

PRESCOTT CITY COUNCIL  
REGULAR COUNCIL MEETING  
PRESCOTT, ARIZONA  
MAY 22, 2007

A REGULAR MEETING OF THE PRESCOTT CITY COUNCIL WAS HELD ON TUESDAY, MAY 22, 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 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  
Councilwoman Suttles

Absent:

Councilman Roecker (excused)

## **SUMMARY OF CURRENT OR RECENT EVENTS**

Manager Steve Norwood was absent and Deputy City Manager Laurie Hadley reported there was a waterline break in Wildwood and it had been repaired with no damage to adjacent property.

Mayor Simmons reported the Prescott Highland Games on Saturday were successful and there were a lot of men in skirts.

Councilman Luzius reported there was a tug of war between the Police and Fire departments and the Police department won.

## **I. PRESENTATIONS**

### **A. Introduction of New Businesses.**

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

1. Bill's Pizza, 107 S. Cortez Street
2. TG's Carpet and Restoration, Flagstaff
3. Hospice Family Care Inpatient, in the Crossings off Willow Creek Road
4. Tender Hearts Senior Care, 1129 Iron Springs Road

**B. Presentation on New Smoking Regulations.**

Attorney Gary Kidd explained the State smoking regulations approved by the voters November 2006 went into effect on May 1 relating to second-hand smoke in enclosed public places and places of employment. He said the posting of no-smoking signs in public places and employment is required; smoking was allowed outside a public place or place of employment as long as the person was 20 feet from a door or window and smoke could not enter the building; signs were required to show contact numbers to call with complaints. Yavapai County would receive \$118,000 out of the \$4 million State fund from tobacco taxes and would be used for education, compliance efforts, legal proceedings, advertising, impact studies, etc.

Councilwoman Suttles remarked if people smoked less there would be less revenues to use and there was no provision for local funding.

Mayor Simmons inquired about Jersey Lilly's outdoor area and whether people could smoke out there; Mr. Kidd said as long as the smoke could not enter the interior of the building.

Mr. Kidd continued the law restricted smoking in vehicles used for business or shared with other employees. Tobacco stores could allow smoking within the building as long as the majority of sales were from tobacco products and accessories; were physically separated from smoke-free areas by solid walls or windows and were independently ventilated from smoke-free areas. Fraternal and Veterans Clubs could allow smoking only at times the club was not open to the general public. Smoking was allowed in casinos because they were located on Indian Reservations which were considered sovereign nations and exempt from the Smoke-Free Arizona Act. Smoking was also allowed as part of a theatrical performance or film production. The Yavapai County Health Department was the local authority to receive complaints and after review would be forwarded to the State and to the Attorney General who would issue a Notice of Violation.

Councilwoman Suttles asked where the money from fines went and Mr. Kidd said it would go into the State fund.

Mr. Kidd concluded, stating that Yavapai County was focusing on education and information was available at [www.smokefreearizona.org](http://www.smokefreearizona.org). He said that complaints should be made to 1-877-AZSTOPS. Areas not under a businesses control, such as a sidewalk, still obligated the owner to keep smoke out of the interior of the building.

II. CONSENT AGENDA

Councilman Lamerson MOVED to ADOPT the Consent Agenda, Items II-A through II-I, which was SECONDED by Councilman Luzius. The motion passed unanimously with Councilman Roecker absent.

- A. Adopt **Resolution No. 3819** – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, accepting a grant from the Arizona Department of Transportation for funding for a drainage study for the Prescott Airport to facilitate enhanced airport drainage and safety.
- B. Approve Amended and Restated Agreement and Declaration of Trust (**Yavapai Combined Trust**).
- C. Adopt **Resolution No. 3817** - A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona authorizing the City of Prescott to enter into an Agreement with Strategic Alliance for Volume Expenditures (SAVE), a purchasing cooperative group, and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.
- D. Award multiple bids for **library materials** to Baker & Taylor Books & Entertainment, Brodart Co. and Ingram Library Services for a not to exceed amount of \$100,000; and authorize the award of sole source vendors for library materials to Recorded Books, Thomson Gale and Digital Library Reserve, Inc. for a not to exceed amount of \$15,000 each.
- E. Adopt **Resolution No. 3820** – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona accepting a grant from the Arizona Governor’s Office of Highway Safety for funding for the Occupant Protection Enforcement “Click It or Ticket” Program and authorizing the execution of any and all documents to implement same.
- F. Adopt **Ordinance No. 4594** – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, abandoning a portion of unused and unimproved right of way located on the south half of Beach Place east of Park Avenue adjacent to Lincoln Elementary School and authorizing the Mayor and City staff to take all necessary steps to effectuate such abandonment.
- G. Approve **professional services contract** with Civiltec Engineering, Inc. in an amount not to exceed \$441,368.00 for Phase II of the North Prescott Sewer District.
- H. Adopt **Resolution No. 3818** – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona authorizing the City of Prescott to enter into a Lease Agreement for the lease of real property

owned by the City of Prescott, described as a portion of ~~Lot~~ 234 Grove Avenue and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.

- I. Approve **Minutes** of the Workshop of the Prescott City Council held on April 24, 2007, the Regular Voting Meeting of the Prescott City Council held on May 8, 2007, and the Study Session of the Prescott City Council held on May 15, 2007.

### III. REGULAR AGENDA

- A. **Award of bid and contract for the Copper Basin Road Improvement Project, White Spar Road to Sheriff's Posse Trail, to Asphalt Paving & Supply, Inc. in the amount of \$11,794,541.70.**

Engineering Services Director Mark Nietupski explained this item was to award a contract for the Copper Basin Road improvements from White Spar Road to Sheriff's Posse Trail, in the amount of \$11,794,541.70 and staff was recommending the award of the bid to Asphalt Paving and Supply. He added they were notified on Friday by UniSource Gas Company that there was a conflict of underground utilities with Qwest and this was being checked out; it was an arduous process to identify the need to relocate utilities and they tried to minimize conflicts.

Councilman Blair MOVED to AWARD the bid and contract for the Copper Basin Road Improvement Project, White Spar Road to Sheriff's Posse Trail, to Asphalt Paving & Supply, Inc. in the amount of \$11,794,541.70, which was SECONDED by Councilman Lamerson. The motion passed unanimously with Councilman Roecker absent.

- B. **Award of bid and contract for the Downer Trail Improvement Project, Oregon Avenue to Sierry Peaks Drive, to Fann Contracting, Inc. in the amount of \$1,073,807.50.**

Mr. Nietupski explained staff was recommending the award of a contract for the Downer Trail improvement project, from Oregon Avenue to Sierry Peaks Drive to Fann Contracting in the amount of \$1,073,807.50; there was no new information to present.

Councilman Luzius asked if there were any comments or complaints from the neighbors about the way the street was going to be completed. Mr. Nietupski responded the plans had been prepared with input from the neighbors.

Councilman Lamerson MOVED to AWARD the bid and contract for the Downer Trail Improvement Project, Oregon Avenue to Sierry Peaks Drive, to Fann Contracting, Inc. in the amount of \$1,073,807.50, which was

SECONDED by Councilman Blair. The motion passed unanimously with Councilman Roecker absent.

**C. Approval of an engineering services contract with Roundabouts & Traffic Engineering in an amount not to exceed \$362,160.00 for engineering services to prepare feasibility studies and designs for potential roundabouts.**

Engineering Services Director Mark Nietupski explained staff was recommending the award of a contract to Roundabouts & Traffic Engineering in an amount not to exceed \$362,160 for the preparation of feasibility studies and design expertise in the placement of roundabouts at Side Road and State Route 89A traffic interchange, Ruger Road at State Route 89, Side Road Connector at State Route 89, Prescott Lakes Parkway at Sundog Ranch Road, Prescott Lakes Parkway at Sundog Connector Road, and at the south entrance to Park West commercial center on Will Creek Road. The Transportation Coordinating Committee would review and provide input and Scott Richey with Roundabouts & Traffic Engineering was present today if Council had questions.

Councilwoman Suttles said she didn't hear much good about them but the one at Willow Lake Road and Highway 89 intersection was considered a success and asked how the areas for study were selected. Mr. Nietupski replied most of them were in the northern part of the City in areas targeted for development, new intersection design, connecting roadways, etc. and a traffic control system was needed.

Councilwoman Suttles remarked to Mr. Richey that it seemed some roundabouts were taken out after a period of time and asked if that was correct. Mr. Richey said it was not; there were differences in traffic circles, rotaries, and roundabouts and the first roundabout in the United States was built in 1990 in Nevada.

Al Williams, TCC member, gave some history on the Happy Valley roundabout near Phoenix.

Mr. Richey explained the first phase was to look at each intersection and decide the feasibility of putting in a roundabout and the findings would be presented to Council along with a conceptual drawing of each intersection. Councilwoman Suttles asked if the City was paying for the entire contract for services, with no assistance from ADOT; Mr. Nietupski replied that was correct.

Councilman Luzius remarked he thought there was a problem with policing, with drivers going through the roundabout at 50 mph. Mr. Richey responded the 20 miles per hour sign was a warning sign and not a regulatory sign; it was self-policing and was designed to handle speeds up

to 28 mph; a roundabout needed to be a good design for the intersection and good public education was essential.

Councilman Blair asked Dallas Hammit, ADOT representative, regarding previous discussion about putting in a roundabout at Gurley and Sheldon Streets when doing the State Route 89/69 interchange improvements and asked if that was still a possibility. Mr. Hammit replied they had an expert from the UK look at it and he recommended against it because of the geometry of the existing roadways and other issues.

Councilman Bell MOVED to APPROVE an engineering services contract with Roundabouts & Traffic Engineering in an amount not to exceed \$362,160.00 for engineering services to prepare feasibility studies and designs for potential roundabouts, which was SECONDED by Councilman Lamerson. The motion passed unanimously with Councilman Roecker absent.

- D. **Adoption of Resolution No. 3821 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona authorizing the preparation and submission to the Arizona Department of Water Resources of an application to modify the City of Prescott’s Designation of Assured Water Supply.**

Big Chino Water Ranch Manager Jim Holt explained Resolution No. 3821 authorized the preparation and submission to ADWR to modify the designation of Prescott’s assured water supply. Prescott needed to obtain a final determination by ADWR on the quantity of Big Chino sub-basin groundwater it was entitled to withdraw and transport into the Active Management Area. The City received an advisory opinion from ADWR in August 2003 indicating an entitlement to 8,717 acre feet per year but Council wanted more assurance the water would be there when the pipeline was completed. The process could take as long as 12 months based on previous experience; Herb Dishlip of Herb Dishlip Consulting and a former employee of the Arizona Department of Water Resources, would oversee the application process and guide the application through the system; staff was recommending the adoption of Resolution No. 3821.

Councilwoman Suttles asked why it took a full year in applying for the water authorization. Mr. Dishlip commented it was based on prior experience but many of the technical details were present in the last modification application in September 2005 and shouldn’t have to be scrutinized as much this time; a pre-application had already been submitted and ADWR would be familiar with what was being submitted and have been provided with information prior to submission of this application. ADWR had more funding and staff and hopefully the process would occur in a timely manner. There could be protests on the application request and the timeframe for hearings could be extensive.

Councilwoman Suttles asked if the Big Chino Water Ranch project would be put on hold until the exact amount of water the State would allow was known. Mr. Holt replied it was staff's intention to continue with the project; there were still items such as finalizing of the design of the well field, the pipeline, pump stations, and the continual process of obtaining title to right-of-way; they needed time to work through the process of obtaining right-of-way through State land.

Councilwoman Suttles asked if Prescott were to remain at the same water amount currently designated, if the project would continue. Mr. Holt said it was his belief the project would continue and was designed using the 8,717 acre feet.

Councilman Luzius asked Mr. Holt how the application was different than the letter from ADWR in August 2003, saying the City could transport 8,717 acre feet. Mr. Holt responded said the letter wasn't a final decision, only an opinion and it was important to go through the process to get formal action by ADWR. He said this would give Prescott more assurance of the amount of water that Prescott was entitled to.

Councilman Luzius exclaimed this was a step in the right direction, but he wanted to say that for the past two years he's been accused of being against the pipeline and he's not against the pipeline, but, as he's said, he doesn't want the City of Prescott to build a pipeline that they cannot utilize and they cannot have the water. This seems to be a method in that direction and he would like them also to consider some kind of environmental impact study and some kind of mitigation as they go along, too, but this is a step in the right direction and he'll vote for it because he's pleased to see it happen.

Councilman Lamerson applauded this action and appreciated staff not putting out any contracts for pipelines, etc. until the City had the assurance from ADWR.

Mr. Dishlip concluded saying the application would provide ADWR with information on how much water Prescott was entitled to through the designation and historically irrigated water; however, ADWR limited their research to 15 years and would give Prescott approval to add to their water portfolio.

Councilman Luzius MOVED to ADOPT Resolution No. 3821, which was SECONDED by Councilman Bell. The motion passed unanimously with Councilman Roecker absent.

#### IV. ADJOURNMENT

There being no further business to come before the Prescott City Council,  
Mayor Simmons ADJOURNED the meeting at 4:03 p.m.

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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 22nd day of May, 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

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ELIZABETH A. BURKE, City Clerk