

PRESCOTT CITY COUNCIL
COUNCIL STUDY SESSION/
SPECIAL MEETING
PRESCOTT, ARIZONA
SEPTEMBER 4, 2007

A STUDY SESSION/SPECIAL MEETING OF THE PRESCOTT CITY COUNCIL WAS HELD ON TUESDAY, SEPTEMBER 4, 2007, in the Prescott Municipal Building, 201 S. Cortez Street, Prescott, Arizona.

Mayor Pro Tem Lamerson opened the meeting at 3:00 P.M. Councilman Blair led the Pledge of Allegiance

ROLL CALL:

Present:

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

Absent:

Mayor Simmons

- SUMMARY OF CURRENT OR RECENT EVENTS

STUDY SESSION

I. PROCLAMATION

- A. September 2007 – *National Alcohol and Drug Addiction Recovery Month.*

Councilman Bell read the proclamation and presented it to John Brackey, General Manager of Chapter 5, and Tracy Christensen of the West Yavapai Guidance Clinic. They invited everyone to activities taking place at the Courthouse Square on Saturday, September 15, 2007.

II. PRESENTATION

- A. Presentation by the Minutemen.

Mel Oliverson of the Minuteman Civil Defense Corps, gave a presentation to the City Council and public regarding illegal immigration, and presented a packet to each Councilmember, copy of which is attached hereto and made a part hereof as Exhibit A.

In referring to page two, Item #4, Councilman Roecker asked Mr. Oliverson how they knew this to be the case. Mr. Oliverson said that he didn't know, but he sees it. He said he has talked to many of them and some are legal, some have green cards and others are illegal aliens that want to get money and send it back home. He said that he can't prove it but he believes it to be true.

Mr. Oliverson said that the Minutemen have been stationed at the corner of Grove and Lincoln where they see 20 to 40 people gathering every day; 5 to 15 of them get picked up. He said that they have been trying to give this information to ICE, but they are backed up.

Mr. Oliverson said that they believe that the situation of illegal aliens is not good and needs to be changed, and it has to be changed at the local level. He said that he would invite the Council members to join him tomorrow morning to tour the site under the bridge.

Mr. Oliverson said that it is a federal problem and there are some things in the works to get some local police officers certified by ICE, but that could be another year before they are certified. He said that they are proposing that the City Council put together an ordinance that states what would be illegal in Prescott, although there probably would be a law suit.

Dan Peterson, owner of Classic Barrel Gun Store, addressed the Council stating that his business is located in the area of Grove and Lincoln and he has customers that will no longer visit his store because of the situation on the corner. He said that he has been told that the local government cannot do anything because of a possible law suit; he is told it is a federal problem. He said that he is a Prescott native and he is now armed whenever he is at his business; his doors are locked and his wife will not come there any more. He said that in June and July he received seven calls, with the average job around \$295; he asked how much liability the City had for that.

Councilman Luzius said that he stopped by the corner a few weeks ago and probably had 30 people climbing all over his truck.

Mr. Oliverson said that the government has become afraid of their own laws. Five years ago there were 1500 illegal aliens; now there are 5,000. If they continue to be afraid, that number will continue to increase. He then reviewed Page 8 of the handout, regarding what Prescott could do.

Mayor Pro Tem Lamerson said that he believed that the current Council had been pretty direct in wanting the mess cleaned up. City Attorney Gary Kidd noted that the City has initiated the MOU (Memorandum of

Understanding) process for the two officers to be certified. He said that ICE is now going to the jails and getting rid of a lot of the criminal felony aliens.

Mr. Kidd said that they did a resolution, and did a resolution supporting Federal laws; he doesn't know that any other city in the State has done that. He said that they have been working with Andy Tobin's office, to deal with some of the day labor sites. He said that the City now has construction contracts that allow the City to terminate the contract if anyone they use hires someone that is not a legal worker, and that applies to subcontractors as well.

Mr. Kidd said that they have also had a number of violations they processed on Grove Avenue, and they did a series of neighbor clean ups, which have had an overall impact on crime. He said that the Code Enforcement officers went through and did a sweep, which was not direct but as a result the criminal crimes in that neighborhood lead to felony arrests.

Mayor Pro Tem Lamerson said that the Council has been fairly direct, and he himself won't be happy until he hears what is being done to change. He said that he realized this was a presentation, so he would suggest they place this item on a future agenda to allow for discussion.

Councilman Luzius said that a week or so ago he and Councilman Roecker were at the meeting at the Vallejo area, and it is time that the City of Prescott helps the citizens. He said that what is going on now is ruining them economically and locally. He said that it would be his preference to help endorse a resolution to stop whatever is going on down there.

Councilman Blair asked who owns the property on Grove and Lincoln. Ms. Hadley said that part of it is City right-of-way, and part is a private property owner. Councilman Blair said that they need to fence it and post it. If he, as an individual, were to unzip his pants, he would be arrested. They have allowed people to become vagrants on City property.

Councilman Roecker said that Mr. Kidd has reviewed some of the things the City has done, but he would agree that something else needs to be done. He said that it needs to be put on an agenda.

III. DISCUSSION ITEMS

A. Discussion of Traffic Calming Policy and Road Closures.

Mr. McConnell said that this item had been placed on the agenda at the request of Council. He said that included in the packet was a memo he

sent out on April 2 from the Transportation Coordinating Committee which proposed a temporary road closure for a 90-day period, and that is what has taken place to this point. The 90-day period would end October 17 at which time the barriers would be removed and the traffic information would be reviewed by TCC.

The memorandum and proposal for closure was considered by the TCC pursuant to the Council's November 2004 traffic calming policy. In this particular case, what is pointed out is (1) there is some wording with different interpretations in Section 4 of the policy and (2) the policy doesn't talk about temporary closures for evaluation purposes and that is something that could be fine tuned.

Mr. McConnell said that in the case of Prescott Heights Drive, unless directed otherwise by the Council, the barriers would be removed on October 17 and any subsequent closure would be brought back to Council.

Councilman Blair said that this has been a sore spot of his for a long time. He said that they have Acker Trust Board make recommendations to the Parks and Recreation Committee, and they come to the City Council for approval of a recommendation for kid's violin lessons, music programs, and yet they don't have a policy that suggestions from the TCC come before the Council, and that is wrong. He said that he was told that there had been a memo sent to Council, but he did not see it, nor did Mr. Norwood. With the amount of paperwork they receive on a daily basis, something as important as moving traffic in the community needs to be a public process.

Councilman Blair said that every time they close a road down, they put the traffic on someone else. The traffic off of Gail Gardner was addressed when Gail Gardner was realigned, with the neighborhood, through many public hearings. He said that if they are going to get an accurate count, the counter needs to be done at appropriate times, not on the weekend of a holiday weekend.

Councilman Blair said that when someone closes a road down, it is not called traffic calming, it is called traffic closure and it impedes people from using those roads that they have paid for via public taxes. Any time they do that, it should be at full public scrutiny before the Council.

Mayor Pro Tem Lamerson said that he agreed with policy; policy is made by elected officials, not advisory committees and staff.

Councilman Bell asked Mr. McConnell if he thought they needed 90 days to determine what the effect is in that situation. Mr. McConnell said that is

certainly the Council's prerogative. The objective has been to provide adequate transportation information; arguably 60 days could create that information just as well. He did note that it is a Council policy and the policy is how the TCC operates what is brought to the Council and what is not. Anyone who is very interested in the subject has the opportunity to review the public record of not only the traffic calming policy but this particular issue. It has been before the TCC over a two-year period and during that time it was made quite clear that in that area, they can't look at just one street, they need to look at the whole area. He said that there is a traffic analysis that goes in trying to evaluate what happens when they close part of it. They all have their different views on whether that makes sense or not.

Councilman Luzius said that he believes that a lot of the problems in the neighborhood regarding traffic flow came several months ago when the people in the Flora and Prescott Heights neighborhood became concerned with what was going on with the church property, and one of the things brought up was traffic flow. He attended probably every meeting that they had, and he has never heard of anyone asking that the street be closed; if they want traffic abatement or reducers, etc. that is something they should look at, but they shouldn't close off the street. If it is Council's prerogative to make a change, he'd say take it down today.

Councilwoman Suttles said that she had a phone call this morning from a lady living in that area that commented on the fact that they closed the road and then the construction began on Rosser. She asked if any of that was taken into consideration. Mr. McConnell said that the timing is unfortunate. He said that the record is quite clear, extending back to more than two years, when the Village at the Boulders was developed, and immediately the residents of Prescott Heights were in before TCC requesting that it be closed. In that intervening two years there have been numerous discussions and it became one of those things that the TCC voted on around December. On the one hand they have the residents of Prescott Heights who see an issue; they want action to be done. On the other hand, they have people on Flora that don't want to see any more traffic, and that is the dilemma. Eventually, they really have to look at the whole area to deal with traffic issues, and there may not be any easy solutions.

Councilwoman Suttles asked if the closure could not have waited until the construction was done. Mr. McConnell said that it certainly may have waited, but the folks on Prescott Heights may have considered it way overdue. Looking at the traffic volumes on Rosser Street of 6,000 cars daily, it was inevitable that with the construction Flora Street would be burdened with tremendous increase in traffic.

Councilman Roecker asked Councilman Blair what process he had hoped to come out of the discussion. Councilman Blair said that he was probably one of the ones that voted for the policy, but never realized that it would have been as flawed as it is. He said that the TCC gives a recommendation to Council and staff, and send a memo stating that if they don't hear from anyone they're going to enact it. He said that they don't deal with the other commissions in that manner. Roads are very important to the community and they should be discussing it before the Council. He said that he would like to have the matter on the next agenda to have it reviewed.

Sarah Twomley, corner of Prescott Heights Drive and Northside Drive, said in support of TCC, this issue has been on their books for a long period of time. In response to the comment that there was more traffic down Prescott Heights Drive, there has been less traffic on her corner, significantly less and slower, and although the timing is wrong in terms of the construction, it is more accurate in terms of things done in their neighborhood with regard to when high school started. She said that a lot of the traffic they had going through there quickly were high school students. She said she is totally sympathetic to the people on Flora, but it is a combined issue—the construction on Rosser and the road closure. If they take the block out, then they need to recommit to doing some kind of a study at a later date.

Councilman Blair said that they could always make Prescott Heights one way and Flora one way, but in the long run he honestly believes that the taxpayers paid for those streets and they have every right to drive on them. He said that they want to slow it down, put in speed bumps or humps, but don't close it—that is wrong; it is not community.

John Pasamoni, Northside Drive, said that he is confused, and agrees with Councilman Blair that it seems odd that they have a subcommittee making policy for the Board. He said that what doesn't go down one street goes down another street and he's shocked that they closed it. He said that Black Drive is very dangerous because of the steep incline. It is not only changing traffic patterns for no reason, it is also dangerous and a bother.

Charlotte Waller, 1220 Doka Drive, said that she recently returned to Prescott after having been gone and was surprised that she couldn't turn onto Prescott Heights Drive. It was apparent to her that when they connected Gail Gardner to Prescott Heights Drive that there would be an increased amount of traffic. Coming south on Willow Creek Road, they have construction on Rosser, Prescott Heights Drive blocked off and she would challenge for any of them to come south on Willow Creek Road and try to maneuver the left-hand turn lane onto Black Drive. She considers

that a very dangerous situation and she has a very hard time getting home.

Mr. McConnell said that this is a discussion item today. If the Council wants, they could place this item on the 9/18 and 9/25 agendas, unless they wanted immediate action. They could have discussion of the policy at that time, and any changes they would like to make. Mayor Pro Tem Lamerson said that he thinks there are some things they could do now, one of which is not blocking off streets. He said that the 18th is two weeks from then. He thinks that traffic calmers don't mean closing off streets and there are other things they can do.

Mr. McConnell said that the record is clear that the alternative approaches were investigated. He said with respect to speed humps, they were deemed impractical because they are all developed lots and there is no place to put them without interfering with driveways.

Mr. McConnell said that they could place an item on next week's voting meeting for consideration of removal of the temporary closure. He suggested that if they want to get into the traffic calming policy, it follow in the regular study session.

After further discussion, it was agreed that the barrier should be taken down tomorrow. Mr. Kidd said that Mr. McConnell is a department head and he has discretion on taking down the barriers immediately.

- B. Adoption of 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.

Police Chief Randy Oaks said that this resolution will allow for acceptance of a grant from the Yavapai County Community Foundation in the amount of \$3,800 to cover some of the in-service training program costs for both K-9 teams.

- C. Approval of Amendment Five to Contract No. 2004-189 with Stantec Consulting, Inc. in the amount of \$27,595.00 for annual pavement management system services.

Engineering Services Director Mark Nietupski said that this is a contract amendment with Stantec Consulting, Inc. to provide for this year's analysis of one-third of the City's street inventory, based on a three-year contract.

He said that next year the City will solicit for pavement management services to continue this project.

- D. Adoption of 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.

Airport Manager Ben Vardiman said that this ordinance grants an easement to Arizona Public Service Company for property located at the Airport, in the vicinity of the bottleneck hangars.

- E. Approval of an Airport Ground Lease Agreement with Legend Aviation for approximately 7.17 acres of airport property at Ernest A. Love Field.

Mr. Vardiman said that this item is a ground lease agreement with Legend Aviation, which was the sole respondent on a notice to lease space at the Airport. He said that it consists of approximately 7.17 acres all within the Airport property. He then gave a PowerPoint presentation on the proposed lease, attached hereto and made a part hereof as Exhibit B.

Councilwoman Suttles said that she probably doesn't need to remind anyone that at the Council Retreat they talked about wanting to step it up at the airport.

Councilman Luzius commended Mr. Vardiman on his presentation and agreed that one lease made sense. He asked if the proposed location would create any problems. Mr. Vardiman said that the homes in that area as well as the Airport have been there a long time and they don't believe this will be any problem.

Councilman Bell said that they will look back at this time and say this is the time that the Airport finally grew up. They have needed an FBO for a long time, there is a safety issue and they are a quality production. Mr. Vardiman agreed that it is a big deal and a big step forward.

Mayor Pro Tem Lamerson said that it was nice to see something coming out of the private sector.

- F. Adoption of 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.

Mr. Nietupski said that adoption of this resolution will approve an intergovernmental agreement with the Yavapai County Flood Control District and allow the City to receive funds for assisting with flood mitigation work associated with the Iron Springs Road project.

- G. Adoption of 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.

Mr. Nietupski said that adoption of this ordinance will grant an easement to Arizona Public Service Corporation to provide electricity to the City's new fleet maintenance facility.

- H. Adoption of 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.

Mr. Nietupski said that adoption of this ordinance will grant an easement to Arizona Public Service Corporation to provide electricity to the City's solid waste transfer facility expansion.

- I. Approval of 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.

Mr. McConnell said that this is a professional services agreement for design and associated engineering services for the Zone 39 Water Mains and Pump Station Upgrade project.

- J. Approval of 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.

Community Development Director Tom Guice said that this is a request for a land split of two lots into three, which is normally approved by staff administratively; however, this will require a waiver of the flagpole length for one of the parcels.

Councilman Luzius said that he spoke with Mr. Guice regarding this earlier and the Fire Department said that it was okay with the stipulation that all three homes should be sprinklered.

- K. Tabosa Estates:

Mr. Guice said that this was a four-lot subdivision proposed on Tabosa Drive, and a related water service agreement.

Councilwoman Suttles asked if the water service agreement went before the Water Allocation Committee. Mr. Guice said that it did not because if a development is occurring at existing zoning, they don't call a meeting of the Water Allocation Committee.

1. Approval of 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. Approval of Water Service Agreement for Tabosa Estates, for 1.4 acre feet annual of potable water.

- L. Building Code Amendments:

Chief Building Official Mike Baker addressed the Council with a PowerPoint presentation regarding proposed changes, attached hereto and made a part hereof as Exhibit C. He said that with these changes, 80% of the communities in the area will be using the same regulations.

Councilman Luzius asked if they were making it mandatory to retrofit new construction with grey water. Mr. Baker said that they were not; he had talked to the Water Conservation Committee and they were hesitant at this time.

Councilman Luzius commended Mr. Baker; there were a lot of changes to the good to make things universal and they are major changes to their codes.

Councilwoman Suttles asked if everyone was going to be on the same code. Mr. Baker said that Dewey-Humboldt, Chino Valley and Yavapai County have all adopted the changes; Prescott Valley is adopting them this month.

Councilman Bell asked if they will be back in the next three years for another revision. Mr. Baker said that it will probably be more like 3 ½ years; it depends on the 2009 Code Book. Councilman Bell said that there are a lot of good changes.

Councilman Blair thanked Mr. Baker for his efforts. He said that he deals with a lot of contractors and they appreciate that everyone will be on the same page.

1. Adoption of 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. Adoption of 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. Adoption of 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. Adoption of 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. Adoption of 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. Adoption of 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. Adoption of 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. Adoption of 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. Adoption of 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. Adoption of 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. Adoption of 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. Adoption of 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. Adoption of 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. Adoption of 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.
- M. Approval to purchase 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.

Field Operations Manager Chad McDowell said that this is approval to purchase a roll-off truck that will enable the City to expand their recycling program, assist with neighborhood cleanups and also the Spring/Fall cleanups.

Councilman Luzius said that he thinks it s good that they are providing the service for the citizens; he hopes to use it on the St. Michael’s alley.

- N. Adoption of 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.

Fire Chief Darrell Willis said that this resolution will approve the annual intergovernmental agreement with Yavapai County for unified emergency management.

- O. Notice of Public Hearing (September 11) for 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 was notice of a public hearing scheduled for September 11 for a liquor license application submitted by Circle K #1576. She said that this and the following item are both required because both of the Circle K locations had won a Series 9, Liquor Store, license in the state lottery. She said that the property had been posted and no comments had been received. The applicant had been requested to be present at the public hearing.

- P. Notice of Public Hearing (September 11) for a liquor license application submitted by Circle K #7929, for a new Series 9, Liquor Store, license, located at 6000 Willow Creek Road.
- Q. Approval of 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.
- R. Selection of items to be placed on the Consent Agenda for the Regular Voting Meeting of September 11, 2007.

Councilwoman Suttles noted that Items B through Q, with the exception of O and P would be on the consent agenda next week.

IV. ADJOURNMENT

The Study Session of the Prescott City Council of September 4, 2007, adjourned at 5:00 p.m.

SPECIAL MEETING

I. Call to Order.

The Prescott City Council convened into a Special Meeting at 5:05 p.m. at which time they adjourned into Executive Session.

II. EXECUTIVE SESSION:

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

1. Properties located north of SR69 and east of SR89.

III. Adjournment.

The Prescott City Council reconvened into Open Session and adjourned the Special Meeting at 5:28 p.m.

ROWLE P. SIMMONS, Mayor

ATTEST:

ELIZABETH A. BURKE, City Clerk