

PRESCOTT CITY COUNCIL  
REGULAR COUNCIL MEETING  
PRESCOTT, ARIZONA  
SEPTEMBER 11, 2007

A REGULAR VOTING MEETING OF THE PRESCOTT CITY COUNCIL WAS HELD ON TUESDAY, SEPTEMBER 11, 2007, in the Prescott Municipal Building, 201 S. Cortez Street, Prescott, Arizona.

Mayor Simmons opened the meeting at 3:00 P.M. Councilman Lamerson called for a moment of silence in memory of those that lost their lives on September 11, 2007, and since that time. He then introduced the Police and Fire Department Color Guard and led the Council and audience in 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**

Mr. Norwood reported that two weeks ago the Council had heard a presentation regarding difficulties the City had encountered with Qwest on construction projects. He said that the Council had directed staff to send a letter and they have received a copy of a strong letter from the Arizona Corporation Commission to Qwest and then received a letter from Qwest's President. He said that they have stepped up their efforts and the letter sent by the City did what it was intended to do.

Councilman Blair reported that Grady's Quality Excavation had finished their work at Costco in one night rather than two.

### **I. PUBLIC COMMENT**

A. Libby Majors regarding the upcoming Regional Wildlife Symposium.

Ashley Fine said that she was present because Libby Majors was sick, and she was representing the Open Space Alliance of Central Yavapai County. She gave a PowerPoint presentation on the upcoming Regional Wildlife Symposium.

- B. George Seaman regarding Proposition 207.

George Seaman read a presentation regarding some thoughts on Proposition 207 with respect to private property rights. After review of his research he said that it appears that a land use action of a governing body which only impacted institutional ownership and did not infringe upon the direct property rights of its citizens should have no successful Proposition 207 claims filed against them.

## II. PRESENTATIONS

- A. Presentation by the Arizona Department of Commerce Main Street Program of two Finalist Awards for outstanding Main Street projects.

Economic Development Director Jane Bristol said that she was recently at a Rural Economic Development Conference and there were a few projects in the Prescott area that had received acknowledgement so she invited Bill Bolin, Director of Rural Development to come to Prescott to recognize them.

Mr. Bolin then recognized Bashford Court for their façade renovation and the Prescott Public Library for a Public/Private Partnership.

- B. Recognition of Seymour Petrovsky for donation of bronze sculpture to the Prescott Public Library.

Toni Kaus, Library Director, recognized Seymour Petrovsky for his donation of a bronze sculpture of a life-sized girl on a park bench entitled “Booked for a Day” by sculpture Dan Hill. She said it was located in the outdoor reading courtyard of the Public Library. She then presented a plaque of appreciation to Mr. Petrovsky.

- C. Presentation of Lifesaving Award to Police Officer Daryl Gladstein.

Police Chief Randy Oaks presented a Lifesaving Award to Police Officer Daryl Gladstein for his actions in saving the life of a Prescott man who had attempted to take his own life.

- D. Presentation of Appreciation Plaques by the Special Events Department.

Becky Garvin of the Special Events Department recognized the following businesses and presented each of them with a plaque of appreciation for their support of special events of the City of at least \$5,000:

Catholic Charities  
Gutowski Cabinetworks

Fry's  
Prescott True Value and Just Ask Rentals  
Tim's Toyota

### III. CONSENT AGENDA

**CONSENT ITEMS A THROUGH N 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 CONSENT AGENDA ITEMS III-A THROUGH III-N; SECONDED BY COUNCILMAN LUZIUS; PASSED UNANIMOUSLY.**

- A. Adopt Resolution No. 3857-0825 - A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, approving acceptance of grant funding from the Yavapai County Community Foundation (YCCF) in the amount of \$3,800 to cover some of the in-service training program costs throughout the year for both K-9 teams and authorizing the execution of any and all documents to implement same.
- B. Approve Amendment Five to Contract No. 2004-189 with Stantec Consulting, Inc. in the amount of \$27,595.00 for annual pavement management system services.
- C. Adopt Ordinance No. 4623-0825 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the granting of certain easement rights to Arizona Public Service Company (APS) upon City owned real property located at the Airport in the vicinity of the bottleneck hangars and authorizing the Mayor and staff to execute all necessary sale and conveyance documents.
- D. Approve an Airport Ground Lease Agreement with Legend Aviation for approximately 7.17 acres of airport property at Ernest A. Love Field.
- E. Adopt Resolution No. 3858-0826 – 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 Flood Control District for flood mitigation work associated with the Iron Springs Road Project, and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.
- F. Adopt Ordinance No. 4622-0824 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the granting of certain electrical utility easement rights to Arizona Public Service Company (APS) to furnish electricity to the City of Prescott new City Fleet

Maintenance Facility and authorizing the Mayor and staff to execute all necessary sale and conveyance documents.

- G. Adopt Ordinance No. 4624-0826 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona authorizing the granting of certain electrical utility easement rights to Arizona Public Service Company (APS) to furnish electricity to the City of Prescott expanded City Solid Waste Transfer Facility and authorizing the Mayor and staff to execute all necessary sale and conveyance documents.
- H. Approve a professional services agreement with Post, Buckley, Schuh, and Jernigan, Inc. in the amount of \$425,779.00 for design and associated engineering services for the Zone 39 Water Mains and Pump Station Upgrade Project.
- I. Approve waiver of the 150' maximum flagpole lot depth required in the Land Development Code Section 7.4.5.B.4.c. for property located at 601 Peterson Lane.
- J. Tabosa Estates:
  - 1. Approve Preliminary Plat for Tabosa Estates, a PAD comprising 4 lots on 2.62 acres, located on Tabosa Drive, southwest of its intersection with Jasmine Drive, Zoning is SF-18, Applicant is CJ Dougan, APN 106-23-016G (SP07-001).
  - 2. Approve Water Service Agreement for with CJG, LLC for Tabosa Estates, for 1.4 acre feet annual of potable water.
- K. Building Code Amendments:
  - 1. Adopt Resolution No. 3840-0808 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, adopting those certain documents entitled the *Administrative Building Code* (Chapter 1 of the 2006 International Building Code as adopted by the International Code Council, Inc.) and the *City of Prescott 2007 Amendments to the Administrative Building Code* as public records, and directing the City Clerk to retain three copies thereof on file.
  - 2. Adopt Ordinance No. 4601-0803 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, amending Title III of the City Code of the City of Prescott by adopting a new Chapter 3-17: Administrative Building Code, by adopting by reference that certain document entitled the *Administrative Building Code* and that certain document entitled the *City of Prescott 2007 Amendments to the Administrative Building Code*, both of which

were made public records by Resolution No. 3840-0808, providing penalties therefore and providing for a delayed effective date thereto.

3. Adopt Resolution No. 3841-0809 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, adopting those certain documents entitled the *2006 International Building Code*, as adopted by the International Code Council, Inc., and the *City of Prescott 2007 Amendments to the 2006 International Building Code* as public records, and directing the City Clerk to retain three copies thereof on file.
4. Adopt Ordinance No. 4602-0804 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, amending Title III, Chapter 1 of the City Code of the City of Prescott entitled “International Building Code” by repealing Sections 3-1-1 and 3-1-2 and adopting new Sections 3-1-1 and 3-1-2 by adopting by reference that certain document entitled the *2006 International Building Code*, and that certain document entitled the *City of Prescott 2007 Amendments to the 2006 International Building Code*, both of which were made public records by Resolution No. 3841-0809, providing penalties therefore and providing for a delayed effective date thereto.
5. Adopt Resolution No. 3842-0810 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, adopting those certain documents entitled the *2006 International Residential Code for One- and Two-Family Dwellings* and the *City of Prescott 2007 Amendments to the 2006 International Residential Code for One- and Two-Family Dwellings* as public records, and directing the City Clerk to retain three copies thereof on file.
6. Adopt Ordinance No. 4603-0805 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, amending Title III, Chapter 8 of the City Code of the City of Prescott entitled “International Residential Code for One and Two-Family Dwellings” by repealing Sections 3-8-1 and 3-8-2 and adopting new Sections 3-8-1 and 3-8-2 by adopting by reference that certain document entitled the *2006 International Residential Code for One- and Two-Family Dwellings*, and that certain document entitled the *City of Prescott 2007 Amendments to the 2006 International Residential Code for One- and Two-Family Dwellings*, both of which were made public records by Resolution No. 3842-0810, providing penalties therefore and providing for a delayed effective date thereto.

7. Adopt Resolution No. 3843-0811 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, adopting those certain documents entitled the *2006 International Fuel Gas Code* including Appendices A, B and C, as adopted by the International Code Council, Inc. and the *City of Prescott 2007 Amendments to the 2006 International Fuel Gas Code* as public records, and directing the City Clerk to retain three copies thereof on file.
8. Adopt Ordinance No. 4604-0806 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, amending Title III, Chapter 5 of the City Code of the City of Prescott entitled “International Fuel Gas Code” by repealing Sections 3-5-1 and 3-5-2, and adopting new Sections 3-5-1 and 3-5-2 by adopting by reference that certain document entitled the *2006 International Fuel Gas Code* as adopted by the International Code Council, Inc. and that certain document entitled the *City of Prescott 2007 Amendments to the 2006 International Fuel Gas Code*, both of which were made public records by Resolution No. 3843-0811, providing penalties therefore and providing for a delayed effective date thereto.
9. Adopt Resolution No. 3844-0812 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, declaring those certain documents entitled the *2006 International Mechanical Code*, as adopted by the International Code Council, Inc. and the *City of Prescott 2007 Amendments to the 2006 International Mechanical Code*, as public records, and directing the City Clerk to retain three copies thereof on file.
10. Adopt Ordinance No. 4605-0807 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, amending Title III, Chapter 2 of the City Code of the City of Prescott entitled “International Mechanical Code” by repealing Sections 3-2-1 and 3-2-2 and adopting new Sections 3-2-1 and 3-2-2 by adopting by reference that certain document entitled the *2006 International Mechanical Code*, and that certain document entitled the *City of Prescott 2007 Amendments to the 2006 International Mechanical Code* both of which were made public records by Resolution No. 3844-0812, providing penalties therefore and providing for a delayed effective date thereto.
11. Adopt Resolution No. 3845-0813 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, declaring those certain documents entitled the *2006 International Plumbing Code*, as adopted by the International Code Council, Inc., and the

*City of Prescott 2007 Amendments to the 2006 International Plumbing Code*, as public records, and directing the City Clerk to retain three copies thereof on file.

12. Adopt Ordinance No. 4606-0808 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, amending Title III, Chapter 6 of the City Code of the City of Prescott entitled “International Plumbing Code” by repealing Sections 3-6-1 and 3-6-2 and adopting new Sections 3-6-1 and 3-6-2 by adopting by reference that certain document entitled the *2006 International Plumbing Code*, and that certain document entitled *City of Prescott 2007 Amendments to the 2006 International Plumbing Code* both of which were made public records by Resolution No. 3845-0813, providing penalties therefore and providing for a delay effective date thereto.
13. Adopt Resolution No. 3850-0818 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, declaring those certain documents entitled the *2006 ICC Electrical Code*, as adopted by the International Code Council Inc., the *2005 National Electrical Code*, and the *City of Prescott 2007 Amendments to the 2006 ICC Electrical Code*, as public records, and directing the City Clerk to retain three copies thereof on file.
14. Adopt Ordinance No. 4613-0815 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, amending Title III, Chapter 7 of the City Code of the City of Prescott entitled “ICC Electrical Code” by repealing Sections 3-7-1 and 3-7-2 and adopting new Sections 3-7-1 and 3-7-2 by adopting by reference that certain document entitled the *2006 ICC Electrical Code*, that certain document entitled the *2005 National Electrical Code* and that certain document entitled the *City of Prescott 2007 Amendments to the 2006 ICC Electrical Code*, all of which were made public records by Resolution No. 3850-0818, providing penalties therefore and providing for a delayed effective date thereto.
- L. Approve purchase of one roll-off truck from Rush Truck Center of Phoenix in the amount of \$119,652.00 through the Houston-Galveston Area Council cooperative buying program.
- M. Adopt Resolution No. 3859-0827 – 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 unified emergency management, and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.

- N. Approve the Minutes of the Regular Meeting of the Prescott City Council held on August 14, 2007, and the Joint Study Session/Voting Meeting of the Prescott City Council held on August 21, 2007.

#### IV. REGULAR AGENDA

- A. Public Hearing and consideration of a liquor license application submitted by Circle K #1576, for a new Series 9, Liquor Store, license, located at 1245 E. Gurley Street.

City Clerk Elizabeth Burke said that this item, as well as the next item, was on the agenda to approve a Series 9 liquor license for two Circle K stores in town. They currently have Series 10, Beer and Wine Store, licenses and recently won two Series 9 licenses through the lottery. She said the property has been posted and no comments had been received from the public.

Councilman Luzius commended the applicant on the completeness of their two applications.

There being no input from the public, **COUNCILMAN BELL MOVED TO CLOSE THE PUBLIC HEARING; SECONDED BY COUNCILMAN LUZIUS; PASSED UNANIMOUSLY.**

**COUNCILWOMAN SUTTLES MOVED TO APPROVE THE LIQUOR LICENSE APPLICATION SUBMITTED BY CIRCLE K #1576, FOR A NEW SERIES 9, LIQUOR STORE, LICENSE LOCATED AT 1245 E. GURLEY STREET; SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY.**

- B. Public Hearing and consideration of a liquor license application submitted by Circle K #7929, for a new Series 9, Liquor Store, license, located at 6000 Willow Creek Road.

There being no input from the public, **COUNCILMAN BELL MOVED TO CLOSE THE PUBLIC HEARING; SECONDED BY COUNCILMAN ROECKER; PASSED UNANIMOUSLY.**

**COUNCILMAN BELL MOVED TO APPROVE THE LIQUOR LICENSE APPLICATION SUBMITTED BY CIRCLE K #7929, FOR A NEW SERIES 9, LIQUOR STORE, LICENSE LOCATED AT 6000 WILLOW CREEK ROAD; SECONDED BY COUNCILMAN ROECKER; PASSED UNANIMOUSLY.**

- C. Recess into Executive Session.

**COUNCILMAN ROECKER MOVED TO RECESS INTO EXECUTIVE SESSION; SECONDED BY COUNCILMAN BELL; PASSED UNANIMOUSLY.**

The Prescott City Council adjourned into Executive Session at 3:47 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.
1. Property located south of Goodwin and East of Montezuma.
  2. Property located west of 89A in the vicinity of Granite Dells.

**IV. ADJOURNMENT**

The Prescott City Council reconvened into Open Session at 4:12 p.m. at which time the Regular Voting Meeting of the Prescott City Council held on September 11, 2007 adjourned.

\_\_\_\_\_  
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 11<sup>th</sup> day of September, 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