

PRESCOTT CITY COUNCIL
COUNCIL STUDY SESSION
PRESCOTT, ARIZONA
APRIL 17, 2007

A STUDY SESSION OF THE PRESCOTT CITY COUNCIL WAS HELD ON TUESDAY, APRIL 17, 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 Blair
Councilman Lamerson
Councilman Luzius
Councilman Roecker
Councilwoman Suttles

Absent:

Councilman Bell (excused)

□ SUMMARY OF CURRENT OR RECENT EVENTS

Mayor Simmons mentioned a public report regarding the El Salvador trip would be presented soon.

Mayor Simmons also announced Councilman Bell had come by City Hall today but was not ready to return to attend a Council Meeting and wanted to thank everyone for their concerns and support. He was doing well and the doctors wanted him to return slowly to his regular activities.

I. PROCLAMATIONS

A. April 21, 2007 – *Earth Day*

Councilwoman Suttles read the proclamation and presented it to Libby Majors who announced the Earth Day Celebration would be held Saturday, April 21 at Granite Creek Park and the theme was “Climate Change” and the Granite Creek Cleanup would be held from 8:00 A.M. to 10:00 A.M.; volunteers should meet at Granite Creek Park.

II. PRESENTATIONS

A. Presentation on proposed projects of the Upper Verde River Watershed Protection Coalition.

Big Chino Ranch Manager Jim Holt presented the proposed projects and programs that the Upper Verde River Watershed Protection Coalition was considering, included in Exhibit A attached hereto and made a part hereof).

The list of proposed projects and estimated costs (\$300,000 total) were:

1. Identify natural recharge areas for protection - \$60,000
2. Identify artificial recharge sites and assess feasibility - \$60,000
3. Develop water conservation plans and programs - \$30,000
4. Examine the feasibility of a flood detention project - \$30,000
5. Examine existing Big Chino hydrologic monitoring network and design expanded network - \$45,000
6. Research healthy watershed management approaches (watershed restoration) - \$75,000

Council Questions:

Councilman Luzius asked what an artificial recharge site was and Mr. Holt responded an example was the City's recharge facility at the Airport or it might be an area where the geology would facilitate a recharge opportunity.

Councilman Luzius asked what water restoration meant and Mr. Holt said it would include the removal of non-native species and would promote rangeland habitats and the restoration of grasslands; the area would be monitored to ensure non-native species did not grow back.

Councilman Lamerson appreciated staff members of the Coalition bringing the list of proposed projects to the Council and reiterated his concerns about cause and effect such as pumping out of the Big Chino to achieve safe yield in the Active Management Area (AMA) and where the water would come from to put back into the aquifer; what the cause and effect was of creating artificial riparian area; what the cause and effect was of flood detention if the water was kept from flowing where it did naturally; and he asked if cause and effect would be part of the feasibility study for each project.

Mr. Holt responded each project would be closely reviewed to look at opportunities, costs, their merit, and whether there was enough scientific background to be a pilot program.

Councilman Lamerson added to not forget the cause and effect impact.

Councilman Blair added the ranches dug water tanks and irrigated their land and water was pumped continuously many years ago and it didn't affect the Verde. Mr. Holt said there were records they could look at from the headwater gauges to get an idea of historic water usage; if they found areas for recharge they would keep them undeveloped.

Councilman Luzius asked if any of the studies would incorporate environmental impact analyses and Mr. Holt replied the feasibility analysis would include that.

III. DISCUSSION ITEMS

A. Discussion and possible action(s) directing the City's representative on the Upper Verde River Watershed Protection Coalition regarding Coalition's proposed projects.

Mayor Simmons commented he was concerned about the administrative costs and was leaning toward having individual contracts for different projects that included management and he realized the staff that was assisting the different entities did not have the time to devote to the specific projects to be done.

Councilman Blair commented one of the projects was to develop water conservation programs in the amount of \$30,000 and said the City had a water conservation specialist and he asked if the project included more than what was being done now. Mr. Holt said the project was to provide education outside of Prescott; that Shaun Rydell did a good job for Prescott but there were additional opportunities to conserve water outside the service area.

Councilman Lamerson said he liked the contract for services idea and didn't want staff workload diminished. He wanted assurance that the cause and effects were known before beginning any of the projects.

Ashley Fine, 207 Congress Drive, commented there were good questions being asked. She stated the proposed pumping would exceed the amount that had historically been pumped for agriculture. That irrigation was an accidental recharge situation as the water could sink into the ground, but pumping removed the water.

Councilman Blair asked if that was a true statement, that the City would be pumping more than was historically used and Mr. Holt replied the Yavapai County Water Advisory Committee study concluded the maximum amount of water for irrigation purposes exceeded the 8,000 acre feet the City would pump out. Councilman Blair asked that that be reviewed.

Mayor Simmons asked how much water reached the aquifer from irrigation usage, knowing some was lost to evaporation, plant consumption, and other factors. Mr. Holt said it really depended on the area, that in the AMA it was probably 20-25%, some researchers said it was as much as 50%, but it varied depending on how close the water table was to the surface.

Chris Hoy, 1880 Coyote Road, commented the sequence between studying the problem to find out what mitigation is required and establishing the list of mitigation projects seemed backwards. He said Fish and Game should look at a habitat conservation plan to determine the outcome of pumping would be on the environment before spending the money on studying the Best Management Practices/mitigation plan and asked why look at the list and decide WHAT IF before anyone knew what IF was; he said they should find out the impacts of the pipeline first.

Joanne Oellers, 11201 Western Sunset Drive, Dewey, representing the Center for Biological Diversity – commented there were a lot of questions such as what if the feasibility studies proved to discount the effectiveness of the projects; what if the recharge from the watershed management approach didn't give the City what they expected; or the recharge didn't work the way the City was hoping it would; or people didn't conserve water like the city hoped they would; what if it all didn't add up to an ability to maintain the base flow in the Verde River?

Mayor Simmons commented they could "what if" all day, but the integrity of the projects depended on getting good data and evaluating the data and suggest finding out what the report stated and go from there.

Joanne Oellers concluded saying if the intent was to protect the Verde River, the "What ifs" were important.

Jack Wilson, 1514 Eagle Ridge Road, commented he wished to make an observation on semantics and implications – the operative words on the screen were "examine, identify, identify, examine, research" for \$300,000, which implied this was only the tip of the iceberg and when finished examining and identifying, a lot more money would be needed. He commented regarding the visit from Herb Guenther, Director of Arizona Department of Water Resources, as part of his roadshow, the issue of pumping in the Big Chino came up and Mr. Guenther said they would have a problem. Councilman Blair might think they won't, but Mr. Guenther, who had more experience, thinks they will have a problem.

Ashley Fine said that was exactly the comment she wanted to make and to clarify the comment came from Herb Guenther in his presentation.

Councilman Blair commented in the number of years he grew up out there the whole area was planted and irrigated and there were no adverse effects to the Verde River. He said it hadn't been quantified that the amount pumped in the late 1960s and 70s didn't equal what the City would be allowed to pump and the historical pumping data would be useful information.

Howard Mechanic, 309 Bloom Place, agreed the historical pumping information was needed; he had talked with Retired USGS Hydrologist Bill Meyer who disputed the statement that there was no effect on the river from the historical pumping. If 12,000 acre feet per year had been pumped and 50% of it went back into the ground that was 6,000 acre feet; the City was going to pump almost 9,000 acre feet. He appreciated Councilman Lamerson putting the item on the agenda for discussion and appreciated the Coalition working toward the goals listed on the first slide -- to protect the flow of the Upper Verde River. There was nothing about the effects of putting in a pipeline. The Upper Verde needed to be protected from all threats which included the potential for large developments that would exceed Prescott's water usage and it needed to be clarified whether the goal was to only mitigate the pipeline or if it was to protect the Verde against all threats and maybe a broader goal was needed.

Mr. Mechanic continued one of the projects was to develop water conservation programs and this didn't simply mean changing to low-flow shower heads or toilets but rather it should mean to keep development low. The discharge from the Little Chino Basin didn't go the headwaters of the Verde but 15-20 miles below the headwaters. The ranches would be sold in the future and developed and he suggested using conservation easements on private property, protecting State Land, and getting a water district formed; tens of thousands of acre feet of water would be pumped by the developments. He wanted to clarify a comment by Councilman Lamerson on having to import water from the Big Chino to reach safe yield—that water needed to be imported from somewhere to reach safe yield, not necessarily from the Big Chino.

Councilman Lamerson agreed but said at present the Big Chino was the water available to Prescott for importation and Mr. Mechanic added the City could only import "groundwater" from the Big Chino but could import "surface water" from anywhere.

Councilwoman Suttles asked Mr. Mechanic where surface water would come from and Mr. Mechanic replied a study would provide alternatives, and none would be cheap or without an effect.

Councilwoman Suttles asked Mr. Mechanic to give her another choice and Mr. Mechanic said the Salt River Project (SRP) had water rights in the Big

and Little Chino Basins and the City could negotiate with them; there was water in the middle Verde near Camp Verde and SRP had water rights there as well and Prescott could negotiate again; the Bureau of Reclamation was doing a study for Coconino County, for the Tribes, and the Grand Canyon to bring in a pipeline from the Colorado River pipeline and it could be extend from Williams and would not have a negative effect on the Big Chino.

Councilwoman Suttles said all she heard were woulda, coulda, shoulda, and maybes and she asked how a pipeline could be brought from Williams when the City had problems getting one from Paulden—it didn't seem like any project would make everyone happy and it was frustrating.

Leslie Hoy, 1880 Coyote Road, asked to comment on four things and said to Councilwoman Suttles that all water projects would be hornet's nest and that was a challenge; there would be a presentation at the Verde Watershed Association meeting on Thursday at Arcosanti at 10:00 A.M. by Leslie Myers from the Bureau of Reclamation on the Coconino pipeline project and invited anyone interested to attend. She understands if the City were to become part of the project the Chino pipeline would still be needed to connect with but water wouldn't be pumped out of the Big Chino. The pipeline might be less costly because the Federal nexus would be avoided and the pipeline would be straighter and less costly. Her preference would be to spend the money to join the Verde River Basin Partnership and work on the projects together. Her last question was to Project Manager Jim Holt regarding the project in Year Two to identify recharge sites and where that water would come from. Mr. Holt asked which project, the natural recharge areas or artificial recharge sites and Mrs. Hoy said artificial. Mr. Holt replied that would be wastewater treatment facility collection sites from future development instead of having septic tanks.

Mrs. Hoy asked if there were population projections and a timeline of development and Mr. Holt said that would be part of the feasibility studies.

Mrs. Hoy said she could understand the interest of Yavapai County in that but why did Prescott have an interest in identifying recharge sites. Mr. Holt responded it was an opportunity to protect the base flows of the Verde; they knew development would occur and they could make sure there was a collection site and that was why Prescott had an interest.

Mrs. Hoy suggested instead of identifying artificial recharge sites to maybe identify properties to be purchased for conservation easements.

Councilman Blair remarked the State said Prescott AMA had to reach safe yield and it hadn't been identified if it pumping out of the Big Chino would affect the flow of the Verde. He asked if Sullivan Lake could be dredged and the lake be a water habitat. He asked what SRP would say about

blocking the water they had a right to and Mr. Holt replied it would be problematic to dredge Sullivan Lake and they would need the permission from downstream water rights holders but he could look into it and the lake had been built in the 1930s by the WPA; to interrupt the flow of water would be a problem.

Thomas Slaback, 715 E. Goodwin Street, commended the work Jim Holt had done with the Coalition projects priorities and the costs and benefits were still unknown. A Year Three project had been changed from a previous suggestion of forest removal to watershed restoration; juniper was a native plant and had been here for millennia; one way to restore grasslands was by fire and it should be reintroduced; \$75,000 was the projected cost of the project. The Forest Service did not advocate the removal of trees as there was no increase in the amount of water back into the aquifer. This information was available at no cost from the Forest Service who hadn't been aware of the project. Water came from snow pack not from rainfall.

Councilman Blair said at Herb Guenther's presentation he had asked the question about forest removal and Mr. Guenther said yes removal was beneficial and he was asked if he had talked with the Forest Service and the answer was yes.

Councilwoman Suttles asked Mayor Simmons if he was taking notes and Mayor Simmons remarked his goal was to get direction from Council so he could vote on these at the next Upper Verde River Watershed Protection Coalition meeting.

Councilman Luzius said he remembered when Sullivan Lake was a lake and when there was a lot more water flowing in the Verde then there was now. He said that dredging Sullivan Lake was a good idea but SRP would say no way; they also said no way to dredging Watson and Willow Lakes to hold more water; the City was fighting an upstream battle with the downstream users and asked when the habitat conservation plan would be ready and Mr. Norwood said staff would have information within the next two weeks on the habitat conservation plan.

John Zambrano said science supported the idea there would be an effect on the Upper Verde River from pumping as the only outlet from the Big Chino Basin was the Upper Verde River; it would take a few decades before the effects would be seen and it was very convenient to say "wait and see what the effects are".

Mayor Simmons cautioned that the discussion was getting off track and should be on the allocation of projects.

Councilman Lamerson concluded his concern was the water was being compromised by things Prescott AMA didn't have any control over.

Councilman Roecker asked Mr. Holt to correct comments he had heard and Mr. Holt responded there currently wasn't any scientific body of evidence that concerned the effects and impacts of pumping groundwater; there was only a conceptual image of how the aquifer worked and the impacts couldn't be determined at this time; the most important thing was to devise and develop a groundwater monitoring program and that was being done and until a water model could be developed to analyze all the data, everything was speculation.

Councilman Roecker added the Water Advisory Committee was funding studies as well which were available for review.

Joanne Oellers, Center for Biological Diversity, said it sounded like water experts were willing to consider other ideas and they were concerned about the study being done after the effects of the pipeline were known and they were being told there was no way to predict the effects of pumping on the Verde. She said it was the responsibility of the elected officials and those involved in the various water projects to show the effects or come up with a reasonable plan; water was being added into the equation that wasn't available and suggest a "no pipeline" alternative be presented.

B. Award of CDBG Contract to Kalista Homes in the amount of \$25,034.00 for Renovation of 711 Hillside, Haddon House/Bird Street Apartments (West Yavapai Guidance Clinic), a Community Development Block Grant Project.

Community Development Director Tom Guice explained this was an approved CDBG project for West Yavapai Guidance Clinic at 711 Hillside, a nine-bed supervised transitional living facility and a three-apartment building known as Bird Street Apartments; the project included new carpet, vinyl, countertops, stoves, sinks, faucets and painting as well as other repairs; two bids had been received and after reviewing references and qualifications staff recommendation was to award the contract to a locally owned firm, Kalista Homes, in an amount not to exceed \$25,034; the project would begin April 30 and the contractor was available if Council had questions. The facilities served low to moderate income clients.

C. Award of CDBG Contract to Kalista Homes in the amount of \$66,090.00 for Renovation of 724 North Fourth Street (West Yavapai Guidance Clinic), a Community Development Block Grant Project.

Mr. Guice said this was also for a West Yavapai Guidance Clinic project at 724 North 4th Street and included roofing, air conditioning, flooring, carpets,

paint and skylight replacement and additional repairs for a 4-plex; three bids were received and staff was recommending award of the bid to Kalista Homes in an amount not to exceed \$66,090. The facility served low to moderate income clients.

D. Notice of Public Hearing (April 24, 2007) on proposed annexation of approximately 21 acres (Granite Gate Assisted Living Facility) located at 3850 North Highway 89 (ANX06-005).

Mr. Guice explained a Public Hearing would be held next week on a proposed annexation of Granite Gate Assisted Living Facility in the Granite Dells area off Highway 89 North. The property consisted of 121 assisted living units on approximately 21 acres and the facility wanted to expand their facilities to add 55 additional assisted living units and 25 memory care units in the first phase and 10 apartments and 50 rehab care units in a second phase.

E. Award of contract to Civiltec Engineering, Inc. in the amount of \$119,668.00 for engineering and landscape design services for a master planned 19-acre park site located on Rosser Street, next to the Prescott Community Center. (Adult Center)

Recreation Services Director Jim McCasland explained a master planned park site was included in the plans for the Adult Center facility on Rosser Street and the contract would include engineering and architectural services as well as a drainage plan. The Parks and Recreation budget was \$82,000 from impact fees and Engineering Services would be putting in the remaining funds for a drainage plan to resolve the drainage problems. The amount of water run-off from Rosser Street damaged the Community Center site and adjacent private property when the Adult Center was being built. Staff was recommending award of a contract to Civiltec Engineering in the amount of \$119,668 for preparation of the construction bidding documents. The plans had been reviewed with the Cliff Rose Homeowners Association and with the Prescott Unified School District.

Councilwoman Suttles asked why the school district had reviewed the plans and Mr. McCasland explained the property had been purchased from PUSD at a reduced rate with the stipulation the school district might place an elementary school on the site at some future date.

Councilwoman Suttles asked if the school district had any plans to do that and Mr. McCasland responded there were no plans in the foreseeable future.

- F. Award of Bid for Emergency Well Maintenance and Repairs project to the Weber Group on an as-needed basis, based on contract bid schedule submitted.**

Public Works Director Craig McConnell explained there was a need for backup emergency well maintenance and repair services that were beyond staff's ability to handle, and this contract would be for a three year period. He said that \$80,000 was budgeted annually and was used on an as-needed basis. Staff was recommending award of the bid to Weber Group of Chandler, Arizona, who also held the previous annual contract.

- G. Adoption of Ordinance No. 4588 - An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona authorizing the acceptance of sewer utility easements from three (3) property owners for the Yavapai Hills Sewer Rehabilitation Project (Phase II).**

Mr. McConnell explained Ordinance No. 4588 would acquire (at no cost) the last three sewer utility easements in Yavapai Hills necessary to proceed with the sewer main rehabilitation project which was scheduled for Summer 2007; the project was currently out for bid and included repairs to eliminate impediments to flow and sealing the system to reduce groundwater infiltration into the system.

- H. Adoption of Ordinance No. 4589 - 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.**

Administrative Services Director Mic Fenech explained there were 26 vehicles the City would like to auction through the Rene Bates Auctioneers online auction services on April 25. The funds would be put into the vehicle replacement fund for future vehicle purchases.

- I. Authorization to enter into a standard License Agreement with local landscape companies for landscape services at Antelope Hills Golf Course in consideration of on-site signage and other water conservation acknowledgements as determined and provided by City Staff.**

Mr. Fenech explained a license agreement was being proposed at the golf course with landscapers in exchange for the acknowledgement through signage of their business. Approximately 12,000 square feet of turf around the clubhouse was being irrigated with potable water and staff would like to replace the turf with water-smart plantings and attractive non-turf landscaping. A Request for Proposals was issued in March and several

landscape companies showed interest in participating in this project. The landscape company will furnish labor and materials, the city will provide any unused materials on-hand and the signage to identify and acknowledge the landscape business. This project was part of a water conservation promotion and would save approximately 1.2 acre feet of water per year or 4,000 gallons.

Councilwoman Suttles asked how the idea came about and Manager Steve Norwood credited Mic Fenech with the idea, stating it was a win-win situation all around.

Councilman Blair asked if the Golf Association would see the plans prior to this project beginning and Mr. Fenech replied he had only discussed this with the Water Conservation Coordinator Shaun Rydell who was making sure the plantings to be put in were on the conservation list. Mr. Norwood added this project did not affect the playability of the golf course.

Councilman Blair added the Little League had taken out their turf and put in dirt and wanted their efforts recognized.

Howard Mechanic, 309 Bloom Place, said he appreciated the City's efforts and leadership in water conservation and asked if there was any way to analyze the playable area to see if there were areas that could be changed and not yet not change the playability of the course. Mr. Fenech said he would get with the Golf Association and Men's Club regarding that and there might be areas that could be converted and he would ask those who play the course; but that would be done after this project was underway.

J. Consideration of debt issuance:

Budget/Finance Director Mark Woodfill explained the Council would be considering three debt issues next week totaling \$30 million and wanted to congratulate the Council for working on financial policies and sticking to them; the City had received a AA minus rating which was very good for a city the size of Prescott; Shawn Draille would attend the Council meeting next week to discuss what this rating meant in future debt situations.

Mr. Woodfill continued the Council would consider three different bond issues, Resolution No. 3810 would provide revenue to complete the design and improvements to the dams and recreational improvements and complete the acquisition of Willow and Watson Lakes and the sale of the bonds would come back to Council for action.

Mr. Woodfill explained Resolution No. 3812 was an application for a loan from the Water Infrastructure Finance Authority (WIFA) who assisted municipalities with a population under 50,000 on projects relating to

wastewater and water. WIFA would look at the application in June and it would come back to Council for action. The request was for \$22 million in WIFA funding and there was \$8 million available in the sewer fund for projects; WIFA would look at the application in June and it would come back to Council for action.

Mr. Woodfill explained Ordinance No. 4587 would approve the issuance of \$6.5 million in bonds by the Municipal Property Corporation for the building of a central fleet maintenance facility (\$5 million) and expansion of the transfer station (\$1.5 million). The MPC would hold a meeting Friday, April 20 to consider the matter. The bonds required an ordinance to approve ground leases between the MPC and City; the emergency clause was included because of the timing in getting into the bond market and the ordinance would be on next week's agenda if it was approved by the MPC.

1. **Adoption of Resolution No. 3810** - A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona ordering the sale of City of Prescott, Arizona General Obligation Bonds, Series 2007 in the total aggregate principal amount of \$1,510,000 and certain related matters thereto.
2. **Adoption of Resolution No. 3812** – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona to authorize the application for a Clean Water State Revolving Fund and/or Drinking Water State Revolving Fund Loan from the Water Infrastructure Finance Authority of Arizona.
3. **Adoption of Ordinance No. 4587** – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, (1) approving the form and authorizing the execution and delivery of a Series 2007 Ground Lease, a Series 2007 City Lease, a Bond Purchase Contract and a Series 2007 Continuing Disclosure Agreement (Municipal Property Corporation Bonds); (2) approving the execution and delivery by City of Prescott Municipal Property Corporation of such Ground Lease, such City Lease, such Bond Purchase Contract, a First Supplement to Trust Indenture and a DTC Letter of Representations; (3) approving an Official Statement and the circulation thereof; (4) approving the issuance of not to exceed \$7,000,000 aggregate principal amount of City of Prescott Municipal Property Corporation Revenue Bonds, Series 2007; (5) delegating to the Budget/Finance Director of the City the authority to determine various terms with respect to the Series 2007 Bonds and the sale thereof; (6) providing for the transfer of certain moneys for the payment thereof and making certain covenants and agreements with respect thereto; (7) authorizing the taking of all other actions

necessary to the consummation of the transactions contemplated by this ordinance and (8) declaring an emergency.

Jack Wilson, 1514 Eagle Ridge Road, asked when the bonds would be issued assuming WIFA approved the financing and Mr. Woodfill replied the bonds would be sold in July if approved.

Mr. Wilson added the project schedule for the Big Chino Ranch pipeline right-of-way acquisition would be completed before the end of May, yet the bonds wouldn't be issued until July and that didn't add up. Mr. Woodfill explained the City adopted a Resolution regarding reimbursement to allow the spending of money before the bonds were actually issued.

Mr. Woodfill added some of the projects would be completed in the near future and others would be completed later, and it saved money to bond several projects together.

Councilman Luzius questioned the emergency clause on Ordinance No. 4587 and not on the resolutions. Mr. Woodfill explained the resolutions didn't need emergency clauses and the objective was to get the bonds into the market, get them issued and receive the lowest interest rate possible.

Howard Mechanic, 309 Bloom Place, asked if rates would be increased to pay for the water and sewer projects and if the bonds would be paid off over 20 years. Mr. Woodfill replied the bonds would be paid off over 20 years and the City was not going to increase any fees to cover the expenditures as they were part of the rate study done one year ago. It was possible other projects in future years would require wastewater rate increases.

Mr. Mechanic asked if the pipeline costs were included and Mr. Woodfill responded it was.

K. Adoption of Ordinance No. 4590 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona abandoning a portion of Cedar Street, and retaining certain easements therein.

Engineering Services Director Mark Nietupski explained Ordinance No. 4590 would abandon a portion of Cedar Street right-of-way and was a 30' wide portion of Cedar Street. The City would retain easements; the north portion was abandoned several years ago to the adjacent property owner; the south portion would be abandoned to Bruce Giles who would pay the City \$17,880 plus abandonment costs.

Bruce Giles, 230 S. Washington Avenue, said he appreciated staff looking into this and agreeing the abandonment would have a positive impact and

he would be making improvements so the property didn't look like a street anymore.

L. Authorization to the Mayor and City staff to direct a letter to the Federal Department of Homeland Security to initiate the MOU (Memorandum of Understanding) process.

Attorney Gary Kidd explained the Council had encouraged staff to look into more local enforcement of immigration laws and today staff was requesting authorization to write a letter to the Department of Homeland Security to initiate a Memorandum of Understanding which was the first step; he noted that a draft letter was in Council's packet.

Questions were posed by Councilmembers asking how many officers would be trained, what their duties and abilities to enforce would be, which entity would be responsible for detention costs, etc. and Mr. Kidd the first step was a letter to the Department of Homeland Security requesting an MOU with the U.S. Immigration and Customs Enforcement Department (ICE) and the MOU would be brought to Council for consideration.

Bob Park, 1470 Butterfly Drive, remarked this was a giant step forward but there was still a long way to go. Because the Federal Government had not done a good job, it was now on the shoulders of the local communities. There was a population in the community that was defacto above the law and they were in violation of the law. There was a wireless portable device called LiveScan used for fingerprinting purposes available that would assist the cop on the beat with instantly knowing who they were dealing with and it could be used by other groups such as PANT as well. Police were going to be able to ask what country a person was from and if they were a citizen and he appreciated the progress that had been made.

Councilman Roecker asked how much LiveScan cost and Mr. Norwood said staff would find out.

M. Approval of civil engineering contract with Kelley/Wise Engineering, Inc. in the amount of \$26,000.00 for civil engineering services for the Downtown Fire Station Site.

Fire Chief Willis explained the City had acquired the site at 300 North Montezuma Street for the downtown fire station and the design phase would begin soon, but it became apparent some engineering work needed to be done prior to design. In order to expedite the process, Kelley/Wise Engineering had been selected to prepare a complete property survey and Flood Plain Analysis. Kelley/Wise was a subcontractor listed on the RFP from the selected design firm of LEA Architects. The current FEMA Flood Plain Map was prepared in the 1950s and needed to be updated to current

conditions. It showed the fire station site as being in the 100-year flood plain. Doing the survey separately would save the City money and time and might reduce flood insurance premiums for surrounding businesses. The architectural design contract with LEA Architects, LLC, from Phoenix, would be brought to Council for approval in the next three months. If the flood plain map needed to be changed it could take up to nine months with FEMA.

- N. Notice of Public Hearing (April 24, 2007) on a liquor license application submitted by Carla Ann Roberts for the Location Transfer of a Series 7, Beer and Wine Bar, License for Jazzy's Wine Bar to be located at 3250 Gateway Boulevard, Suite #536 in the Prescott Gateway Mall.**

Clerk Elizabeth Burke explained the public hearing would be held next week on the location transfer of a Series 7 Beer and Wine Bar license for Jazzy's Wine Bar in the Prescott Gateway Mall. The Council approved the license a couple months ago but they did not have a signed lease at the time. They now had a signed lease for space #536 and the liquor license needed to be transferred to the new location.

- O. Notice of Public Hearing (April 24, 2007) on a liquor license application submitted by Kelly Thomas Keller, Agent for Thyme In a Bottle, L.L.C., for a New, Original, Series 10, Beer and Wine Store, License for Bin 239 located at 239 N. Marina Street.**

Ms. Burke explained the application was to add a new Series 10 Beer and Wine Store license to Bin 239 which currently held a Series 12 Restaurant license. The Series 10 license would allow them to sell bottles of wine to be taken off premises.

- P. Approval of Minutes of the Regular Voting Meeting of the Prescott City Council held on April 10, 2007, and the Study Session of the Prescott City Council Held on April 17, 2007.**

- Q. Selection of items to be placed on the Consent Agenda for the Regular Voting Meeting of April 24, 2007.**

Councilman Lamerson selected Items B, C, E, F, G, H, I, K, L, and M as Consent Agenda Items.

IV. ADJOURNMENT

There being no further business to come before the Prescott City Council, Mayor Simmons ADJOURNED the meeting at 5:12 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 Meeting of the City Council of the City of Prescott, Arizona held on the 17th day of April, 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

