

PRESCOTT CITY COUNCIL
REGULAR COUNCIL MEETING
PRESCOTT, ARIZONA
FEBRUARY 27, 2007

A REGULAR MEETING OF THE PRESCOTT CITY COUNCIL WAS HELD ON TUESDAY, FEBRUARY 27, 2007, in the Prescott Municipal Building, 201 S. Cortez Street, Prescott, Arizona.

Mayor Simmons opened the meeting at 3:00 P.M. and asked Councilman Lamerson 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

Mayor Simmons commented he had been a grandfather for one week and his bank account was already getting low; learning a lesson that he should have been warned about that it was an expensive endeavor.

Councilman Roecker commented he had attended the Elks Opera House 102nd birthday Saturday night and the Mayor and Council were presented the first award given for their support of the Elks Theater and restoration. He presented it to the Mayor and said it would be displayed in the Elks Theater at a later date.

Councilman Lamerson attended the same event and remarked there was a lot of talent displayed, especially outstanding was a young boy of 14 that played the violin; another act was a skit by Prescott College students, Who's on First.

Councilman Blair announced tomorrow was the opening of the 2007 Spring Training games and he would be going to Phoenix to watch his nephew, Matt Holliday, of the Colorado Rockies.

I. PUBLIC COMMENTS

A. Jerry Shumaker re (1) City tax dollars given to large corporations and (2) problems experienced with illegal immigrants.

Mr. Shumaker said he would skip the first issue and related a story about coming into Prescott and stopping at a small electrical business at the corner of Lincoln Avenue and Miller Valley Road and how several illegal immigrants approached his car on two sides and pulled on the doors. He was upset by the men and wanted to know why something couldn't be done about the problem and if anyone would want it to happen to their wife. He said it was harassment and it wasn't right that nothing could be done unless they committed a crime. It wasn't a safe situation.

Mayor Simmons responded his wife had a similar experience when she had driven their pickup truck in that area and men had jumped into the back of the truck. He said staff was looking into every possible avenue as to what could be done and thanked Mr. Shumaker for taking the time to address Council.

II. PRESENTATIONS

A. Introduction of New Businesses.

Sam Welchons, Chamber of Commerce Director of Membership and Marketing, introduced the following new businesses:

1. Pasquale's Place, 148 N. Montezuma Street
2. Celtic Crossings Pub, Prescott Gateway Mall
3. Scrubs for Less, Prescottonian Plaza

B. Presentation regarding the Keep Prescott Beautiful Committee and the Granite Creek Cleanup.

Councilman Luzius read a brief history of the formation of the Keep Prescott Beautiful committee in 1993 and their activities and projects since that time. In September 2006 the Keep Prescott Beautiful committee voted to stop meeting as a committee and Prescott Creeks Association would continue with the annual Granite Creek cleanup. He thanked Bob Grosscup (a founding member) and Bob Johannsen (chairman) for their dedication to the KPB committee and presented them with a plaque in appreciation.

Michael Byrd, Executive Director and Manager of the Watson Woods Preserve and the Prescott Creeks Association, commented they were happy to take over the Granite Creek cleanup which occurred on the

same day as the Earth Day celebration in Granite Creek Park and he hoped to see many volunteers. He invited the Mayor, Council and staff to help this year on April 21, 2007, from 8:00 A.M. to 10:00 A.M. to clean up Granite Creek.

Doris Cellarius and Ann-Marie Heins were present and thanked the Keep Prescott Beautiful committee for their years of service; the Granite Creek cleanup was a great event and they hoped they could carry it forward with as much enthusiasm.

C. Demonstration by Fire Department of thermal imaging and chemical detection equipment.

Fire Chief Darrell Willis explained the Council would see two demonstrations today in advances in technology; Captain Cory Moser would demonstrate the chemical detection device and Captain Dave Essex would demonstrate the thermal imaging camera.

Captain Moser remarked the chemical detection equipment was purchased with grant funds and would be used to identify unknown substances quickly. Previously samples of unknown substances would be identified through the use of a haz-pack or chemistry-type kit; an ammonia kit or a sample would have to be sent to a lab in Phoenix for identification. The new device could identify substances immediately by shooting a laser beam aimed at the substance or through a clear glass container. The machine was easy to operate and was very accurate. A three-year contract with the manufacturer was included in the purchase and if the device was unable to identify a substance, staff could download the waveform via an encrypted e-mail and they would respond as quickly as needed, within one hour if there was an emergency, and they were available 24 hours a day.

Mayor Simmons asked if it could identify mixtures and Captain Moser replied it would narrow down the combinations and then identify each substance.

Councilman Roecker asked if certain materials could explode in the machine and Captain Moser replied the laser light could heat up the substances, so nothing black that would absorb heat, fluorescent substances or elementals like mercury could be read by the machine. Flammable gas on the other hand would not absorb heat and could safely be read by the machine. This device put Prescott in the leadership position in the region and valuable to other entities in the area.

The machine would also be useful to the drug task force (PANT) and the Fire Department was putting in for another grant to purchase an infrared

spectrometer that would be able to identify substances that couldn't be put in the chemical detection device.

The machine cost \$30,000 which was 100% grant funded and the service agreement cost \$10,000.

Captain Dave Essex explained the thermal imaging camera was also purchased with grant funds. It absorbed thermal energy and produced a picture and could be used to identify the hottest spots in a burning building which could be attacked with water more quickly, to find victims, to find the way out of a burning building, to go in after the fire was out and find hot spots. It could be used during wildland fires to track vehicles and staff; a firefighter only had a 20 minute breathing bottle and this device allowed them to get more accomplished in that time. The Hazmat crew could use it to look at a propane tank and tell how full it was; and they had found a victim of a car accident who had been thrown about 50 feet from the vehicle because the device picked up images of warm objects.

Councilman Blair asked how many thermal imaging cameras the fire department had and Captain Essex replied they now had two and their goal was to have one on each fire engine.

Councilman Blair wanted to put enough money in the fire department's budget this next fiscal year to purchase one camera for each fire engine; and related the story of donating a house to the fire department for training purposes and letting his 10-year old son put on the thermal imaging camera and enter the home and find a hidden mannequin.

Captain Essex remarked each camera cost \$12,000 and invited Council to attend their 2007 VIP Expo on March 29 which would include "a day in the life of a fireman".

III. CONSENT AGENDA

Councilman Bell MOVED to ADOPT the Consent Agenda, Items III-A through III-Q, which was SECONDED by Councilman Lamerson. The motion passed unanimously.

- A. Approve a multi-year contract for delivered vehicle fuel and lubricant products with Reamax Oil, Camp Verde, in an initial annual amount not to exceed \$180,000.00 and picked-up fuel in an amount not to exceed \$90,000.00; and a multi-year contract for picked-up vehicle fuel with Bennett Oil, Prescott, in an initial annual amount not to exceed \$650,000.00.

- B. Adopt Resolution No. 3802 - A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the amendment of Resolution Number 3597, to allow submission of an amended application to provide for use of CDBG funds, and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.
- C. Approve an engineering services contract with Carollo Engineers, in an amount not to exceed \$129,606.00 for the Prescott Canyon Reservoir and Piping Project.
- D. Approve a grant application to the U.S. Department of the Interior, Bureau of Reclamation, for funding of a regional water conservation project.
- E. Award bid to Duncan Pump Company in the amount of \$45,890.00 for the Well No. 6 Modification Project.
- F. Approve Amendment One to Contract #05-082 with Brown and Caldwell for Phase IIA design services in an amount not to exceed \$235,195.00 to replace a segment of the North Prescott Regional Wastewater Force Main.
- G. Approve Site Plan for Bradshaw Senior Apartments, 52 units on 2.86 acres located east of Bradshaw Drive and south of Stetson Drive, with the conditions that (1) deed restrictions will be enforced limiting the project to senior housing; (2) grading plans to be reviewed by the Commission; and (3) applicant to comply with Agency comments within the Staff Report dated 02/20/07 and 02/27/07. (SI07-001/APN 110-04-141Q)
- H. Approve Preliminary Plat for Cedarwoods Townhomes, 18 units on 4.48 acres, located at 444 Robinson Drive, with the condition that the Planning Commission reviews the final plat before it proceeds to City Council. (SP06-011/APN 110-05-002)
- I. Approve Preliminary Plat for the Cove at Iron Springs, 60 condominiums on 6.1 acres located at 1340 Iron Springs Road, west of the Village of the Boulders Shopping Center. (SP06-012/ APN 115-05-064C)
- J. Approve a Revision of Plat of a portion of Block 13, Fleury's Addition, dividing one parcel into two lots. (RE-06-042/APN 113-11-074)
- K. Approve a Revision of Plat of Lots 6 & 7, Block C of Mile High Park subdivision, creating one new parcel and adjusting existing lot lines to create a total of three lots (Lots 6A, 7A, 7B) located at 330 Lindberg Drive. (RE-06-032/APN 111-09-048, 049A)

- L. Approve a Site Plan for the Chumbin Medical Office Building located at 3733 Karicio Lane, south of Costco in the Prescottonian Plaza. (SI07-002/APN 103-20-595D)
- M. Approve Revision of Plat of Lot 31, Chaparral Hills Subdivision, Unit Two, located on the southwest corner of Sequoia Drive and Redbud Lane, to create three lots from one. (RE-06-043/APN 116-07-056)
- N. Approve a License Agreement with the law firm of Murphy, Lutey, Schmitt, and Fuchs relating to Bill the Elk atop the Elks Theater building.
- O. Approve a contract for outside legal services with Fennemore Craig relating to the Center for Biological Diversity and the Big Chino Ranch.
- P. Adopt Ordinance No. 4579 - An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, granting an electric utility easement to Arizona Public Service to furnish electricity to the City of Prescott transfer station and environs.
- Q. Approve Minutes of the Regular Voting Meeting of Prescott City Council Held on February 13, 2007.

IV. REGULAR AGENDA

- A. **Adoption of Resolution No. 3803 - A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the City of Prescott to amend Development Agreement No. 03-243 with Tri City Prep and approving the First Amendment thereto, and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.**

Public Works Director Craig McConnell explained the City received a request from Tri-City Prep School to amend the existing development agreement to modify conditions requiring the school to connect to the city's sanitary sewer system and Mary Ellen Halvorson would like to address the Council.

Ms. Halvorson explained how she met with Planning Manager Julie Pindzola several years ago and Ms. Pindzola indicated the property along Highway 89A and Side Road was going to be zoned commercial and that would be a good site for a school. She said they purchased property and at that time City utilities were not available and it was predicted utilities would not be available for about 15 years so they developed their own water well system, with a storage tank and a large septic system. The water and sewer system were put in according to ADEQ regulations.

The Development Agreement with the City stated the school would hook up to City utilities when a sewer line was within 400 feet and to water when a water line was available at the property line. The policy or code requiring sewer hookup when a main was within 400 feet had been eliminated from the City Code and they were left with a requirement in their agreement that was no longer effective. The adjacent property developed more rapidly than expected and within two years a sewer main was now located within 400 feet; the main was uphill so it would require the expense of putting in a pump station. The school wanted to build a gymnasium and they currently could put in a second water storage tank for fire protection but they were proposing to bring water to the property at their expense for fire protection purposes only at this time. She said it was a win-win situation, the City won by the school bringing water to the property and the students won by having a safer environment. The best solution seemed to be to take the step closer to make utilities available.

Councilman Lamerson summarized Prescott had a public school with 200 students in the City limits on a private well and large septic tank system with a large leach field which could create health issues; a development agreement existed and they should be put on the public sewer system or put them on both the sewer and water systems.

Mr. McConnell clarified the Arizona Department of Environmental Quality was the regulatory jurisdiction and approved the system.

Councilman Blair asked if there was a tracking mechanism in place for agreements such as this; he wanted to know this property would be hooked into the City water and sewer system in the future and Mr. McConnell explained an agreement could contain conditions of connections to property lines, distance or a time frame; this particular agreement stated 400 feet and the school would be required to connect; the school was asking for the distance to be reduced to 275 feet. The Council could determine what they were comfortable with and could amend the agreement or leave it as it was.

Councilman Blair remarked he was comfortable with the proposal from the school but he wanted a Council in two years to look at it again as it might be within the amended distance of 275 feet and if it wasn't looked at for six years too many years would have gone by.

Councilman Lamerson suggested a time certain, such as 7, 10 or 12 years; public schools in Prescott should be on the City's sewer and water system.

Mr. McConnell commented when infrastructure was involved it was better to be site specific (to the property line); 7-10 years was an appropriate

time frame and 5 years was too short; he didn't know if this would work for the school; the school was asking Council to amend the agreement or keep current agreement in force. The area of Side Road and Highway 89A was going to change in the next few years with an interchange added to the road system and development would follow.

Manager Steve Norwood suggested a time frame of five years.

Attorney Gary Kidd suggested the agreement be amended to require the school to hook up to city water and pay the fees and engineering costs at such time when a sewer main was adjacent to the property or five years, whichever came first.

After further comments by Councilmembers, it was their consensus the agreement would be amended to state a review of the situation would be done in five years; it would not be mandatory for the school to hook up in five years. In that time City water and sewer might be available and the school could hook into it.

Councilman Roecker MOVED to ADOPT Resolution No. 3803, as amended, which was SECONDED by Councilman Blair. The motion passed unanimously.

B. Reappointments to the Board of Adjustment, the CDBG Advisory Committee and the Prescott Preservation Commission.

Mike Klein, Jerry Jones, James Johnson, Louise VanBuskirk, Pamela Wickstrom, Russ Buchanan were in the audience and recognized.

Mayor Simmons MOVED to REAPPOINT Michael J. Klein, Jr. to the Board of Adjustment, term to expire February 2010; James R. Johnson, Jerry S. Jones, Louise C. VanBuskirk and Pamela C. Wickstrom to the CDBG Advisory Committee, terms to expire January 2009; and Russ Buchanan to the Prescott Preservation Commission, term to expire February 2010, which was SECONDED by Councilman Roecker. The motion passed unanimously.

Councilman Bell expressed appreciation for the time and effort Tim Greseth had given to the Preservation Commission.

V. ADJOURNMENT

There being no further business to come before the Prescott City Council, Mayor Simmons ADJOURNED the meeting at 4:35 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 27th day of February, 2007. I further certify the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____, 2007.

AFFIX
CITY SEAL

ELIZABETH A. BURKE, City Clerk