

PRESCOTT CITY COUNCIL
JOINT STUDY SESSION/
REGULAR COUNCIL MEETING
PRESCOTT, ARIZONA
AUGUST 21, 2007

A JOINT STUDY SESSION/REGULAR MEETING OF THE PRESCOTT CITY COUNCIL WAS HELD ON TUESDAY, AUGUST 21, 2007, in the Prescott Municipal Building, 201 S. Cortez Street, Prescott, Arizona.

Mayor Simmons opened the meeting at 3:00 P.M. and Councilman Bell led the Council and audience in the Pledge of Allegiance. Councilman Luzius asked the Council to consider having the Pledge of Allegiance at both Regular and Study Session meetings; all agreed.

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

None.

I. PUBLIC COMMENT

- A. Frank Creelman re personal property sold at public auction by the Prescott Police Department and Scooter Patrol.

Mr. Creelman was not present.

- B. Dave Ferguson re permission to have a hot dog stand in the Courthouse Plaza.

Mr. Ferguson said that he has been attempting to find a location in the downtown area owned by the City of Prescott where he could place a hot dog stand. He wants to use his social security check to get a food handlers permit and open a hot dog stand. Instead of being a detriment to society, he would like to own his business, get a place to live, pay taxes, and be a member of society. He then discussed various locations in the

square area that he could use. He said that he has been told by the City that he cannot do this without a location, and he is before the Council for permission. Acting City Attorney Tom Lloyd said that the City regulates the use of public right-of-way and this type of business, and right-of-way is not be used for commercial purposes. If he wanted to use private property, that would be a matter between the private property owner and himself.

Further discussion was held on other locations. Mr. Ferguson mentioned the vacant parcels on the corner of Goodwin and Montezuma. It was noted that they were both going to be developed, but Mayor Simmons indicated that they could put him in touch with those property owners.

II. PRESENTATIONS

A. Introduction of New Businesses.

Sam Welchons of the Chamber of Commerce introduced the following new businesses, and they each told about their business:

1. Southwest Legal Support
2. Suburban Off-Road Tours
3. Pinon Painting

B. Presentation by Prescott College regarding recent campus expansion.

Dan Garvey, President of Prescott College, and Steven Coury, addressed the Council, stating their appreciation and gratitude for the City's support and real partnership in assisting their acquisition of the old Department of Economic Security building. President Garvey said that a strong Prescott College is one of the integral parts of a strong Prescott community.

Mr. Coury presented a Certificate of Appreciation to Mayor Simmons and the Council. Mayor Simmons said that it is phenomenal the economic impact that Prescott College has on the community.

III. REGULAR AGENDA

A. Adoption of Resolution No. 3854-0822 – 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 and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.

Human Resources Director Jolaine Jackson stated that this item had been before the Council a few months ago, but after it had been reviewed by County staff they found an error, which actually saved the City \$14,000 for

last year's contract. This resolution approves a new IGA with the County for those court services.

COUNCILWOMAN SUTTLES MOVED TO ADOPT RESOLUTION NO. 3854-0822; SECONDED BY COUNCILMAN BELL; PASSED UNANIMOUSLY.

- B. Adoption of Resolution No. 3855-0823 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, accepting a grant from the Federal Historic Preservation Fund Certified Local Government Pass-Through Program and approving a Grant Participation Agreement to implement same.

Community Development Director Tom Guice said that this resolution authorizes acceptance of a grant from the Federal Historic Preservation Fund Certified Local Government Pass Through program in the amount of \$5,400.00 and approves a Participant Agreement with the State of Arizona for 60% of the cost of three projects.

Councilwoman Suttles asked where the matching funds come from. Mr. Guice replied they come out of the General Fund.

COUNCILMAN LUZIUS MOVED TO ADOPT RESOLUTION NO. 3855-0823; SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY.

- C. Adoption of Ordinance No. 4620-0822 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the sale of miscellaneous surplus property including vehicles and golf course equipment that were replaced in FY08 and authorizing the Administrative Services Director to execute any and all documents to effectuate said sales.

Administrative Services Director Mic Fenech said that this ordinance authorizes the City to sell surplus property, including vehicles and golf course equipment.

COUNCILMAN LAMERSON MOVED TO ADOPT ORDINANCE NO. 4620-0822; SECONDED BY COUNCILMAN LUZIUS; PASSED UNANIMOUSLY.

- D. Approval to purchase two replacement refuse trucks for the Solid Waste Division from Trucks West of Phoenix in the amount of \$476,753.21 through the SAVE program.

Field Operations Manager Chad McDowell said that this is a request to purchase two replacement refuse trucks for the Solid Waste Division. The vehicles are being purchased through the City of Tempe's contract with Trucks West of Phoenix, and it is a three-year contract. He added that Tempe's contract is part of the SAVE program, a co-op group of cities, schools and counties in Arizona.

Councilman Blair asked what happens with the units that are replaced. Mr. McDowell said that they will actually replace older vehicles that have been kept as spares and the older vehicles will then be auctioned.

Councilman Lamerson asked how long one of the vehicles would last. Mr. McDowell said that they would probably last around five years; after that they start costing around \$75,000 a year to operate. He said that if they get rid of them around five years, they are still able to get something for them at auction.

Councilwoman Suttles asked if they get more through the auction than through a private sale. Mr. McDowell said that they would; probably between \$30,000 to \$50,000.

COUNCILMAN ROECKER MOVED TO APPROVE PURCHASE OF TWO REPLACEMENT REFUSE TRUCKS FOR THE SOLID WASTE DIVISION FROM TRUCKS WEST OF PHOENIX IN THE AMOUNT OF \$476,753.21 THROUGH THE SAVE PROGRAM; SECONDED BY COUNCILWOMAN SUTTLES; PASSED UNANIMOUSLY.

- E. Authorization to purchase additional required safety equipment in the amount of \$22,101.07 from Five Star Ford for the Airport's new vehicle being acquired through the Fleet Program.

Airport Manager Benjamin Vardiman said that this is a request to purchase additional required safety equipment for the Airport's new vehicle from Five Star Ford in the amount of \$22,101.07. He said that the Federal Aviation Administration (FAA) has regulations, standards and criteria to ensure the safe operation of vehicles operating on the Airport and this purchase will allow for the installation of the equipment required for use on the Airport. He said that staff advertised for competitive bids and based on evaluation of all responses, they are recommending award of the bid to Five Star Ford.

COUNCILMAN BLAIR MOVED TO AUTHORIZE PURCHASE OF ADDITIONAL REQUIRED SAFETY EQUIPMENT IN THE AMOUNT OF \$22,101.07 FROM FIVE STAR FORD FOR THE AIRPORT'S NEW VEHICLE BEING ACQUIRED THROUGH THE FLEET PROGRAM;

SECONDED BY COUNCILWOMAN SUTTLES; PASSED UNANIMOUSLY.

- F. Authorization to apply with the Department of Homeland Security Transportation Security Administration for a Law Enforcement Officer (LEO) Reimbursement Program Cooperative Agreement (CA) grant in the amount of \$668,865.60 to provide a law enforcement presence at the Airline Terminal to comply with Federal security requirements.

Mr. Vardiman said that this is a request to apply with the Department of Homeland Security Transportation Security Administration for a Law Enforcement Officer Reimbursement Program Cooperative Agreement grant in the amount of \$668,865.60 to provide a law enforcement presence at the airline terminal during scheduled airline activities to comply with Federal security requirements. He said that this would be for a five-year period.

Councilwoman Suttles asked what part of the grant the City has to back up. Mr. Vardiman said that there is no matching local share but the City spends the money and is then reimbursed.

Mr. Vardiman said that they have done this in the past, and currently they are operating under the temporary alternate procedures. Councilwoman Suttles asked if the City has reached a level of being mandated to have this. Mr. Vardiman said that he is not sure what they did prior to 9/11/01, but this is a change since that time. He noted that it is for a five-year period, or \$133,000 a year. He said that if the City were to assign an officer directly, they would be looking at \$299,000 a year.

Councilman Luzius asked if this wasn't mandatory. Mr. Vardiman said that it is a Federal requirement that the City meets the Federal regulations.

COUNCILMAN BELL MOVED TO AUTHORIZE APPLICATION WITH THE DEPARTMENT OF HOMELAND SECURITY TRANSPORTATION SECURITY ADMINISTRATION FOR A LAW ENFORCEMENT OFFICER (LEO) REIMBURSEMENT PROGRAM COOPERATIVE AGREEMENT (CA) GRANT IN THE AMOUNT OF \$668,865.60 TO PROVIDE A LAW ENFORCEMENT PRESENCE AT THE AIRLINE TERMINAL TO COMPLY WITH FEDERAL SECURITY REQUIREMENTS; SECONDED BY COUNCILMAN ROECKER; PASSED UNANIMOUSLY.

- G. Award of an architectural services contract to LEA Architects for the design of the new downtown fire station and fire administration building in the amount of \$596,900.00.

Fire Chief Darrell Willis said that this is a request to award an architectural services contract for the design of the new Fire Station/Fire Administration Building on Montezuma. He said that proposals were solicited, an architectural selection committee was appointed and it reviewed seven submitted proposals. Three firms were short-listed and invited for interviews by the Committee. The Committee scored LEA Architects highest among the forms.

Chief Willis said that the flood plain analysis is now 90% complete and they are ready to move forward. He said this will be a gateway to the City and they are very concerned with how it looks. It will be a four-bay station with approximately 20 administrative personnel. He said that it is anticipated that the building will meet the fire administration needs for the next 20 years.

Chief Willis said that the design will be in harmony with and incorporate many historical elements of downtown Prescott, and will be designed as “green” by recognizing sustainable site development, material selection, water savings, energy savings and indoor environmental quality. It is anticipated that the City will utilize the Construction Manager at Risk process to select a contract. He noted that there is no funding for construction at this time. They are anticipating \$325.00 per square foot to build, for a total of around \$6,500,000.00.

Councilman Lamerson said that they all knew it would cost them a significant amount of money, and on the basis of public safety and lack of fire suppression, this will fill a void in downtown Prescott.

Councilman Blair asked what the flood plain analysis found. Chief Willis said that they can move the building back and water could flow through the bays; the living area would have to be 1’ above that.

Councilman Blair asked if they are still looking at using the alley to bring trucks in. Chief Willis said that is what they are looking at; the turning radius will be one of the main issues. He said that they want to meet with Attorney Maybery as they want to be good neighbors. He said that they will be parking in the flood plain, but it will not impact the construction.

Councilman Blair said that it would need to be one-way at this point. He asked if they should consider purchasing more easements to make it a two-way access. Chief Willis said that they will not impact the alley that much.

Councilman Bell said that this is about the most money they have looked at for building; they know that costs have risen. He said he is extremely in

favor of using local builders. Mr. Enyart comes very highly recommended and has won awards for his fire stations around the country.

Councilman Bell said that as they get into the process further, he is not positive that the Construction Manager at Risk is the way to go. He sees that happening more with a contractor and architect in the same city.

Councilman Luzius said that he was pleased to see they are incorporating some sustainability and green aspects. It can be used as an example of buildings, and he is pleased with where they are building it.

Councilman Roecker asked if the architect has designed other fire stations. Chief Willis replied that he has designed over 100 stations.

Howard Mechanic complimented them for incorporating the greenway in the design; he appreciated that effort. He asked how building in the flood plain will affect the price. Chief Willis said that the \$325/sq. ft. did not change when it was decided to build in the flood plain.

Mr. Mechanic said that he was glad to see this was being taken as a test case, in considering efficiency of water, etc. He was also glad to see he was a LEED Certified architect.

Lawrence Enyart of LEA Architects, LLC, introduced himself and gave some background regarding the LEED certification levels. He said that he is very interested in sustainability and green building.

Councilman Lamerson complimented Mr. Enyart for his work and said he was happy to see the project going this way.

Councilman Roecker asked how much the certification affected the price. Mr. Enyart said that it would probably cost an additional five to ten percent. Mayor Simmons noted that they would get a good portion of that back in savings.

After further discussions regarding the LEED program, Mr. Norwood asked for clarification from the Council on whether they wanted the building to be LEED certified. The consensus was yes.

COUNCILMAN LUZIUS MOVED TO AWARD AN ARCHITECTURAL SERVICES CONTRACT TO LEA ARCHITECTS FOR THE DESIGN OF THE NEW DOWNTOWN FIRE STATION AND FIRE ADMINISTRATION BUILDING IN THE AMOUNT OF \$596,900.00; SECONDED BY COUNCILMAN BELL; PASSED UNANIMOUSLY.

- H. Approval to purchase airport liability insurance from ACE at a premium cost of \$31,627.00.

Mr. Lloyd said that this was a request to purchase airport liability insurance for FY08 that expires at the end of September. He said that the City's insurance broker, Marsh, solicited competitive premium quotes and ACE Property and Casualty had the lowest bid of \$31,627, substantially lower than the others. Mr. Lloyd said that this difference was attributed to ACE's position as the most experienced carrier writing the most coverage in this niche of the industry.

COUNCILMAN LAMERSON MOVED TO APPROVE PURCHASE OF AIRPORT LIABILITY INSURANCE FROM ACE AT A PREMIUM COST OF \$31,627.00; SECONDED BY COUNCILWOMAN SUTTLES; PASSED UNANIMOUSLY.

- I. Approval of use of a rock crusher for Shops at the Boulders, commercial zoned property located at the northwest corner of Gail Gardner Way and Willow Creek Road, Applicant, Jason Gisi.

Mr. Guice said that this was a request for The Shops at the Boulders, located at the northwest corner of Gail Gardner Way and Willow Creek road to use rock crushing equipment on-site during construction.

Mayor Simmons asked what times it was permitted before. Mr. Guice said that he didn't recall, but normal construction hours are 7 AM to 6 PM. Mayor Simmons said that it is a great savings to the City with not having the trucks on the roads.

Mr. Guice said that at first they thought they would have to blast 90%; now it is around 20%, but with that there is a need to crush.

Councilman Bell said that the request is for four months; he asked the applicant if he thought they would need that much time. Jason Gisi replied that they have aggressively asked for a time line of 120 days so they don't have to come back, but their expectation would be that they would have the right to use up to 120 days.

Mr. Gisi said that they would be willing to suspend the crushing operation during the holidays.

Councilman Luzius said that he understands that having the rock crushing on site extends a savings to the developer. Mr. Gisi said that was correct.

Councilman Luzius said that he has a concern of what it is going to do, and perhaps a slush fund could be used to help the homeowners in the area.

Mr. Gisi said that it is a very rocky site. During the construction of Wal-Mart there was some contention. He said that he has had 10-12 hours worth of meetings on this issue with the homeowners. He said that the possibility of blasting has always been represented, and at one point they thought it would be around 90%. He has spent quite a bit of time with Mr. Guice and with the neighbors. He said that there will be a preconstruction meeting on site before shooting to understand the requirements of the City to minimize any impact. He said that they will have a water truck on site. He said that they believe they have eliminated 70% of the needed blasting. They have done their best to keep the neighbors apprised.

Councilman Luzius asked, if the request was approved, if they could be certain that it would not start before 8:00 a.m.

Councilwoman Suttles asked Mr. Guice if rock crushing had ever been done at other locations. Mr. Guice replied that there have been numerous locations; there are some out there today.

Councilwoman Suttles asked if the crushed rock would be used for fill; Mr. Guice replied that it would.

Councilman Blair said that he thought it was a good idea to keep the trucks off the roads. He said that he would like to see it spelled out that weekdays means Monday through Friday.

Kirk Shepard said that he is on the Board of the Homeowners Association and there has been a commitment by Mr. Gisi to keep them informed of what is taking place, and he did that even before Walgreens began. He said that on behalf of the residents, some of whom are still recovering from Wal-Mart, they are very relieved that the necessity for blasting is drastically reduced. He said that representing himself and the neighbors, they are concerned about the 120 days of rock crushing.

Don Wigel said that before he came before the Council about a noise ordinance and he has heard nothing about it. Mr. Lloyd said that the City Code does address noise, but it also allows the Council to grant exceptions. Mr. Wigel said that he appreciates the clarification of Monday through Friday, 8 AM to 5 PM, as he and three of his neighbors look over this site. He said that the neighbors would like to know a few days (4-5) before blasting occurs.

Mr. Wigel said that he has never seen a blasting plan and Mr. Galde has never come to his door. It is going to take place about 200 feet from his home and they would like to know when it is going to occur.

Tom Deveareau, contractor for the developer, said that they requested such a long time period because they are not sure what they are going to find. He noted also that it is not cheaper to have the rock crushing on site; it is more expensive to bring in a ripper. He said that they will have blasting plans and maps. He said that they may only be crushing rock 10-15 days during the 120 day period. He added that the rock crusher won't make anywhere near the noise of a hoe ram. He said that they will not be shooting like was done on the Wal-Mart site.

Councilman Luzius asked if they would be using hoe rams and drills. Mr. Deveareau said that the blasting will require it. He said that the amount of dirt to move is less than one third of what was required at Wal-Mart.

Councilman Luzius asked if they could limit the hoe rams and drills to not starting before 8 a.m. as well. They said that was fine.

Councilman Blair asked if they were saving the ponderosa tree. Mr. Deveareau said that they are trying to save that and the walnut tree.

COUNCILMAN BLAIR MOVED TO APPROVE THE USE OF A ROCK CRUSHER FOR THE SHOPS AT THE BOULDERS, COMMERCIAL ZONED PROPERTY LOCATED AT THE NORTHWEST CORNER OF GAIL GARDNER WAY AND WILLOW CREEK ROAD, DURING CONSTRUCTION, LIMITED TO WEEKDAYS MONDAY THROUGH FRIDAY, 8 AM TO 5 PM, FOR A DURATION OF NOT TO EXCEED 120 DAYS, AND HOE RAMS AND THE ROCK DRILLS WILL NOT START BEFORE 8 AM AS WELL; SECONDED BY COUNCILMAN ROECKER; PASSED UNANIMOUSLY.

J. Starpines:

Mr. Guice said that this was a request for a preliminary plat for a Planned Area Development of 11 lots with an open space tract adjoining the south side of Lots 7 through 11. The architect states that apartments in this location would not be restricted by the Hillside Development Standards because the four lots are already platted and zoned for multifamily, but the newly-created platted lots are required to adhere to the hillside Standards, and they are requesting a waiver of those requirements, as is permitted by the LDC.

Councilman Blair said that he thinks it is a great change to go from duplexes to homeownership. He asked what type of pricing they were looking at. James Peterson said that they are figuring somewhere in the area of mid to upper fours. He said that they all have three-car garages and 2900 square feet.

Councilman Blair he still believes it is a good project.

1. Approval of Preliminary Plat for Starpines, A Planned Area Development of 11 lots located on Starpine Place with a waiver of the Hillside Development requirements and lot coverage requirements.

COUNCILMAN BLAIR MOVED TO APPROVE THE PRELIMINARY PLAT FOR STARPINES, A PLANNED AREA DEVELOPMENT OF 11 LOTS LOCATED ON STARPINE PLACE WITH A WAIVER OF THE HILLSIDE DEVELOPMENT REQUIREMENTS AND LOT COVERAGE REQUIREMENTS; SECONDED BY COUNCILMAN ROECKER; PASSED UNANIMOUSLY.

2. Approval of a Water Service Agreement with Starpine Development LLC for 3.85 acre feet of water annually.

COUNCILMAN BLAIR MOVED TO APPROVE A WATER SERVICE AGREEMENT WITH STARPINE DEVELOPMENT LLC FOR 3.85 ACRE FEET OF WATER ANNUALLY; SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY.

- K. Adoption of Resolution No. 3856-0824 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the City of Prescott to submit an application to apply for Local Transportation Assistance Grant Funds and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.

Mr. Guice said that the City of Prescott has the opportunity to participate in the Local Transportation Assistance Fund Grant (LTAF II) program again this year and the resolution presented will authorize staff to apply for those grant funds.

Councilwoman Suttles said that it is her understanding that this was the NACOG money. Mr. Guice said that this money is used by NACOG to administer the voucher program. Councilwoman Suttles clarified that it had nothing to do with transit. Mr. Guice said that at such time as the region does go to public transit, these funds will be reviewed.

Councilman Luzius said that the LTAF money comes from the lottery sales; it is a variable amount. This year it is considerably more than in the past. He said that it can be carried over, and it could be used for the transit system. It is a win-win with at least \$39,000 in the bank for next year.

Councilman Bell asked if the commitment to NACOG of \$120,000 was already made. He said he is in favor of carrying the funds over and not increasing that amount. Councilman Luzius said there is a 30-day threshold in the contract.

COUNCILMAN LUZIUS MOVED TO ADOPT RESOLUTION NO. 3856-0824; SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY.

- L. Consideration of request submitted by Costco to work one night (August 26) for parking lot repaving.

Mr. Guice said that Costo is in the process of reconstructing and repaving their parking lots and have requested permission of the Council to work over night on August 26.

Wyatt Orr of Grady's Quality Excavating said that it is for the safety of the general public. He said that they have up to 3300 members a day visit the store, and those come mostly off of State Route 69. He said that they originally wanted to make a one-night request, but they would like to make that two nights. He said that the gas station area is one-way with 2000 cars a day. They would like to have another evening available to do this area, but it could be any night of the week, it wouldn't need to be a Sunday as the other one.

Mayor Simmons said that the biggest problem with working at night is the lights and the noise. Mr. Orr said that there are approved mufflers for backing up that are still OSHA approved. Mayor Simmons said that he would prefer to have them turn off the back-up alarms altogether and use flag people.

Mr. Orr said that they would close on Sunday night at 6:00 p.m., get the zone prepped and pavement would be around 4:00 a.m. Councilman Blair said that he thinks they are smart the way they are doing it. He asked that they direct the lights away from the residences.

Councilman Roecker asked if it was permitted to consider approving two nights, when the agenda only listed one. Mr. Lloyd said that it is within the spirit of the notice and would be permitted.

Councilman Luzius asked Mr. Nietupski if he was comfortable with the time frame indicated. Mr. Nietupski said that their objectives are achievable as presented.

Councilman Blair said that they need to define the dates; it was agreed on Sunday August 26 and Wednesday August 29.

COUNCILMAN ROECKER MOVED TO APPROVE REQUEST SUBMITTED BY COSTCO TO WORK TWO NIGHTS (AUGUST 26 AND AUGUST 29) FOR PARKING LOT REPAVING, WITH THE CONDITION THAT BACK UP ALARMS BE ELIMINATED AS DISCUSSED; SECONDED BY COUNCILMAN BELL; PASSED UNANIMOUSLY.

- M. Approval of payment to Arizona Public Service Company in the amount of \$143,948.00 for the relocation of their facilities in conflict with designed improvements for Copper Basin Road.

Mr. Nietupski said that approval of this item would allow payment to Arizona Public Service Company for relocation of their facilities, which conflict with designed improvements associated with the Copper Basin road project, between White Spar Road and Sheriffs Posse Trail. In accordance with the terms of the Franchise Agreement between APS and the City, the City must pay for the relocation of APS facilities under these circumstances.

Councilman Blair asked if the lines had already been moved. Mr. Nietupski replied that they had.

COUNCILMAN BELL MOVED TO APPROVE PAYMENT TO ARIZONA PUBLIC SERVICE COMPANY IN THE AMOUNT OF \$143,948.00 FOR THE RELCATION OF THEIR FACILITIES IN CONFLICT WITH DESIGNED IMPROVEMENTS FOR COPPER BASIN ROAD; SECONDED BY COUNCILMAN BLAIR; PASSED UNANIMOUSLY.

- N. Approve the Minutes of the Study Session of the Prescott City Council held on August 7, 2007.

COUNCILMAN ROECKER MOVED TO APPROVE THE MINUTES OF THE STUDY SESSION OF THE PRESCOTT CITY COUNCIL HELD ON AUGUST 7, 2007; SECONDED BY COUNCILMAN BLAIR; PASSED UNANIMOUSLY.

- O.* Adoption of Ordinance 4621-0823 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, repealing Ordinance No. 4594 adopted by the City Council on May 22, 2007, 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.

Mr. Norwood explained that this abandonment was approved by Council in May of 2007, and the property was appraised by a local certified appraiser. Rather than have PUSD write a check for this property it was recommended that it be donated to PUSD in exchange for the \$130,000 range for the City's share of renovating the high school tennis courts.

He said that City and School staff had met on this issue, and all agreed that it was a good idea and each entity would take it before their council/board. The PUSD Board had not approved the ordinance and now has expressed concern with the value of the land.

Mr. Norwood said that although City staff and the Council felt this was a win-win situation, it appears that the School Board does not see it that way so this ordinance would repeal the previous ordinance.

Councilman Blair asked if there is an agreement between the two that requires the City to repair the tennis courts. Mr. Norwood said there is; the City pays one-third of the costs whenever there are improvements to be made.

COUNCILWOMAN SUTTLES MOVED TO ADOPT ORDINANCE NO. 4621-0823; SECONDED BY COUNCILMAN BLAIR; PASSED UNANIMOUSLY.

IV. ADJOURNMENT

The Joint Study Session/Regular Voting Meeting of the Prescott City Council held on August 21, 2007, adjourned at 4:45 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 Joint Study Session/Regular Voting Meeting of the City Council of the City of Prescott, Arizona held on the 21st day of August, 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