

PRESCOTT CITY COUNCIL  
COUNCIL SPECIAL MEETING/  
STUDY SESSION  
PRESCOTT, ARIZONA  
SEPTEMBER 18, 2007

A SPECIAL MEETING/STUDY SESSION OF THE PRESCOTT CITY COUNCIL WAS HELD ON TUESDAY, SEPTEMBER 18, 2007, in the Prescott Municipal Building, 201 S. Cortez Street, Prescott, Arizona.

Mayor Simmons opened the meeting at 3:01 P.M. Councilman Luzius led the Pledge of Allegiance

ROLL CALL:

Present:

Mayor Simmons  
Councilman Bell  
Councilman Blair  
Councilman Lamerson  
Councilman Luzius  
Councilman Roecker  
Councilwoman Suttles

Absent:

None

□ SUMMARY OF CURRENT OR RECENT EVENTS

Councilman Blair reported that he had attended the reception for the Mural Dedication downtown on Saturday and it was a well-done event.

## SPECIAL MEETING

### I. REGULAR AGENDA

A. Canvass of the Election Results of the City of Prescott Primary Election Held September 11, 2007.

City Clerk Elizabeth Burke presented the canvass of the election results as follows:

NUMBER OF REGISTERED VOTERS:	24,664
NUMBER OF BALLOTS CAST IN THE ELECTION:	13,146
VOTER TURNOUT PERCENTAGE:	53.3%

**MAYOR**

Number of ballots for Mayor rejected:	170
Number required to be elected in Primary:	6,489
Simmons, Rowle	6,404
Wilson, Jack D.	6,546*

**COUNCIL**

Number of ballots for Council rejected:	202
Number required to be elected in Primary:	6,473
Blair, Steve	6,059**
Dubiel, Alan	5,202
Katan, Paul	5,207
Lamerson, Jim	6,592*
Lopas, Lora	5,922**
Suttles, Mary Ann	7,125*

\*Elected in the Primary

\*\*Will be on the General Election Ballot

**COUNCILMAN LUZIUS MOVED TO APPROVE THE CANVASS OF THE ELECTION RESULTS OF THE CITY OF PRESCOTT PRIMARY ELECTION HELD SEPTEMBER 11, 2007; SECONDED BY COUNCILMAN ROECKER; PASSED UNANIMOUSLY.**

**II. ADJOURNMENT.**

The Special Meeting of the Prescott City Council held September 18, 2007, adjourned at 3:15 p.m.

## **STUDY SESSION**

**I. PROCLAMATION**

1. September 22, 2007 – *Mile Hi Horseshoe Day*.

Mayor Simmons read a proclamation proclaiming September 22, 2007 as *Mile Hi Horseshoe Day* in Prescott, and presented the proclamation to Cal Cordes on behalf of the Mile Hi Horseshoe Association.

**II. DISCUSSION ITEMS**

Mayor Simmons reported that the applicant for Item H, Tim's Toyota Comprehensive Sign Plan, needed to catch a plane, so they were moving that item up on the agenda.

- H. Approval of comprehensive sign plan for Tim's Toyota located at 1006 Commerce Drive; Owner TC Land Management, LLC; Applicant/Agent Capitol Sign & Design Zoning; Industrial Light (IL) (CC07-001).

Community Development Director Tom Guice explained that Tim's Toyota was seeking approval for new signage at the auto dealership located on Commerce Drive, due to major renovations along with a new "national" advertising and signage campaign.

Mr. Guice said that the LDC allows for 200 square feet of signage, and Tim's is requesting approval of "typical/conventional signage" of 171.5 square feet. He said that the application is complicated by the "entry/portal structure" that has an illuminated glass-like wall with sign copy/graphics.

Councilman Blair said that he is not there to micromanage. He asked if it would be permitted if the just the wording was the sign. Mr. Guice said that Article 5 of the LDC talked about that, and it would not comply because of the light reflective qualities. Councilman Blair said that they are talking about this as a sign because it is attached to the front of the building.

Mr. Guice noted that three of the Planning and Zoning Commissioners were opposed to the application. Councilman Blair asked how much sales tax revenue the car dealerships in town generate. He said that it is in a commercial corridor and there are no residents nearby.

Councilman Lamerson said that he would ask (1) what the value was of having Tim's Toyota in the City of Prescott; and (2) if there was an issue of public safety and health with the building being built. He asked why some of the City's codes are written to keep businesses out. He said that they have a right to request a waiver and the Council has the right to approve one.

Mr. Guice agreed that the auto dealerships in town are great revenue generators. He said that the intent of the Comprehensive Sign Plan process is to allow the Council to consider all aspects of a request. He said that if the Council was to approve a waiver, they would not be setting precedence. He added that across from the site is the APS electrical station and the City's dog park.

Councilwoman Suttles said that the Planning and Zoning Commission went over the application two different times and they know the same thing that the Council knows. She said that her problem with the request is that there was a split on the commission with a 3-3 vote. After questioning, Mr. Kidd noted that a vote to approve of 3-3 would fail.

Mayor Simmons said that he didn't have a problem with the request at all; he sees it as a little signage on a big wall.

Mr. Guice noted that what they are looking at does not meet Article 5 of the code.

Richard Cartell, representing the sign company from Scottsdale, said that the portal identifies the entry to the building, which is a new concept being followed by many dealerships now. He said that Toyota spent a lot of money on determining how to design the buildings and the request is the culmination of that research. He said that it is about 20% of the building.

Councilman Roecker asked if any communities in Arizona had turned this request down. Mr. Cartell said that they have not. He said that they are building this same design in Tucson which has a significant dark sky ordinance, and also in Show Low.

Councilman Roecker said that he agreed that there would be no residents affected by the design.

Councilman Lamerson asked what would happen if for whatever reason it was turned down. Mr. Cartell said that he couldn't say, but he has seen Toyota move a mile down the road because of this type of stuff.

Councilman Lamerson said that he personally liked the design. Councilman Blair said that at one point Mr. Coury was going to build in Prescott Valley and he decided to be a partner in the Prescott area. He said that it is a huge amount of money into the general fund.

Councilman Bell asked if the building permit had been issued. Mr. Guice replied that there have been three permits issued to date. Councilman Bell said that he thinks it is a very innovative design and shouldn't bother anyone. They have done a good job.

Councilman Luzius said that he would like this item pulled from the consent agenda. He said that he has talked to dark sky in Tucson and is awaiting a return call from dark sky in Pima County. He said that at Planning and Zoning they were led to believe that there were two of these under construction in Tucson. He said that he has also received complaints from the neighbors. Until such time as he gets something from dark sky he won't support it. He said that he knows that the car dealerships are trying to change their image. He said that if there is a 1040 sq. ft. wall with 55 watts, it would bring out 3,000 watts of light which is almost as powerful as a search light. He said that he would like to make some adjustments.

Councilman Bell asked what neighbors he was talking about. Councilman Luzius replied that they were those living on the hill, on Willow Lake Road.

Councilman Roecker asked how many of the signs exist in Arizona. Mr. Cartell replied there are many under consideration; three have gone through the program and are ready to start. They are breaking ground in Show Low and there is one under construction in Sierra Vista.

Councilman Roecker asked how many were approved by municipalities. Mr. Cartell said that when he was talking to the manufacturer, they had told him that there were two scheduled for construction in Tucson. He said that subsequent to that he clarified—in Tucson there is advisory board to look at light. When they went before that board there was only one issue relative to the portal itself; not the total illumination but the light source. They have a requirement of 3,000 lumens and he believes the light source is 3,400 lumens, but they are moving ahead with construction there. It is his understanding that the advisory board looks at the light rather than go through a formal hearing process. Councilman Luzius thanked Mr. Cartell and said he had not been apprised of that.

Jack Wilson asked Mr. Guice if he was talking about the dark sky ordinance when he referred to Article 5. Mr. Guice replied that Article 5 of the LDC does not relate to dark sky, which is covered under building lighting and parking lot lighting, but rather under the light reflective value of the actual building and material with which the building is being constructed. Mr. Wilson asked if the proposed sign would comply with dark sky provisions. Mr. Guice said that he has seen photometrics of it and he believes it would comply with the dark sky provisions—although the wattage is up, it is diffused over a large enough area. Mr. Wilson said that they need to be assured that it would comply.

- A. Approval to purchase the Elks Opera House sound system upgrade and authorize staff to execute all documents relating to said purchase in the amount of \$124,935.00 from Netsian Technologies Group.

Administrative Services Director Mic Fenech said that this year's budget included funding to upgrade the sound system at the Elks Opera House. He said that Purchasing advertised a Request for Proposals that included both a warning and a challenge: proposers could not exceed the budgeted amount and the proposer who could provide the majority of items identified in the format of a "wish list" would be recommended for award. Mr. Fenech corrected a line on page two of the Council memo to read "Netsian is providing 95% of the sound wish list and 270% of the extra's wish list in its proposal."

Councilwoman Suttles asked where the funds would come from. Mr. Fenech replied that they would come from the bed tax funds. Councilwoman Suttles asked if, in the future, the memos would contain the name of the account, rather than the numbers. Mr. Norwood said that they will do that.

Councilman Roecker asked if this would make them any more competitive with people in the business. Mr. Fenech replied that it would; he said that the biggest complains over the past few years has been with sound. He said that this will be a first-class, state-of-the-art system.

Councilman Bell asked who would operate the system. Mr. Fenech said that the manager of the Elks, Joe Place, will be operating the equipment; he has 20 years of experience with sound systems.

- B. Award of a contract to Montana Builders, LLC, for the restoration of the second lobby of the Elks Opera House in an amount not to exceed \$36,515.00.

Mr. Fenech said that the City applied for and received an Arizona Heritage Fund grant in the amount of \$16,000 to restore the second lobby of the Elk's Operate House to its 1928 appearance. He said that funding is provided by the Arizona Lottery and the City's match is \$24,000 being raised by the four Questers groups in Prescott. He said that it is a reimbursement grant. He said that it is being recommended that the contract be awarded to Montana Builders, a local company, for the amount of \$36,515.00.

Councilwoman Suttles said that she was very pleased that they had a local company bid on this project. She then asked staff to tell her more about the Questers group. Mr. Fenech said that there are four chapters in the area; they are groups of people from all walks of life that collect things. He said that they are a national and regional group, and the state's chapters just had their annual conference in Prescott.

- C. Adoption of Resolution No. 3860-0828 - A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona authorizing the City of Prescott to enter into a Library Service Agreement for FY2007-2008 with the Yavapai County Library District to participate in cooperative funding to the benefit of the City of Prescott Public Library, and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.

Recreation Services Director Jim McCasland said that this item was a Library Service Agreement between the City and Yavapai County Library District. He said that the district was established in 1987 by the Board of

Supervisors and includes 20 affiliated public libraries in the County. This year's contribution from the district to the City is \$534,382 and will be used for library services, library materials, automation and special projects.

- D. Approval of payment to Yavapai County in the amount of \$40,000.00 for design fees associated with Pioneer Park.

Mr. McCasland said that this item is in regard to the City's contribution of \$40,000 for design of improvements at Pioneer Park. He said that in the Fiscal Year 2008 Budget the Council approved funds in the amount of \$100,000 for planning at Pioneer Park.

- E. Adoption of Ordinance No. 4626-0828 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, finalizing the sale and exchange of certain real properties belonging to Yavapai County and the City of Prescott, approving the conveyance of title to certain real property belonging to the City of Prescott and accepting title to that certain real property known as the Prescott Rodeo Grounds, and authorizing the Mayor and staff to execute all necessary sale and conveyance documents to complete the exchange.

City Attorney Gary Kidd said that this ordinance is the final step in the exchange of rodeo property between the County and City. Councilwoman Suttles asked why it has taken so long to have this completed, since it was approved in June. Mr. Kidd explained that it has been in escrow waiting for the title company to direct staff to proceed with the ordinance.

Councilman Luzius asked when the exchange will be consummated. Mr. Kidd said that the ordinance is effective in 30 days, so technically when the ordinance becomes effective, but the escrow will close once the ordinance passes.

Councilman Luzius said that since the exchange took place he noticed that the gates have been left open at the rodeo grounds; they need to be sure that the City has the keys and the property is locked. Mayor Simmons noted that they still have about three years before the County vacates the property.

- F. Adoption of Ordinance No. 4625-0827 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, accepting a public utility easement from Craig A. and Deborah A. Johnson in the vicinity of Mission Way and authorizing the Mayor and City staff to take necessary steps to complete acceptance and dedication as a City of Prescott public easement.

Public Works Director Craig McConnell said that approval of this ordinance will accept a public utility easement being granted to the City by Craig and Deborah Johnson, in conjunction with the Mission Way Sanitary Sewer Improvement and Lift Station Abandonment Project. He said that the easement grant and acceptance fulfills the agreement between the parties with the Johnsons providing the easement in exchange for access to City sewer.

- G. Approval of Final Plat for Sterling Ridge, 32 lots situated on approximately 20.52 acres located north of Tamarack Lane, south of Northridge Drive and east of Prescott Highland subdivision; Owner/Applicant Carrington Homes; Zoning SF-18 (FP07-006).

Councilman Luzius declared a conflict of interest as his wife works for Carrington Homes.

Mr. Guice said that this request is for approval of the final plat of Sterling Ridge subdivision, which is situated on approximately 20.52 acres located north of Tamarack Lane and will provide additional segments, extending from west to east, of both Delano Drive and Tamarack Lane.

- I. Approval of contracts related to construction of improvements to Williamson Valley Road, Sidewinder Road to Shadow Valley Ranch Road.

Engineering Services Director Mark Nietupski said that this item is to award contracts for services necessary for the Williamson Valley Road, Sidewinder Road to Shadow Valley Ranch Road and Idylwild Drive projects scheduled for construction in FY08/09. He said that these will be paid for from the one-cent fund.

Mayor Simmons asked if this makes way for the final step of the Iron Springs Road project. Mr. Nietupski said that Williamson Valley Road is the last street identified in Streets Program of 1995; this was anticipated to be constructed with the Iron Springs Road project, but with the way they did the Iron Springs Road project they felt it was better to do a portion of it with the Iron Springs Road project and then complete it with this portion.

Councilman Blair asked if the Idylwild portion was one of the Unpaved Streets projects. He asked how many more would be done this budget

year. Mr. Nietupski said that with Idylwild, they intend to do Lindberg Lane and Ring Drive, which are approximate to Idylwild.

Councilman Blair asked Mr. Nietupski if he had any idea of how many unpaved streets have been paved since they started the program. Mr. Nietupski said that they haven't paved as many as they would like. Mr. Nietupski said that they have paved about eight segments of roadway throughout the community. Councilman Blair said that his point is that they are making progress with the unpaved streets as well as unpaved alleys.

Mr. Nietupski noted that in this year's budget discussions the unpaved alleys program, because of the cost of improvements with \$33 million dollars worth of improvements, was not budgeted.

Councilman Bell asked if the Idylwild improvements would bring the street up to City standards. Mr. Nietupski said that the intent is to improve that street but it will probably not meet full City standards with respect to 28 feet, curb/gutter/sidewalk as they don't have the space in the existing right-of-way to do that and there are other challenges with respect to topography. They will recommend a 24-foot width segment which would provide a significant improvement for the roadway.

1. Approval of contract with Michael Wolff Real Estate Services, in the amount of \$42,500.00 for real estate appraisal services.
  2. Approval of contract with Yavapai Title Agency in the amount of \$24,000.00 for title and escrow services.
  3. Approval of contract with Briggs Appraisal & Consulting Services in the amount of \$39,000.00 for right-of-way acquisition services.
- J. Approval of Supplemental Agreement No. 2 to Contract No. 07-115 with Parsons Transportation Group, in the amount of \$32,517.00 for analysis of alternatives to locate a grade separated traffic interchange in the vicinity of Side Road at SR89A.

Mr. Nietupski said that this is approval of Supplemental Agreement No. 2 to the contract with Parsons Transportation Group for analysis of alternatives to locate a grade separated traffic interchange in the vicinity of Side Road at SR89A. As Parsons was working through phase I, the City was approached by a major landowner in that area that requested that the project incorporate additional analysis of different configurations apart from what had been considered by Parsons, such as locating 1700 feet east of Side Road or a reconfiguration of a location 1200 feet east of Side Road with a more skewed intersection.

He said that in Parsons' objectives, this would be additional work to look at the implementation of those relocation configurations. This does not guarantee that by approving this agreement that the location is fixed; it is just more information to consider in making a final determination. The property owner has sent a letter and agreed to provide equivalent credit to the City of Prescott for right-of-way acquisition at the time they reach a point that it will be needed. He said that this would be funded from the one-cent sales tax fund.

Councilman Roecker said that he has been asked to pull this from the Consent Agenda, as there is a meeting going on later this week that may add some information to this issue.

K. Approval of the Parks and Recreation Master Plan.

Mr. McCasland said that a little over a year ago they began a project to prepare a Parks and Recreation Master Plan for the community. There has been significant hours spent by citizens in the community coming to meetings and voicing what they believe is a vision for the future of the community. They are a cross section of the population, both young and old, organized activities as well as passive activities. The Council has received a copy of the latest final draft. He then introduced Jackie Keller from Logan Simpson Design who then presented a PowerPoint presentation, attached hereto and made a part hereof as Exhibit A.

Councilman Lamerson said that he likes it all, and asked what it would cost. He said that the citizens have a right to know what the "want list" is going to cost them and where the money will come from to pay for it. Councilman Blair asked about ongoing maintenance. Mr. McCasland said that if they built everything in the plan in today's dollars, it is estimated at around \$43 million.

Councilman Roecker said that they should not sell their citizens short. This program is the voice of the community. The citizens are asking them to do this for them in the parks and recreation area and they owe it to them to come up with a prioritized list of things and systematically go through with what the citizens wants them to do. He would encourage them to come up with a public/private partnership whenever possible to hopefully minimize some of the expense to the taxpayers.

Ms. Keller said that they do need to keep in mind that it is a master plan and the growing smarter initiative of Arizona requires communities of 50,000 or more to do this kind of plan so that as they move forward in developing recreational facilities they will put their money where it is best spent. They have identified through the public participation process and

needs assessment what the public is wanting and what the needs are to maintain the quality of life in the recreational area of life. Many communities use many different tools to fund these types of plans. They use the plans to identify as the community grows what part of impact fees should go to parks and recreation, whether they are enough for new facilities. Most of these types of facilities are generated by specific initiatives voted on by the community that they will support as a bond. Many communities are passing \$20-50 million bonds for these types of programs knowing that the bond will be spent over many years. What they're showing in the plan is that when the funding becomes available through the different venues and joint use partnerships such as school facilities, or with federal and state land departments, the plan will be accomplished.

Ms. Keller continued, stating that prioritization is the next step in identifying what the next steps are to be undertaken. Mr. McCasland reminded everyone of what the community did with the Community Center and the Library. In both of those cases, there was private money that came forward. He believes and he has been told by different members of the community that they are waiting for the City to begin the process and they're willing to step forward with funds and help with fundraising campaigns. This community has talked a long time about an aquatic facility, in particular. It appeared on the 1987 master plan; the YMCA stepped in and filled that but with both the YMCA and Yavapai College, they have a different mission than a community pool would have. Yavapai College is primarily there for education and the YMCA is a membership-driven organization.

Councilman Blair said that he has been hearing from a lot of folks in the community about the cost benefit analysis. He said that his degree is in parks and recreation, and anyone in that field knows that recreation never pays its way. This community has to be prepared to step up and take on the difference in what that cost benefit analysis is as a part of a way of life. He said that Councilman Lamerson is approaching it from the financial side; he is addressing the maintenance side. He said that thirty-some years ago Yavapai College put in new tennis courts, but within a few years it looked terrible because there was no maintenance mechanism in place.

Councilman Luzius commended Ms. Keller for her appropriate and concise presentation made. He knows there was a lot of work done by the consultants, staff, study groups and the citizens and would hardly think they are not being truthful because they don't know for sure what it will all cost. He believes that this is what the citizens have said they want and he agrees that the citizens and private sector will step up to the plate when the time is right.

Lora Lopas said that as the Chair of the Open Space Acquisition Advisory Committee they have been involved with the process and she noticed on page 48 of the report it mentions the Granite Dells Preserve East, but there is no land acquisition costs in there. She said that the \$43 million amount does not take into account all of the land costs, which will be the bulk of the money; the same with the 80-acre community park.

Earl Burden said that he was a 30-year resident of Prescott and he was a very active participant in the Lakes projects. He said that there were beaches planned for the lakes, but when the first plan came out, they had been eliminated. He questioned why and he was told they were too expensive. He had come up with a plan for the Willow Lake Beach and he's been working on that up to today. It is a place where the kids could go and dip their toes in the sand and really enjoy themselves. He said that the last time they were stopped was when the new master plan came up. He said that the last master plan was not completed because the beaches were in it but they were not completed. He was told it was because they were too shallow, too costly and polluted. He found out later that they were not polluted according to the Phoenix office of Arizona Department of Water Resources.

Mr. Burden said that if they were polluted, then they could take one of the coves and divorce it from the lake and just clean up the cove. He said that it is a beach with waterfalls for aeration of water, along with some chemicals to make it cleaner. There would be a restroom. He can't say that it will be a specific amount of money, but he can say that when he started talking to the business people in Prescott, they agreed to contribute. Mr. Hansen said that he would give all of the concrete needed for the job, after looking at the plans. He went to the block people and they asked how many was needed. It can be done in a matter of months and it could have been done six or seven years ago.

Councilwoman Suttles asked where they go from here. Mr. McCasland said that staff will begin to prepare a five-year capital plan that will be utilized in the budget process. He said that the community park next to the Community Street on Rosser is programmed to be built in the next few years. He said that they also have to complete the restroom at the trailhead, as they didn't have the money to do that in this year's budget. He said that they will also be addressing some deficiencies for ADA compliance.

Councilwoman Suttles asked about the design just approved for the inline skating facility at Pioneer Park, and asked if that fits into the master plan. Mr. McCasland said that there is an arrangement with Yavapai County as part of the Rodeo Grounds exchange to provide money to them as part of the City's valuation of the trade, in the amount of \$750,000. They will be

putting that money toward the skating rink. The \$40,000 discussed previously is separate from that. He said that the Master Plan is already counting those improvements as being made.

Councilman Lamerson said that he does have concerns over the financing and where the money would come from, but that is not part of the agenda item today. Today is discussion on the issue of whether they like the plan.

Councilman Blair said that he does support the Master Plan, but in the future budget plans he asked if they will budget for things out there now that need to be fixed. Mr. McCasland said that they are having ongoing meetings with Yavapai County staff. They have retained a planning firm and Board Member Springer has been involved in attending those meetings. They are doing a plan for that area, and will be going for some grants and will be doing some work relevant to the parking areas, traffic flow, etc.

Councilman Roecker said that he thinks the plan has been laid out and their citizens will tell them what they want to do. He thinks that the private sector will be stepping up just like they did with the Library and Community Center and the City will move forward.

- L. Notice of Public Hearing (September 25, 2007) of liquor license application submitted by the City of Prescott for a new Series 5, Government, license for the Elks Opera House located at 117 East Gurley Street.

Ms. Burke stated that this was a new liquor license application submitted by the City of Prescott on behalf of the Elks Opera House. The public hearing has been scheduled for September 25, 2007; the property has been posted and no comments have been received.

Councilman Luzius said that he scrutinized the application and could not find anything wrong with it.

- M. Approval of the Minutes of the Joint Study Session/Special Meeting of the Prescott City Council held on September 4, 2007 and the Regular Voting Meeting of September 11, 2007.
- N. Selection of items to be placed on the Consent Agenda for the Regular Voting Meeting of September 25, 2007.

Councilman Lamerson read the Consent Agenda items as follows: A, B, C, D, E, F, I, K and M.

**IV. ADJOURNMENT**

The Special Meeting/Study Session of the Prescott City Council held on September 18, 2007, adjourned at 4:45 p.m.

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ROWLE P. SIMMONS, Mayor

ATTEST:

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ELIZABETH A. BURKE, City Clerk