanding of the reports.

Councilman Lamerson couldn't understand why staff couldn't do the critique and asked why they needed to critique the USGS reports anyway; why participate in something that the entire group that was responsible for water depletion (being the State and County) were not participating in and why it was only being funded by three of the five entities in the Prescott AMA.

Mr. McConnell responded staff had some ability to read the reports and come up with conclusions, but these were very scientific studies and a critique was an examination by someone with the expertise to understand that scientific data and language and City staff didn't have that level of expertise. Water was a very complicated and controversial issue and a lot was at stake; new sources of water were being imported and staff felt the reports should be evaluated and critiqued in order to provide Council with the best information possible; and Prescott Valley, Chino Valley and Prescott provided water to customers and that was the reason they were paying for the study.

Council remarks:

Mayor Simmons commented the advice of staff was these reports should be reviewed by experts and that was the reason the Coalition felt it was important to have it done.

Councilwoman Suttles expressed dissatisfaction at the number of studies the City paid for.

Councilman Luzius didn't think Prescott residents should have to pay a portion of the Dewey-Humboldt share.

Councilman Lamerson said he would vote for this even though he didn't want to and was actually voting against staff and their recommendation.

Councilman Roecker was supportive saying this was another piece of the puzzle and it was important to gather as much information as possible and understand as much as possible and that would be useful in creating a mitigation plan.

Speakers:

Jack Wilson, 1514 Eagle Ridge Road - many items were mundane that came before Council; he urged Council to use the USGS as the gold standard and to vote no on the consultant contract.

Howard Mechanic, 309 Bloom Place – asked if the Water Institute was consulted and able to provide services for this and Mr. McConnell replied they declined to become involved.

Mr. Mechanic continued the goal was to reach safe yield and everyone knew water would have to be imported to accomplish that; there were many water groups working on various issues and if the City could work with them they should take advantage of those resources; the project was presented as an analysis to find out the implications of the reports, but the Scope of Work had 11 points to it basically questioning the USGS reports; the Upper Verde River needed to be protected; the City said there were two reasons not to join the Verde River Partnership and those were because it was made up of special interest groups (they would be given 3 votes out of 30 votes) and the other reason was they didn't have enough power.

Mayor Simmons reminded Mr. Mechanic they were getting off the item of the consultant agreement.

Mr. Mechanic requested the City bring forward discussion in the next few weeks on whether to join the Verde River Partnership or not; there were millions of dollars available to do studies through the Partnership; all the chapters of the reports were given peer review and Mr. McConnell said the consultants would give the City the implications of the report but the scope of work didn't mention that and he asked if it would make a difference if the reports were analyzed and it was shown the flow of the Verde River was only 75-80%, instead of 80-86% from the Big Chino .

Mr. McConnell clarified the contract included the wording that the tasks included the review and analysis of the two USGS reports “for determination of how the reports may impact water management objectives of the municipalities in the Prescott Active Management Area”.

John Zambrano, 2910 W. Crestview Drive, commented:

- the review should include the Blasch conclusions;
- water imported from the Big Chino was water that would otherwise go to the Verde;

- the review should be done by the consultants and it was possible staff wouldn't agree with the conclusions of the report but the conclusions had ramifications for the community;
- the question that needed to be answered was "would water taken from the Big Chino be taking water from the Verde River".

Ashley Fine, 207 Congress Avenue, agreed with Mr. Zambrano and asked whether the City was trying to take the reports apart or preserve the Verde River.

George Seaman, 1830 Idylwild Hills, asked what the expected outcome was in having the reports critiqued; the conclusions would be suspect because the City was paying for the review and would the city only be told what they wanted to hear and suggested someone else pay for the critique.

Jack Wilson asked if the output would simply be yes or no answers to the 11 questions and Mr. McConnell replied the contract was open for review and the scope of work was available if Mr. Wilson wanted to look at it and it was an assessment and critique of how the reports would impact water management goals of municipalities.

Councilman Lamerson said he didn't mean to insinuate the City didn't have competent staff but was trying to find out why the City needed to do this and he understood it was to help the City look at their water management policies.

Mr. McConnell reiterated the reason to review the reports was to put them in a context that explained their implications in the real world and to real customers and was needed as part of the water importation project; the draft report would be ready within four months and the final report in six months.

Councilman Roecker MOVED to ADOPT Resolution No. 3784, which was SECONDED by Councilman Bell.

Councilman Bell commented he didn't have a problem with accepting the reports from the USGS and it had been often stated that 80-86% of the Upper Verde River flow would be affected and that sounded like a lot, but it turned out the measurement at the Paulden headwaters showed this area provided 5% of the rivers' volume, so it actually was 80-86% of 5% which didn't seem like so much.

George Seaman clarified a 24-mile stretch of the upper part of the river was fed by the springs in the Paulden area.

The motion passed 5-2 with Councilwoman Suttles and Councilman Luzius casting NAY votes.

B. Public Hearing and consideration of a liquor license application from Alejandro Garcia, Agent for Garcia and Sanchez Partnership, for a new Series 12, *Restaurant*, license for Casa Sanchez Restaurant, located at 1459 West Gurley Street.

Clerk Elizabeth Burke reported the application for the Casa Sanchez Restaurant was posted on September 28 and removed after 20 days, the ownership of the restaurant was changing and no comments or protests had been received.

Mayor Simmons apologized to the applicant for the long meeting and encouraged people to eat at the restaurant and commented the item probably should have been moved up on the agenda.

Councilman Blair MOVED to CLOSE the Public Hearing, which was SECONDED by Councilman Roecker. The motion passed unanimously.

Councilman Roecker MOVED to APPROVE a liquor license application from Alejandro Garcia, Agent for Garcia and Sanchez Partnership, for a new Series 12, Restaurant, license for Casa Sanchez Restaurant, located at 1459 West Gurley Street, which was SECONDED by Councilman Bell. The motion passed unanimously.

VI. ADJOURNMENT

There being no further business to come before the Prescott City Council, Mayor Simmons ADJOURNED the meeting at 5:35 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 24th day of October, 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