

PRESCOTT CITY COUNCIL
REGULAR COUNCIL MEETING
PRESCOTT, ARIZONA
SEPTEMBER 25, 2007

A REGULAR VOTING MEETING OF THE PRESCOTT CITY COUNCIL WAS HELD ON TUESDAY, SEPTEMBER 25, 2007, in the Prescott Municipal Building, 201 S. Cortez Street, Prescott, Arizona.

Mayor Simmons opened the meeting at 3:00 P.M. Councilman Roecker 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

City Manager Steve Norwood reported that Mesa Airlines would have their inaugural flight into Prescott on October 1, 2007. He said that as of yesterday flights scheduled for the first week were at 123—143% increase above normal.

Councilman Bell showed an article from U.S. News which indicated that Prescott was one of the top 10 communities in the country in which to retire.

I. PUBLIC COMMENT

A. Christine Whiting re a Domestic Pet Ordinance.

Ms. Whiting said that she had been a resident for nine years and then read a statement regarding the condition of the City's Animal Control Center and offered some suggestions. She said that she had included in the Council's packet information regarding the HEART ordinance adopted in Albuquerque, and she would like to come back and give more information on that in the future.

Councilman Blair asked Ms. Whiting what her definition was for "stray." Ms. Whiting said that it would be homeless, on the road, in the pound ready to be adopted.

Ms. Whiting said that part of the information she had provided talked about a mandatory spay/neuter program where if a pet owner's pet was picked up, they would have to pay \$150 to get it out of the pound. If they paid another \$150, they could have the option of not having it spayed/neutered. If the animal was picked up a second time, they would have to have it spayed/neutered.

Councilman Blair said that he like what she was doing, but he respectfully disagreed with her. Ms. Whiting said that she would like to come back and give them all of the details. Councilman Blair said that he would like to hear the details.

II. PRESENTATIONS

A. Introduction of New Businesses.

Dave Maurer introduced the new businesses for the month:

The Worm Bookstore

B. Recognition of Parks & Recreation Director, Jim McCasland.

Mr. Norwood recognized Parks & Recreation Director, Jim McCasland on his retirement from the City 39 years. He presented him with a basket and noted that Mr. McCasland's official retirement date was in a few more weeks. Mr. McCasland then said a few words.

C. Presentation on Hotel/Conference Center.

Economic Development Director Jane Bristol introduced Bill Otwell, who would be giving a presentation on a new proposed hotel/conference center. Mr. Otwell said that it is a local effort and their goal is to create a unique Prescott destination. It will have an energy efficient design, utilizing the concepts of LEED, although they don't know that they will be certified.

Peter Bourgois of BMA Architects stated that he is a Landscape Architect and he then reviewed the landscape plans for the development. He said that the parking is around the building and terraced into the hillside. The villas associated with the project will be rental lodging.

Councilman Suttles asked how much of the material will they be scraping off to build the facility. Mr. Bourgois said that there will be extensive landscaping and restoration work on the site. He said that coming up 69 they will start seeing it by Lamb and at the top of the hill by Wal-Mart. He

said that westbound they will be looking through the draw to the right of the highway.

Mayor Simmons asked how much open space would be involved. Mr. Bourgois said that the site is 47 acres and the facility will be around 20 acres, which will include landscaping, roadways, parking and the building.

Councilman Lamerson asked how big the Lowe's site was. Mr. Norwood said that it was 5 acres for the building site, but 13 altogether including the State Land that had to be taken care of.

Mr. Bourgois said that there will be some disturbance. Councilman Lamerson thanked them for doing the project.

Councilman Roecker said that they won't see the villas at all until they get to the top of the site. Mr. Otwell said that the Lee family has done a good job of developing this property over the years, and this will be a true destination. He said that most of what will be seen is the landscaping; there will not be any exposed gashes on the side of the hill.

Mr. Otwell said that the ballroom will seat 1,000 sitting down for dinner, and 2,000 lecture-style. In addition, there is another 5,000 square feet of meeting rooms. He said that some of the LEED aspects include the appropriate infill location near major transportation, no floodplain issues, no endangered species, and they are hoping some alternative transportation. He added that they will be using permeable pavers. Additionally, they will utilize dual-flow toilets, card-activated power in the room, light pollution reduction and they're looking at ways for recycling. He said that this facility will allow Prescott to attract a new level of conferences.

Councilman Luzius asked if there are any provisions for enlarging the conference center. Mr. Otwell said that they have thought about it, but it is limited on the site. He said that the construction of the villas allows for a different type of groups. Councilman Luzius said that he thinks it is great and is long overdue.

Councilman Roecker asked how many rooms it would have. Mr. Otwell said that they originally planned for 220 rooms; now it is back to 200. There will be 75 villa footprints, but some will be single story, others two-story, for a total of 125 villas.

Councilman Lamerson said that he appreciated everyone that has put it together.

Mayor Simmons said that they have proof with the Ranch and what the Lees did there, and they know that Bill Otwell is a premier architect and Mr. Bourgois is well-known in his field, and they have Brad Christiansen. He said that he can't be more excited to have all local people involved.

Councilman Blair asked if there would be horseback riding available for the guests. Mr. Otwell said that he did not believe there would be, but that will all be part of the concierge services, to offer activities for the guests.

Councilman Roecker said that Mayor Simmons spent a great deal of time in helping put this together.

Mayor Simmons also noted that they recently toured the newly-opened Residence Inn and said it was a beautiful property.

III. CONSENT AGENDA

CONSENT ITEMS A THROUGH I 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-I; SECONDED BY COUNCILMAN BLAIR; PASSED UNANIMOUSLY.

- A. Approve 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.
- B. Award of 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.
- C. Adopt 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.
- D. Approve payment to Yavapai County in the amount of \$40,000.00 for design fees associated with Pioneer Park.
- E. Adopt 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.

- F. Adopt 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.
- G. Approve contracts related to construction of improvements to Williamson Valley Road, Sidewinder Road to Shadow Valley Ranch Road.
 - 1. Approve contract with Michael Wolff Real Estate Services, in the amount of \$42,500.00 for real estate appraisal services.
 - 2. Approve contract with Yavapai Title Agency in the amount of \$24,000.00 for title and escrow services.
 - 3. Approve contract with Briggs Appraisal & Consulting Services in the amount of \$39,000.00 for right-of-way acquisition services.
- H. Approve the Parks and Recreation Master Plan.
- I. Approve 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.

IV. REGULAR AGENDA

- A. Appointment and Reappointment to the Prescott Preservation Commission and Reappointment to the Board of Adjustment.

Ms. Burke reviewed the vacancies on the various committees.

COUNCILMAN BELL MOVED TO APPOINT ELISABETH RUFFNER TO THE PRESCOTT PRESERVATION COMMISSION, TERM TO EXPIRE AUGUST 2010; REAPPOINT DOUG STROH TO THE PRESCOTT PRESERVATION COMMISSION, TERM TO EXPIRE AUGUST 2010; AND REAPPOINT DUANE FAMAS TO THE BOARD OF ADJUSTMENT, TERM TO EXPIRE AUGUST 2010; SECONDED BY COUNCILMAN LUZIUS; PASSED UNANIMOUSLY.

- B. Approve 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).

Mr. Guice explained that this item was not on the Consent Agenda because Councilman Luzius declared a conflict of interest. Councilman Luzius noted that he still declared the conflict.

COUNCILMAN ROECKER MOVED TO APPROVE THE FINAL PLAT FOR STERLING RIDGE, 32 LOTS SITUATED ON APPROXIMATE 20.52 ACRES LOCATED NORTH OF TAMARACK LANE, SOUTH OF NORTHRIDGE DRIVE AND EAST OF PRESCOTT HIGHLAND SUBDIVISION; SECONDED BY COUNCILMAN BLAIR; PASSED 6-0 WITH COUNCILMAN LUZIUS ABSTAINING.

- C. Approve 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).

Councilman Luzius said that he had received some information from Dark Sky in Tucson and their Planning and Zoning Commission is at a stalemate on how they are going to deal with the signage there. He said that without knowing the impact on dark sky, he can't vote for it.

Councilman Roecker said that he would like to suggest a compromise and require that the sign be turned off at 9:00 p.m. every evening. Mr. Cartell said that they would agree with that.

Councilman Bell said that he had spoken with Bob Bean of Affinity RV and they had no problem with the sign at all. He said that Honda has done a similar thing.

Mayor Simmons said that he would agree with the time change.

Councilwoman Suttles said that she is still concerned with the issue she raised last week, that the Planning and Zoning Commission had a split vote.

Mr. Guice said that he did include the Commission's minutes for the Council's review. Councilman Blair said that the Commission and the Council have two different functions. He said that the City Code gives the Council the authority to deviate from the Code, and that is not an option for the Commission.

Councilman Bell said that as he understands it, it is a 40,000 sq. ft. building and they are asking for a 1,000 sq. ft. sign.

COUNCILMAN BELL MOVED TO APPROVE THE COMPREHENSIVE SIGN PLAN FOR TIM'S TOYOTA LOCATED AT 1006 COMMERCE DRIVE, WITH THE CONDITION THAT THE SIGN BE TURNED OFF AT 9:00 P.M. EVERY EVENING; SECONDED BY COUNCILMAN LAMERSON; PASSED 6-1, WITH COUNCILMAN LUZIUS CASTING THE DISSENTING VOTE.

- D. Approve 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.

COUNCILMAN BLAIR MOVED TO APPROVE 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; SECONDED BY COUNCILMAN LUZIUS; PASSED UNANIMOUSLY.

- E. Public Hearing and consideration 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 gave the background on the liquor license request. Mayor Simmons opened the public hearing.

Skip Drinkard of the Hassayampa Inn said that they had no problem with the license.

Councilwoman Suttles asked what the Series 5 license permitted. Ms. Burke replied that it is for a governmental agency, and allows for any type of liquor to be served. Mr. Fenech added that a government license does not require a percentage of food to be served, like the restaurant licenses require. He said that it would be similar to the license at the Rodeo Grounds. Councilwoman Suttles said that he had no problem.

Mr. Fenech said that any agency has to be certified to serve liquor through the State. He said that in the event that they have a function requesting liquor, all of their people will be certified. He said that they won't even know the liquor is there.

Councilman Lamerson said that he, too, had concerns with children attending functions; however that has been resolved. He asked what happens with the money generated.

Mr. Fenech said that all of the funds are closing the gap between revenues and expenses. He said that they have gone from \$20,000 to \$62,000 in revenue, and this year they were at \$90,000. He said that the money will go back to the Elks' Theater.

Councilman Luzius explained that there was a fee to apply for the license, and all of the requirements have been met.

Ms. Ruffner said that over the last two years the Foundation has acquired seven one-day special event liquor licenses for people renting and they have to haul everything there. This will alleviate that problem.

COUNCILWOMAN SUTTLES MOVED TO CLOSE THE PUBLIC HEARING; SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY.

COUNCILMAN LUZIUS MOVED TO APPROVE THE 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; SECONDED BY COUNCILWOMAN SUTTLES; PASSED UNANIMOUSLY.

F. Recess into Executive Session.

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

The Prescott City Council recessed into Executive Session at 4:38 p.m.

V. EXECUTIVE SESSION

A. 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.

1. Sand Trap v. City of Prescott

VI. POST EXECUTIVE SESSION:

- A. Consideration of amendment to contract with Copple, Boehm and Murphy for legal services regarding Sand Trap v. City of Prescott.

The Prescott City Council reconvened Open Session at 5:23 p.m.

COUNCILMAN LAMERSON MOVED TO APPROVE THE CONTRACT WITH COPPLE, BOEHM AND MURPHY FOR LEGAL SERVICES REGARDING SAND TRAP V. CITY OF PRESCOTT; SECONDED BY COUNCILMAN BELL; PASSED UNANIMOUSLY.

IV. ADJOURNMENT

The Regular Voting Meeting of the Prescott City Council held on September 25, 2007 adjourned at 5:25 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 25th 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