

PRESCOTT CITY COUNCIL
COUNCIL STUDY SESSION
PRESCOTT, ARIZONA
FEBRUARY 6, 2007

A STUDY SESSION OF THE PRESCOTT CITY COUNCIL WAS HELD ON TUESDAY, FEBRUARY 6, 2007, 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

Manager Steve Norwood remarked the editorial in the newspaper today caught him off guard and it was misleading regarding the drop in sales tax revenues and the City having to suddenly “put on the brakes.” He said he wanted the public to know the budget was based on a 4% sales tax revenue basis and it was true the City had enjoyed double digit figures in the past few years, but the budget was set using a conservative number; revenues over that base were put in the Capital Improvement Fund and allowed the City to pay cash for such projects as the parking garage and the expansion of the library.

He concluded saying today was the groundbreaking for the central garage fleet maintenance building which would be completed in 8-10 months and would provide that area with much needed space.

Mayor Simmons reported he had been honored with a grandparents baby shower today, which was a unique experience for him; now when his daughter and son-in-law came to visit all they had to bring was the baby.

I. DISCUSSION ITEMS:

A. Approval of contract with Prescott Downtown Partnership in the amount of \$16,425.00.

Economic Development Director Jane Bristol explained this was an annual funding agreement with the Prescott Downtown Partnership and the amount of funding was based on 60% of the fees collected from vendors for various events held on the Courthouse Plaza; PDP administered the Main Street program for the City.

Councilman Luzius asked where the other 40% went and Ms. Bristol replied it went into the City budget.

Steve Stazenski, President of the Board of Directors, gave an update on 2006 and planned 2007 activities. He mentioned:

- A new logo which was reminiscent of an old rodeo belt buckle.
- Arts and Crafts show in conjunction with the rodeo.
- Kiosk maintenance and keeping it up to date with activity notices.
- A 2-year agreement with Yavapai County to coordinate activities on the Courthouse Plaza and PDP did all the permitting.
- Old West Oktoberfest was a popular event and they were considering expansion to Montezuma and Cortez Streets for more room; \$10,000 was donated from this event to the Courthouse lighting the past 2 years.
- Holiday Light Parade and \$1,200 in prize money was given out to the winners; 10,000 people watched the parade.
- They coordinate the decorating of the Courthouse and Plaza for Christmas and solicit volunteers and staff to work on the gazebo.
- Following implementation of the non-smoking ordinance they developed a container in which to put cigarette butts instead of being thrown on the sidewalk; several businesses purchased the containers and put them in front of their business with a plaque that identified the business; a right-of-way use permit was obtained from the City to put them on the sidewalks; the business owners cleaned and maintained them and more would be added.
- First year for the Festival of Trees event; 36 non-profits and 35 downtown businesses participated and raised \$3,000.00. PDP decorated a tree in the lobby of Hotel St. Michael with etched crystal ornaments that would be available for \$20 each at the PDP office at 101 East Gurley Street throughout the year.
- Crystal paperweights etched with the image of the 1882 Courthouse were available for \$100 each. The paperweights were

on sale at the Raven in Bashford Court, Sharlot Hall Museum and Chamber of Commerce.

- Proceeds from the ornaments and paperweights went toward the Courthouse lighting project.

Councilwoman Suttles asked how much the containers for cigarette butts cost and Mr. Stazenski replied they were \$200 per unit and they sold them at their cost to produce and did not cost the taxpayer anything; one business owner was going to buy four of them and donate them to the community.

Councilwoman Suttles asked if PDP sold the Christmas mugs and Mr. Stazenski replied that was the Prescott Downtown Association and he thought the Chamber of Commerce would be doing that next year. For 2007 they were going to concentrate on downtown cleanliness and sidewalk cleaning; maintain uniformity of the wrought iron furniture and trash bins and look at magazine racks that would match the design; work on fundraising efforts to keep the organization funded; and he would like to look into the feasibility of returning the large planters back into the downtown area and they would support the planting and maintenance of them. They wanted to expand the "Sidewalk Buttler" program (for cigarette butts) and achieve sandwich board uniformity and get more member input and ideas and increase their marketing efforts.

B. Adoption of Ordinance No. 4576 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, establishing procedures to provide for immobilization or poststorage hearings for vehicle impoundments pursuant to A.R.S. §§28-3511 to 3515.

Deputy Police Chief Mike Kabbel explained the ordinance would establish procedures to be followed by a contract hearing officer who would hold post storage hearings; the Police were required to impound vehicles for 30 days when the driver was in violation of traffic laws, such as DUI, extreme DUIs, no proof of insurance, no driver's license, etc.; and a process was needed to allow the hearing on the immobilization or impoundment of that vehicle by the owner.

Councilman Roecker asked how much this would cost and Attorney Gary Kidd replied the City had several options, to use a fulltime Sergeant to be the hearing officer; the Justice Court system could be used but both of those tied up the officers and court and it was decided a consulting agreement in an amount not to exceed \$10,000.00 would be the best way to proceed. He said the fees from the impoundments would fund the consulting agreement.

C. Approval of application to the State of Arizona Department of Homeland Security to obtain grant funds in the amount of \$492,035.00 (for Mobile Communications Center).

Deputy Police Chief Mike Kabbel explained the application was for grant funds to purchase a mobile communications center to provide police and fire communications during emergencies; it would allow joint dispatching with other agencies such as during forest fires, hazmat emergencies, or a plane crash; it would be self contained and six dispatchers could operate it.

Councilman Blair asked about storage, training employees and operating the facility, and if new employees would be hired. Mr. Kabbel replied there would not be any new employees hired; dispatchers were available to operate the dispatching consoles and other entities on an emergency site could use the dispatch center as well.

Councilman Blair said there would be some expense in maintaining and storage and wondered if the Forest Service, Tribe or County had been approached to share those costs and Mr. Kabbel remarked this was the application process at this time.

Councilwoman Suttles commented this was the fifth or sixth grant request from Homeland Security and asked where the money came from and what the City did before the Homeland Department was created. Mr. Kabbel explained grant funds previously were available from other sources and Homeland Security Department gave money to areas that could be used by more than one entity, as in Prescott's situation.

Councilwoman Suttles added some Councilmembers questioned the grant process and asked if the Police Department applied for every grant that was available or picked. Mr. Kabbel replied they applied for grants they could use for projects or equipment they needed and many communities applied for the same grant funding. A grant selection group made the decisions as to who would receive grants and who wouldn't ,based on their own criteria.

Councilman Roecker asked if the Sheriff's Department was involved and Mr. Kabbel responded they would have the opportunity to use it at any time, especially if they had a communication loss like what happened last week when there was a fire in the downtown area and the Sheriff's Office lost power and dispatch went down as well; the unit would have been helpful during the Indian Fire where the different entities and emergency workers could not communicate with each other.

- D. **Approval to purchase emergency vehicle equipment through the Arizona Counter Drug Procurement 1122 Program in an amount of \$181,504.70.**

Deputy Police Chief Mike Kappel explained Council approved the purchase of five new and six replacement vehicles for their department and this item was the purchase of emergency lights, cameras, radar, security screens, radio consoles, siren systems, etc.

Councilman Blair asked what happened to the equipment that was in the vehicles that were being replaced and Mr. Kappel replied they would be auctioned.

- E. **Approval to purchase one 2008 Ford F250 Police Pickup Truck with emergency and operational equipment from Sanderson Ford through Arizona State Contract #SCC070002-A4 for the amount of \$39,335.78.**

Deputy Police Chief Mike Kappel explained the request was to purchase a 2008 Ford F250 from Sanderson Ford in Glendale per Arizona State Contract, which would be designated to the Commercial Vehicle Enforcement Officer in the Traffic Safety Section. Some equipment for the vehicle would be purchased separately; \$46,500 was budgeted and the vehicle, including emergency lights, push bumper, siren system, hard bed cover, weights and scales box, communications radio and radio/light system center console, radar, bed liner and printer mounting rack were included in the price of \$39,335.78.

Mayor Simmons asked why they were purchasing an F-250 and Mr. Kappel replied they needed to move motorcycles, scales, speed limit signs, etc. and an F-250 was needed for that.

Councilman Blair asked if the remaining funds budgeted would be used to paint the new vehicles with the new color scheme and Mr. Kappel replied the money would be used to buy scales for weighing large trucks and other enforcement equipment to look at the overall condition of large trucks on city streets.

- F. **Award of bid in the amount of \$24,385.00 to TDK Comfort Systems for HVAC installation in three fire stations.**

Fire Chief Darrell Willis explained the heating, ventilation and air conditioning systems in three of their fire stations (Iron Springs, Airport, Smoke Tree Lane locations) had not been updated for many years and they had identified projects that needed to be done; TDK Comfort Systems from Chino Valley was recommended for award of the bid.

G. Approval of license agreement between Antelope Hills Golf Course and Golf Cart Marketing, Inc. in the amount of \$40 per cart, per month.

Administrative Services Director Mic Fenech explained this would be a license agreement between the golf course and Golf Cart Marketing to place advertising on the golf carts; the Enterprise Fund revenue would be \$40 per cart per month and the advertising would be subtle.

Manager Norwood added this would be approximately \$6,000 per month. Councilman Blair asked whether the City could refuse to put certain advertising on the carts and how this was brought to the City and Mr. Fenech replied the vendor approached the golf course with the idea and the City had the right of first refusal in the advertising.

Councilman Blair asked if the advertising would be local or national and Mr. Fenech replied national—for such products as Aleve and Nexus.

Councilman Roecker asked Attorney Kidd if this opened the option for people to pressure Parks & Recreation to put advertising on ball field fences or other City facilities. Mr. Kidd said no, but if anyone else showed an interest it would have to go to an open bidding process next time and it was possible someone might ask to advertise on buildings.

H. Adoption of Resolution No. 3799 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, accepting the proposal by Habitat for Humanity to purchase certain real property owned by the City of Prescott and authorizing the City of Prescott to enter into a purchase agreement with Habitat for Humanity for such property; further finding that such sale has been duly advertised pursuant to Notice of Intent to Sell Real Property, and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above. (Sonora Street/Parcels #113-14-052A, 052B, 050, 049, 048)

Community Development Director Tom Guice explained the property was City-owned property on the north side of Sonora Street and south of Meany Street totaling 1.321 acres; it was a difficult site for development; waterline upgrades were needed and staff was recommending Council accept the purchase offer from Habitat for Humanity.

Meriam Haubrich, Habitat for Humanity Executive Director, remarked they purchased property on Meany Street which was currently in the process of building and thanked Councilman Lamerson for saying single family residences shouldn't be put on City property; they looked at this issue and had an expert look at the property so affordable housing could be provided near the downtown area and close to schools; they proposed the City

agree to sell them the property. With the help of Michael Pyatok, architect of the Stardust Foundation at ASU, they would build 13 to 17 condominiums on the property; this would be a star project in Arizona.

- I. **Adoption of Ordinance No. 4567** – 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 property generally located west of White Spar Road off Peterson Lane and assigning zoning classifications thereto. (ANX06-004/Williams, Hollyer, Woods)

Community Development Director Tom Guice explained Ordinance No. 4567 would approve the annexation of property west of White Spar Road off Peterson Lane, approximately .927 acres; the annexation would be effective in 30 days.

- J. **Adoption of Ordinance No. 4568** – 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 property generally located north of Limberlost Lane and south of Clubhouse Drive and assigning zoning classifications thereto. (ANX06-003) (Boyle/DeBusk Open Space Preserve) (APN #107-04-038, 039)

Community Development Director Tom Guice explained Ordinance No. 4568 would annex approximately 9.7 acres that was donated to the City of Prescott by Helen Boyle for open space and a cabin was located on the property.

Councilwoman Suttles asked if the City would use the cabin and Mr. Guice replied the property was donated for open space and a portion of the cabin area would be used for meetings, files and storage which was allowed within the Recreational Open Space zoning designation; .2 acres would be zoned Recreation Space (RS) and 9.5 acres would be designated Natural Open Space (NOS) zoning.

- K. **Approval of Comprehensive Sign Package for Summit Plaza, located at 221 N. Montezuma Street between Sheldon Street and Willis Street. (CC06-001)**

Community Development Director Tom Guice introduced Dale Johnson from Signs Plus who gave a presentation about the proposed sign package.

Dale Johnson of Signs Plus discussed the sign package for the Summit Plaza located at 221 N. Montezuma Street and the amount of signage allowed was 800 square feet of wall signage which the developer thought

was excessive and they were proposing a trade-off to put less signage on the building and more freestanding signage. The developer was proposing to put five 40-square foot wall signs totaling 200 square feet on the building and two large freestanding building directory signs and two freestanding drive-thru signs totaling 164 square feet for all 4 signs. The freestanding, directory signs would have a 5' base with a height of 17'6" for the sign at the corner of Sheldon and Montezuma Streets and a 5' base with a height of 15'6" for the sign on Montezuma Street. The monument signs would be the only source of signage for up to seven of the building tenants.

Mayor Simmons asked if there would be sight visibility problems and Mr. Guice said at the time of permits staff would ensure there were no visibility problems and that could be made a condition of permitting.

Mr. Johnson explained the signs were higher than allowed by code due to their location within the parking area and the signs needed to be seen over the roofs of the vehicles.

Councilmembers Blair, Roecker, and Luzius presented their concerns over the extreme height and size of the monument signs and suggested lowering the height of the two signs.

Frank Hahn, developer, explained they thought their proposal in reducing the amount of signage on the building with more freestanding signage was a good trade-off and agreed the sign at the entrance could be lowered, but the sign within the parking area needed to be higher than the roofs of the vehicles.

Council suggested lowering the one sign proposed for the entrance and discussed the placement of the entry sign.

Councilman Bell asked what comments were made by the Planning and Zoning Commission and Mr. Guice said they discussed the scale of the signage, the height and the scale of the building, and the LED message display, and unanimously recommended approval.

Jack Wilson, 1514 Eagle Ridge, suggested thinking about duplexing the sign instead.

Councilman Luzius suggested making the sign wider and shorter and Mr. Hahn replied there wasn't room to make the sign wider because of the way the facility was laid out; it had been hard to get the number of parking spaces in there.

Mayor Simmons suggested the developer see what they could come up with by next week and it seemed Council didn't have any problem with the Montezuma/Sheldon Street corner sign, but did with the Montezuma Street sign and this would be kept on the agenda. Councilman Luzius noted that he had a problem with both signs.

L. Centerpointe South:

1. **Adoption of Ordinance No. 4577** - rezoning of approximately 60.45 acres from SF-18 to RE-2 acre, and approximately 49.5 acres from SF-18 to Business Regional.
2. Approval of **Preliminary Plat** for Centerpointe South.
3. Approval of **Water Service Agreement** with Centerpointe South Development for 9.45 acre feet of water annually.

Community Development Director Tom Guice explained this item was an ordinance to rezone approximately 60.45 acres to RE-2 acre and 49.5 acres to Business Regional for the Centerpointe South project, a preliminary plat and a water service agreement for the residential component of the project.

Councilman Roecker asked for clarification on the topography and lot size and Mr. Guice responded a slope analysis showed sloped areas in excess of 20% which required the consideration of the Hillside Development Standards, but because the lots would be two acres or larger the lots would be permitted to have 15% of the lot as disturbable area and disturbable area envelopes would be required as part of the final plat.

Councilman Luzius asked if recharge lines were required and who would pay for that, and Mr. McConnell responded that would be discussed between the preliminary plat and final plat stage and there would probably be a development agreement that would address the financing.

M. Land Development Code amendments, including preliminary plat requirements, general changes to development review process terminology:

1. **Adoption of Resolution No. 3801** – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, declaring as a public record that certain document filed with the City Clerk and entitled "*The February 2007 Amendments to the City of Prescott Land Development Code Dated July 1, 2003.*"

2. **Adoption of Ordinance No. 4578** – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona relating to the City of Prescott Land Development Code Dated July 1, 2003; adopting “*The February 2007 Amendments to the City of Prescott Land Development Code Dated July 1, 2003*” by reference, and providing penalties for the violation thereof.

Manager Steve Norwood explained the Land Development Code amendments were generated over the last six months; most were terminology and process issues; the changes would be very beneficial and the Planning and Zoning Commission voted unanimously to approve them.

Councilman Blair commented he was on the Land Development Code committee and they knew there would be changes and he was appreciative of the process the group went through to come up with the proposed changes.

- N. **Approval of Water Service Agreement with Patrick and Danette McCarty for A.P. #113-02-024E providing for 1.40 acre feet of water annually.**

Public Works Director Craig McConnell explained this was a Water Service Agreement for Patrick and Danette McCarty at 827 Second Street; the Water Management Policy required Council approval for water if more than three units were being added; there was an existing house on the property and the McCarty's were planning to construct two new duplex buildings, adding four dwelling units which was allowed under their current MF-M zoning and would be capped at the five total units. A small water main replacement project in this area was currently out to bid which would upgrade the existing 2 inch water main to a new 6 inch main which would meet the increase in demand and provide fire flow.

- O. **Adoption of Resolution No. 3800 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, declaring, for purposes of Section 1.150-2 of the Federal Treasury Regulations, official intent to be reimbursed in connection with certain capital expenditures.**

Budget/Finance Director Mark Woodfill explained this was an Internal Revenue Service requirement to adopt a formal resolution to declare the intent of the City to reimburse themselves through a debt issue for the Central Fleet Garage Facility expansion and the Solid Waste Transfer Station expansion projects. The bonds were anticipated to be issued in summer 2007.

- P. Notice of Public Hearing (February 13, 2007) and consideration of liquor license application submitted by Carla Ann Roberts for an original New Series 7, Beer and Wine Bar, License for Jazzy's Wine Bar, to be located at 3250 Gateway Boulevard, in the Prescott Gateway Mall.**

Clerk Elizabeth Burke announced the Public Hearing would be held Tuesday, February 13. This was a new Series 7 liquor license for Jazzy's Wine Bar to be located at 3250 Gateway Boulevard in the Prescott Gateway Mall. The property was posted on January 11 and the applicant was requested to be here next week.

- Q. Notice of Public Hearing (February 13, 2007) and consideration of liquor license application submitted by Daryl Monroe Davis, Agent for Barbudo's Restaurants, L.L.C., for a New Series 12, Restaurant, License for Barbudo's Burrito Company located at 1042 Willow Creek Road, Suite #107.**

Clerk Elizabeth Burke announced the Public Hearing would be held Tuesday, February 13. This was a new liquor license at 1042 Willow Creek Road; there was an existing restaurant and the new owners were applying for a liquor license; the property was posted on January 3.

- R. Notice of Public Hearing (February 13, 2007) and consideration of liquor license application submitted by Randy D. Nations, Agent for Almaden Enterprises, L.L.C., for the Person Transfer of a Series 6, Bar, License for Lyzzards Lounge, located at 120 North Cortez Street.**

Clerk Elizabeth Burke announced the Public Hearing would be held Tuesday, February 13. There was an existing license at this location and the business was transferring to new owners and the property was posted January 16.

- S. Approval of Contract for legal services with Maguire and Pearce.**

Attorney Gary Kidd explained the City had a retainer agreement with Fennemore Craig for legal representation for the Gila River adjudication matter, general water law matters and other water issues and attorney, Mike Pearce, handled those matters. Mr. Pearce was now on his own and staff would like to continue having him work on the Gila River adjudication and general water law issues and was recommending a contract with Maguire and Pearce be approved. Fennemore Craig would still represent the City on the Center for Biological Diversity and claims on the Big Chino.

Councilwoman Suttles asked when someone left a law firm if they get to pick what contracts they wanted to take with them. Mr. Kidd responded it

was up to the client and since Mike Pearce was already very familiar with the issues and experience in working with ADWR it would save the City money by not having to familiarize another attorney with the all the background information.

- T. **Approval of Minutes** of the Special Meeting of the Prescott City Council held on January 12-13, 2007 (Goal Setting), the Minutes of the Special Meeting of the Prescott City Council held on January 16, 2007 (El Salvador Reception) and the Minutes of the Regular Voting Meeting of the Prescott City Council held on January 23, 2007.
- U. Selection of items to be placed on the **Consent Agenda** for the Regular Voting Meeting of February 13, 2007.

Mayor Pro Tem Lamerson selected the following items for the Consent Agenda: Items A-T, excluding K, P, Q, and R.

II. ADJOURNMENT

There being no further business to come before the Prescott City Council, Mayor Simmons ADJOURNED the meeting at 4:38 P.M.

ROWLE P. SIMMONS, Mayor

ATTEST:

ELIZABETH A. BURKE, City Clerk