

PRESCOTT CITY COUNCIL
REGULAR COUNCIL MEETING
PRESCOTT, ARIZONA
JUNE 12, 2007

A REGULAR MEETING OF THE PRESCOTT CITY COUNCIL WAS HELD ON TUESDAY, JUNE 12, 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

I. PROCLAMATION

A. June 21, 2007 – National Go Skateboarding Day

Mayor Simmons read the proclamation and presented it to a group of skate boarding enthusiasts.

One young man exclaimed the users of the skatepark appreciated the community support and to them Mike Fann was the Patron Saint of Skate Board Parks.

II. PRESENTATIONS

A. Introduction of “Deuce” the new Police Canine.

Police Chief Randy Oaks said it was his privilege to introduce a new tool for the Police Department and they would now be able to have canine coverage seven nights a week. Officer Tyler Ellsworth was sent to Indiana to select “his” dog and came back with a Belgian Malamute/German

Shepherd mix; the dog was 21 months old and his name was Deuce.

Councilman Blair asked how much a bullet proof dog vest would cost and Officer Ellsworth said it was about \$1,670 and they were in the process of purchasing one with donated funds.

Manager Steve Norwood asked what the dog was trained to do and Officer Ellsworth said he was taught to sniff out drugs and could also search and track.

Mayor Simmons asked if the police car had a remote control window to let the dog out and Officer Ellsworth said his current car didn't, but he would be getting one that did.

Manager Norwood commented Deuce seemed more animated than Bosso, the other police dog, and Officer Ellsworth said the breed was more hyper and would be with him all the time.

B. Presentation by Michael Byrd, Executive Director of Prescott Creeks, on a one-year update, future goals and economic impacts.

Michael Byrd, Executive Director/Preserve Manager of the Prescott Creeks Association, updated the Council on the goals and activities of the Creeks Association; they were a 501-c3 non-profit organization, and in partnership with the City to preserve, restore and celebrate the creeks in Prescott. They had a volunteer seven-member board of directors, 2 professional staff and one intern from Prescott College.

Mr. Byrd reviewed some of their activities, noting that this year they hosted the Granite Creek Cleanup in April, and held a Film Festival the past two years, this year showing *River Reborn* regarding Fossil Creek.

Councilman Roecker asked how the trash got into the creeks and Mr. Byrd said the stormwater washed a lot of trash into the creeks as well as the wind and a lack of trash barrels in recreation areas.

Mr. Byrd said that surface waters are not meeting the quality it should, lacks oxygen, and sanitary sewers overflow from the infiltration of stormwater. ADEQ has approached Prescott with interest in conducting studies on why the water quality is not what it should be and how to get it back in good condition. Small farms and ranch properties are along the creeks and there are large corrals so when the storms come, it washes the manure and contaminated soil into the creeks. Some property owners shovel manure into the creeks.

Swales, planting vegetation and other techniques could be used to keep

undesirable materials out of the creeks and keep erosion down as well as keeping sediment out of the creeks and Watson Lake.

They were working with ADEQ to identify water chemistry and biology and from that information they would be able to establish a baseline and use that to measure future water quality. They were working to identify storm drains in downtown Prescott. Most people thought the storm drains carried the water to the wastewater treatment plant but in Prescott, most, if not all, of the storm drain water went directly into the creeks. They had worked with elementary students on how to deliver the message to the public. They came up with Drain Only, Drains to Creek and will affix this to all storm drains in the downtown area. He said they have had a partnership with the City for the past 12 years. Watson Woods was the forested area adjacent to Watson Lake and consisted of 126 acres of riparian forested habitat associated with Granite Creek; it was approximately 1/5 the size it used to be.

The area was not functioning ecologically as it would naturally. The creek had been mined for sand and gravel, livestock grazing, trash dumping, target practice and other things. The sand and gravel operation had changed the physical landscape. Restoring the area would improve the water quality. They would be revegetating the slopes of the creek and realigning the creek channels in the near future. Prescott Creeks helped manage the construction of the Prescott Lakes Parkway Bridge and Prescott Creeks revegetated the slopes. They had worked with scientists and botanists, secured permits from the necessary agencies, including the Corps of Engineers, were conducting the restoration work and were ecologically monitoring the project to see if it was successful.

They were in the third year of a five year project for the restoration of Watson Woods. A riparian area was an eco system surrounding streams. They were important from a biological standpoint as they supported wildlife and created opportunities for wildlife watching activities. They were an economic benefit to the community through wildlife and birdwatching activities, recreational activities, tourism revenues, and they created jobs.

Through the partnership, the City had participated in the management of Watson Woods, preserve management and other projects. Prescott contributed 36-30% funding and Prescott Creeks made up the remainder through grants from ADEQ, Arizona Water Protection Fund, Arizona Game and Fish Heritage Fund, Fish and Wildlife Service and Their Partners Program, and private grants. They hoped the City would continue to contribute to the partnership to accomplish the \$1.5 million project with a \$150,000 contribution which represented 33% of Prescott Creeks' management costs. A restored Watson Woods would be a real benefit to

the community.

Mr. Byrd thanked Council for their time and invited the Mayor, Council and staff to visit Watson Woods and see it in person and he would answer any questions at this time.

Mayor Simmons asked if there were any plans for trails or hiking paths when this was all done. Mr. Byrd replied the area was for people and included plans for 2.2 miles of walking trails for the Preserve and there would be interpretive signs.

Councilman Lamerson asked where he got the information that storm drains did not go into the sewer district and exclusively ended up in the creeks which then ended up in Watson Lake. Mr. Byrd said they had observed this and there was not a lot of good information on the City's infrastructure. Staff was currently taking the information from paper and putting it into a digital format so it could be accessed but at this time good information was not very accessible.

Councilman Lamerson added from a public health and safety view he was envisioning water from parking lots, garbage, and all kinds of things ending up in the lakes where people wanted to have a beach and swimming, fishing and boating and it concerned him a lot.

Mr. Byrd said a lot of "stuff" was ending up in the lakes. Some of the stormwater infiltrated the water system because it was an old system and it leaked. At low water, sewage could exfiltrate the system. They would be doing studies that would answer many questions and help determine courses of action.

C. Recognition of Dan Hutchison, Named State of Arizona Firefighter of the Year by the Professional Firefighters of Arizona.

Fire Chief Darrell Willis said he was pleased to be able to recognize one of his firefighters who had recently been recognized as the State of Arizona Firefighter of the Year by the Professional Firefighters of Arizona. This was the second year in a row for a Prescott firefighter to be awarded this honor.

Captain John Vicente explained firefighters did many things behind the scenes in the community and many had charities they were involved in. Fireman Dan Hutchison was very involved in the Burn Camp (Camp Courage) and in fundraising. The camp was started by Fireman Bruce Martinez about 13 years ago and was for young children who were severely burned and they could attend the camp during the summer without being stared at. Dan had taken part in this charity for the past 10

years and had raised over \$200,000 during that time. The Professional Firefighters of Arizona recognized him for his efforts and involvement. A Council goal was that Prescott be the *Gem of Arizona* and should be a leader of the region, and it was this type of leadership that set the example. Captain Vicente then read a resolution.

Fireman Dan Hutchison thanked everyone for the honor and related how he appreciated the Fire Department hiring an older person as a firefighter and felt he needed to get involved in something to get him through his probation period of one year. He said that was how he became involved with Bruce Martinez and Camp Courage and now the burn camp was a labor of love. He thanked his fellow firefighters for their support and the community for their donations and said he shared the award with so many other people that helped out.

D. Presentation of Lifesaving Award to Officer John Hanna.

Police Chief Oaks related the events of April 22, 2007 which was a violent night for the Police Department. There were two separate stabbing incidents, one at a bar and the second one in a residential area off Willow Creek Road where a 14-year old boy was stabbed by his 15-year old brother. Officer John Hanna responded without backup as other officers were at the stabbing scene at the bar. Officer Hanna requested assistance from the Sheriff's office and firefighters also responded. Officer Hanna was part of the Prescott SWAT team and had recently received training on handling severe wounds. He arrived on the scene and found the 14-year old boy on the floor and saw a wound in his back that had punctured the lung and the boy was sucking air through the wound. Office Hanna dressed the wound to stop the air intake. The boy was flown to Good Samaritan Hospital and recovered from his injuries. The trauma surgeon in Phoenix verified that actions by Officer Hanna and the paramedics saved the young boy's life.

Officer John Hanna remarked he was just glad to be in the right place at the right time and he received his life-saving training the week before the incident happened. Officer Hanna was presented with a lifesaving award.

III. CONSENT AGENDA

CONSENT ITEMS A THROUGH Q LISTED BELOW MAY BE ENACTED BY ONE MOTION. ANY ITEM MAY BE REMOVED AND DISCUSSED IF A COUNCILMEMBER SO REQUESTS.

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

- A. Approve arts grant awards in the amount of \$35,000.00 as recommended by the Prescott Area Arts and Humanities Council.
- B. Adopt Ordinance No. 4595 – An Ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the sale of a portion of property located in the City of Prescott and consisting of a portion of that certain real property generally described as 234 Grove Avenue and consisting of improved real property formerly known as the DES Building site and authorizing the Mayor and staff to execute all necessary sale and conveyance documents.
- C. Adopt Resolution No. 3822 - A Resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, approving the transfer of unencumbered appropriations from the Budget and Finance Department to the Golf Course Fund and the Parking Garage Fund.
- D. Adopt Resolution No. 3823 - A Resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, adopting a tentative budget, adopting the estimated amounts required to meet the public expenses for the City of Prescott for the Fiscal Year 2007-08, authorizing and directing publication of statements and schedules of the tentative budget, together with notice of hearing on said budget and notice of date of final adoption of said budget, and notice of date of establishment of the expenditure limitation, and notice of the date for fixing a tax levy.
- E. Adopt Resolution No. 3824 – A Resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, accepting a grant from the Arizona Governor’s Office for funding of police officer out-of-state training expenses and authorizing the execution of any and all documents to implement same.
- F. Authorize application to the Yavapai County Community Foundation (YCCF) for grant funds in the amount of \$6,000.00 to cover in-service training program costs throughout FY2007 for the Police K-9 teams.
- G. Approve purchase of 52 Motorola HT750 handheld radios for the Police Department from Creative Communications, in the amount of \$53,314.84, per a City of Tempe purchase contract.
- H. Approve purchase of specialty radio equipment from sole source provider, Television Equipment Associates, Brewster, NY, in the amount of \$37,867.00 plus tax for the Police Special Tactical Units.
- I. Approve contract with Sirius Computer Solutions for the purchase and maintenance of the IBM p5 Computer Server System for current and

future public safety communication needs, in the amount of \$134,415.17 plus tax.

- J. Adopt Resolution No. 3825 – A Resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, accepting a grant from the United States Department of the Interior for a regional water conservation project and authorizing the Mayor and staff to execute such documents as may be necessary to the grant acceptance.
- K. Award bid to Western Slope Utilities, Inc. in the amount of \$1,097,477.00 for the Yavapai Hills Sewer Rehabilitation Project.
- L. Adopt Ordinance No. 4596 – 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 within the Joslin-Whipple Subdivision which property is generally described as a portion of Cedar Street right-of-way consisting of a blanket utilities easement and an easement for ingress and egress and authorizing the Mayor and City staff to take all necessary steps to effectuate such abandonment.
- M. Adopt Ordinance No. 4597 – An Ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the purchase of a 123-foot public right-of-way parcel belonging to William and Sharon Feldmeier and the acquisition of a sidewalk easement therefrom for property located on the southeast corner of Ruth and Sun Streets and authorizing the Mayor and City staff to execute any and all documents to effectuate said purchase.
- N. Award bid and approve the purchase of one new 12-lead cardiac monitor/defibrillator from Zoll Medical in the amount of \$23,360.18 (includes shipping and tax) for the Fire Department.
- O. Approve Final Plat for Goodwin Manor Condominiums consisting of 8 lots, located at 1001-1005 East Goodwin, subject to Department and Agency comments (FP07-002).
- P. Approve Minutes of the Special Meeting (Executive Session) of the Prescott City Council held on May 4, 2007, the Regular Voting Session of the Prescott City Council held on May 22, 2007, the Workshop of the Prescott City Council held on May 24, 2007, and the Study Session of the Prescott City Council Held on June 5, 2007.

IV. REGULAR AGENDA

A. Public Hearing and consideration of a liquor license application from Jesus Alberto Zuniga Garcia, Agent for Alberto y Graciella, Inc. for a New Series 11, Hotel/Motel, license for the Prescottonian Best Western, located at 1317 East Gurley Street.

Clerk Elizabeth Burke explained today was the public hearing for a liquor license application from Jesus Garcia, Agent for Alberto y Graciella, Inc.; a Series 11 and 12 license had existed at this location since 1977; the property was posted May 4 and no comments had been received.

Mayor Simmons pointed out it was a great place to eat and a very nice restaurant.

Councilwoman Suttles MOVED to CLOSE the public hearing, which was SECONDED by Councilman Lamerson. The motion passed unanimously.

Councilman Lamerson MOVED to APPROVE a liquor license application from Jesus Alberto Zuniga Garcia, Agent for Alberto y Graciella, Inc. for a New Series 11, Hotel/Motel, license for the Prescottonian Best Western, located at 1317 East Gurley Street, which was SECONDED by Councilman Bell.

Councilman Luzius commented he had reviewed the application and found although it might be a great restaurant, the application was incomplete and inaccurate and he would vote against it because of State Statutes saying it should be denied; he also because the applicant was not in attendance at today's meeting.

Councilman Blair clarified there had been a liquor license at this location for 30 years and the Clerk verified there had been either a hotel or a restaurant license for 30 years.

Councilman Roecker asked if anyone knew how many times the State Liquor Board denied licenses because of being incomplete or if they just approve them.

Clerk Elizabeth Burke responded she knew the map was incorrect but was not aware of any other inaccuracies in the application.

Attorney Gary Kidd remarked State regulations allowed the Council to consider whether an application was complete or accurate, as well as other criteria, but he didn't know the percentage of denial by the State Liquor Board.

Councilman Blair asked if State law required an applicant must be at the meeting and Mr. Kidd responded "no".

Councilman Blair added it was a Council mission statement that the applicant attend the meeting for the public hearing and asked if he had been requested to be here today.

Clerk Elizabeth Burke clarified a letter was sent to each applicant in advance informing them of the date of the Public Hearing and requesting they, or a representative, attend the meeting.

Councilman Lamerson commented the Council could request someone to be at the meeting, but he was not required to be there by law and he was disappointed the applicant was not in attendance because he could ask him to just fill out the application correctly and fix whatever was wrong. Staff was available to help him with that. The Council didn't issue licenses, they just made a recommendation based on information available from the State and the Council couldn't deny the liquor license just because the State didn't do their job.

Mayor Simmons called for the vote on the motion to approve the liquor license application which was passed by a vote of 4-3, with Councilmembers Suttles, Blair and Luzius casting NAY votes.

Councilman Blair remarked the Council needed to make a stance here; the City asks people to show up for the public hearing and they should do so.

Mayor Simmons interjected the Council had never had a formal vote to insist applicants be at the meetings and although a few councilmembers had asked that the applicant be in attendance and voted against the application if they weren't, the Council had never had a formal vote.

Councilman Blair said then one was needed and the Council was a law making body and could request the applicant to be at the meeting, and had asked for that to happen. It was ridiculous to have a 3-4 vote, the restaurant was a viable business and the applicant had been asked by the Clerk to be at the meeting, they didn't come so it must not have been important enough.

Councilman Luzius asked that when the Clerk sent the transmittal down, instead of showing the liquor license passed, to show it passed but not unanimously, it was only a majority and three Councilmembers voted against it and one councilman indicated the application was incomplete. Otherwise, he asked how the State Liquor Board would know what was going on in Prescott.

B. Reappointments to the Board of Adjustment and Fire Board of Appeal.

Clerk Elizabeth Burke explained there were two vacancies on City boards and both current members were interested in being reappointed; Harvey Emery was in attendance and was recognized.

Councilman Bell MOVED to ACCEPT the Council Appointment Committee recommendation to reappoint William Warren to the Board of Adjustment, term to expire June 2010; and Harvey S. Emery to the Fire Board of Appeal, term to expire June 2009, which was SECONDED by Councilman Roecker. The motion passed unanimously.

C. Award contract to Louis Berger Group, Inc. to conduct an Airport Master Plan Update Study in the amount of \$239,610.00.

Airport Manager Rick Severson explained the suggested motion had been modified to add “pending approval by the Federal Aviation Administration” but the contract was not changed.

Councilwoman Suttles asked that the grant amount which was over \$200,000 be shown divided out by contributors and Mayor Simmons responded the Staff Report showed the City’s share was \$27,305 and ADOT Aeronautics Division share was also \$27,305, and the FAA was contributing an amount not to exceed \$185,000.

Councilman Roecker MOVED to AWARD a contract to Louis Berger Group, Inc. to conduct an Airport Master Plan Update Study in the amount of \$239,610.00, pending approval by the Federal Aviation Administration, which was SECONDED by Councilman Lamerson. The motion passed unanimously.

D. Approval of the annual renewal of City insurance policies for FY08.

Mayor Simmons commented he had concerns last week about the \$90,000 for dam insurance and Attorney Kidd said that was an option and was not included in the suggested motion.

Councilman Bell said he thought the process should be competitive and the City was relying on a broker to make recommendations and asked if they were locked in with the companies they recommended. Mr. Kidd responded the brokers go into the insurance market and get quotes from a number of companies and then make their recommendations. The broker contract was up for renewal this year and the City would put out a Request for Proposals and then would review the proposals submitted by the different brokers.

Councilman Bell asked what criteria would be used to hire a broker and Mr. Kidd responded their experience in the marketplace, their years of experience, their skills and abilities in the market place, their experience with public entities, local connections, training, and financial resources.

Councilman Bell MOVED to AUTHORIZE the Mayor and staff to purchase the following insurance policies for FY07-08 from the following carriers: Public Entity Liability-Everest National Insurance; Excess Liability, above \$10,000,000-American Alternative Insurance; Property/Boiler and Machinery/Inland Marine/Auto Physical Damage-Travelers; Excess Workers Compensation-Midwest Employers Casualty; Self-insurer's workers compensation bond-Travelers; and Crime and Fiduciary-Hartford, which was SECONDED by Councilman Lamerson.

Councilwoman Suttles asked what the total dollar amount of the insurance premiums was and Mr. Kidd replied it was \$440,475 total for all policies.

Councilman Bell MOVED to AMEND the motion to include "in the amount of \$440,475" and Councilman Lamerson agreed; the motion passed unanimously.

- E. Adoption of Resolution No. 3826 - A Resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the City of Prescott to enter into an Intergovernmental Agreement with Yavapai County for consolidated Court services, authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.**

Human Resources Director Jolaine Jackson explained comments had been received from Yavapai County regarding the IGA and the agreement was ready to be approved through the adoption of Resolution No. 3826.

Councilwoman Suttles MOVE to ADOPT Resolution No. 3826 which was SECONDED by Councilman Roecker. The motion passed unanimously.

- F. Public Hearing for the annexation of .44 acres associated with Granite Dells Plaza to be developed west of the Twin Lakes Market, Highway 89 and Willow Lake Road; Owner is Southern Cross Mission, Vic Pomel (ANX07-001).**

Community Development Director Tom Guice explained today was the public hearing for one-half acre behind Flip's Café near the Willow Lake Road and Highway 89 intersection. The property would be added to existing property that was already within City limits. An ordinance would be

coming to Council soon and the property owner was present if Council had questions.

Councilman Blair asked if the adjoining property owners were asked if they were interested in annexing and Mr. Guice replied this property was boarded on three sides by the City and Flip's Café was not interested in annexing.

There being no public input, Councilman Roecker MOVED to CLOSE the public hearing, which was SECONDED by Councilman Lamerson. The motion passed unanimously.

G. Rescheduling of Meeting of August 28, 2007 – During League Conference – Reschedule as a Joint/Special Meeting on August 21, 2007.

Councilwoman Suttles MOVED to RESCHEDULE the Prescott City Council Meeting of August 28, 2007, as a Joint/Special Meeting on August 21, 2007, which was SECONDED by Councilman Lamerson. The motion passed unanimously.

H. Recess into Executive Session.

Councilman Roecker MOVED to RECESS into Executive Session which was SECONDED by Councilman Lamerson. Motion passed unanimously at 4:25 P.M.

V. EXECUTIVE SESSION:

A. Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property. Pursuant to A.R.S. 38-431.03(A)(7)

1. Consideration of potential real property purchases in the area west of SR89 and north of Gurley.

B. Discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation. Pursuant to A.R.S. 38-431.03(A)(4)

1. Central Arizona Homebuilders v. City of Prescott.

2. Mapes v. City of Prescott.

VI. POST EXECUTIVE SESSION.

The Regular Voting Meeting of the Prescott City Council reconvened into Open Session at 5:19 p.m.

VII. ADJOURNMENT

The Regular Voting Meeting of the Prescott City Council adjourned at 5:19 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 12th day of June, 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