

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

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

CALL TO ORDER: Mayor Wilson called the meeting to order at 3:00 p.m.

INTRODUCTIONS AND PLEDGE OF ALLEGIANCE: Councilman Bob Bell led the Council and audience in the Pledge of Allegiance.

ROLL CALL:

PRESENT:

Mayor Wilson
Councilman Bell
Councilman Lamerson
Councilwoman Lopas
Councilman Luzius
Councilman Roecker
Councilwoman Suttles

ABSENT:

None

SUMMARY OF CURRENT OR RECENT EVENTS

City Manager Steve Norwood thanked everyone that had participated at Acker Night last Friday, stating that despite the weather they had a record turnout at City Hall.

I. PRESENTATIONS

A. Introduction of New Police Officers and Civilian Employees.

Police Chief Randy Oaks introduced new Police Officers and civilian employees:

Records Section

Lisa Leforte (not present – ill)
Joyce Marshall
Melissa Locke
Cindy Rymer

Police Officers

Dan Smith
Michael Frascone
Brandon Gerlach
Shean Hilton
James Lamerson
Kyle Shuldt
Jared Willis

Volunteer

Chaplain Larry Gotfredson

Community Work Monitors

Neil Campbell
Troy Kenner

- B. Presentation by Steve Owens, Director of Arizona Department of Environmental Quality, on Joint Areas of Interest.

Steve Owens, Director of the Arizona Department of Environmental Quality (ADEQ), then addressed the Council, stating that he appreciated the opportunity to come before the Council today. He has met many of the Council members, but he wanted to come today to reintroduce himself, since there is a new Mayor and new Council member, to say that they look forward to continue working with the City Council, as the leadership for the City of Prescott.

Mr. Owens said that they have a lot of ongoing activities that they have been involved with. In addition to being the Director of the ADEQ, he also serves as the Chairman of the Board of the Water Infrastructure Finance Authority (WIFA), which has provided funding to Prescott in the past.

He said that they also have a lot of other services they can provide as well as money. They are in the middle of grant funding cycles and are recycling monies that are available. He said that they also provide money through water quality improvement grant funds. He said that the Council will be hearing a presentation from Michael Byrd of the Prescott Creek Preservation Association about what is going on with that. Over the past couple of years the ADEQ has been proud to provide more than \$800,000 in funds to them and they are committed to working with the City and providing as much funding as they can, given all of the competing needs and resources.

He said that he and Mayor Wilson toured the area with Michael Byrd to look at work being done. He thinks there are a lot of good things going on in the Prescott area. He said that the area is growing rapidly because it is a place where people want to live, and whatever they can do at the ADEQ to provide assistance, they are willing to do

Mr. Owens said that he is based in the Phoenix office and they also have an office in Flagstaff that provides immediate services for Prescott. The Director of that office, Matt Capalby, was snowed in today, and had planned to be at the meeting.

Mayor Wilson thanked Mr. Owens for coming up, and wanted to let the Council and audience know that he and Mr. Owens have already discussed having him return in 2008 to make a presentation on global warming considerations. Mr. Owens said that he would be delighted to do that.

- C. Presentation by Michael Byrd, Executive Director of Prescott Creeks, on the Organization's 2008 Agenda.

Michael Byrd, Executive Director and Preserve Manager of the Prescott Creeks, then addressed the Council, stating that it is a 501(c)(3) organization. A good way to sum up their mission statement is with the three words "preserve, restore and celebrate." He said that they have a focus on the creeks in this watershed and that makes up a bulk of their work.

Mr. Byrd said that they are a small organization with six active members of their Board of Directors, one honorary member, and they have a small staff of two full-time and two interns from Prescott College work study program.

He said that when he last spoke to the Council in June they had just completed the Watson Woods Restoration Plan and had just received their funding through ADEQ. That restoration plan was the culmination of a ten-year effort to understand what is happening at Watson Woods from an ecological and physical perspective. The main points out of that plan are to functionally restore the Watson Woods Riparian Preserve in terms of the Granite Creek channel and the ecosystem found there, improve water quality and include the community in the restoration process.

Mr. Byrd said that the estimated budget for the five-year restoration project was just a little over \$1.5 million. The bulk of the money goes to on-the-ground restoration work, realignment of the Granite Creek channel, extensive re-vegetation and the next biggest chunk of the money goes to monitoring project performance.

He said that both Granite Creek and Watson Lake received a designation by being added to the EPA's 303D list of impaired water, which means that they are not meeting the standards which have been set for them. There were a number of causes leading to those impairments, but there needed to be a significant amount of investigation. As that investigation happened, Prescott Creeks decided to take the initiative to begin addressing some obvious problems and try to be part of that investigative process. In doing that, they tried to take a watershed perspective approach with their work since it is not a site-specific issue. They have identified sites for either monitoring or on-the-ground projects throughout the Granite Creek Watershed as demonstrated in the map he then showed.

Mr. Byrd said that one of the primary projects that they initiated with their ADEQ funding from 2005 was the redesign and reconstruction of the poorly functioning stormwater basin adjacent to the Watson Woods Preserve entrance. In addition to the sediments, they believe that there are pollutants from the roadways draining into the basin and the reconstruction project is expected to be completed by February or March of 2008.

In addition to the stormwater basin, he said they know they have water quality issues throughout the watershed. They have initiated not only their own monitoring program, but also initiated working with different schools. The students go out quarterly and monitor water quality on Butte Creek and will combine their data with what is gathered by Prescott Creeks. One of the big challenges they have had is that the Granite Creek watershed has been dry more than it have been wet over the last two years, and although the last few weeks has been a treat, it has also made it challenging for monitoring their work.

Mr. Byrd said that one thing they have done is they have been working very closely with two ADEQ staff members, Diana Marsh and Patty Spindler, to develop new protocols for looking at insects and bugs that live in the creek.

He said that the Water Quality Improvement Grants program has funded them at almost \$900,000 over the last two years. Prescott Creeks is in the process of identifying projects and different programs that they can implement that will eventually lead to bringing Granite Creek and Watson Lake off of the impaired waters list. All of those projects will require a significant amount of coordination with the City of Prescott. They plan to meet with each of the Council members and the Mayor over the next several weeks so they can be prepared for the upcoming grant cycle.

Mr. Byrd then showed a graph which indicates the financial income that Prescott Creeks has been able to secure. He said that with significant seed money from the City, just under \$300,000, they have been able to bring in almost \$2 million for watershed, water quality improvement projects as well as Watson Woods Restoration.

He said that he believes that money could also be directed toward the management of open space, which has been an acknowledged challenge for the City of Prescott. The City is making progress with their open space acquisitions, but there is still the question of how to manage the properties since there is not a dedicated money source.

They also understand that the City of Prescott is working on their Separate Stormwater Sewer Systems (MS4), and later in the meeting the City will be considering several ordinances. In addition to passing ordinances, there are significant education and outreach components to that program that they believe Prescott Creeks could assist the City with.

Currently with the ADEQ funding they have been working on manure management brochures as well as stormwater labeling in the downtown area. Looking toward the future, they see many opportunities for coordinating with the City, holding public meetings, and developing additional educational materials for the community at large.

From the Prescott Creeks perspective, it is their belief that all of the projects that they do eventually need to lead to an outcome of removal of Granite Creek and Watson Lake from the 303D Impaired Waters List. They would encourage the City and the community to also take that perspective.

Councilwoman Suttles said that he talked about getting Watson Lake off of the endangered list. She said she had always understood from Jim McCasland that those creeks feed into Watson Lake, but there is nothing that takes it out.

Mr. Byrd said that is partially correct. From his perspective they know what the impairments are, but they don't know definitively what is causing them. They have suspicions that a thing like the manure is causing some of the problems. They also believe that much of the impairment is probably caused by aging City infrastructure in the sewer system which is in the creeks and in high flow events there were manhole cones that broke off so sewer pipes were exfiltrating raw sewage for days, if not weeks on end. The solutions to those problems are going to be the difficult ones to identify how much of a contribution they are making to the impairment, and then how they fund fixing them.

Councilman Lamerson thanked Mr. Byrd for his presentation. He appreciated his pointing out that they have deteriorating sewer infrastructure. He asked if in all of their endeavors they have seen any visual indications, such as septic stuff, running in the creeks. Mr. Byrd said that they do. There are too many potential sources to list in the time available today, but failing septic systems in some of the neighborhoods surrounding Prescott are likely places to look as well. They have illegitimate users of the creeks where there are not facilities for them to use, so there is some direct deposit that is happening. The real way to find solutions is a broad, coordinated effort. The ADEQ is the state agency but it takes the community of Prescott to work on this issue as well.

Councilman Lamerson said that as a proponent of public health and safety, he thinks they have significant problems in the creeks not only with sewage and septic, but with parking lot drainage.

Councilman Roecker thanked Mr. Byrd for the presentation. He asked him what facilities they will use for the community education referred to in the early slides.

Mr. Byrd said that education and community involvement is a hands-on endeavor. Prescott Creeks is contacting civic organizations, and their big focus will be on the Watson Woods Riparian Preserve restoration, but it goes beyond that. They have a community and society not tied to the land anymore, while in the 1860's, when Granite Creek was the main reason for establishment. The approach that Prescott Creeks takes is really trying to provide community members with hands-on activities to be part of the solutions.

Mr. Byrd said that they would like to have interpretive signs at the Preserve, and they also look forward to partnering with Parks and Recreation staff and others at the Highlands Center, along with public schools and some colleges.

Councilman Roecker said that the slide had also stated 6% of funding for reporting. He asked if that is a euphemism for something. Mr. Byrd said that with grant funds there is a responsibility to report back to the granting agency how the money has been spent. Some agencies have very easy processes, others are more cumbersome. At the end of the project they will also prepare a report similar to the restoration plan in front of the Council that documents the project from beginning to the end of monitoring.

Councilman Roecker said that the slide indicated \$68,000 from other sources. He asked Mr. Byrd how many donors they have that directly donate money to Prescott Creeks. Mr. Byrd said that they have a mailing

list of 3,000 and that includes 1,300 property owners in the community. The exact number is not clear, but their membership has been as much as 250; currently it is around 100. They also have several hundred community members that just make donations on an annual basis.

Councilman Roecker asked Mr. Byrd if he knew how much they would be asking the City of Prescott to contribute in the coming year. Mr. Byrd said that at this point, they don't have a specific figure. In the past they have come for support, and that has been focused on the Watson Woods Riparian Preserve. In the future, they could partner in other areas. He views the conversations that he will have with the Council members as a dialogue to understand what Prescott Creek's priorities are and see how they line up with those of the City.

Councilman Roecker asked Mr. Byrd if they have had a chance to interface with Rudy Baranko yet in Parks and Recreation. Mr. Byrd said that he and Rudy have worked on a few specific projects together, but they have not had the opportunity to look forward with the Watson Woods and broader picture being presented today.

Mayor Wilson said that he has been out to the Watson Woods Preserve twice, and it is an amazing facility for those that have not been out there. When it is restored, it will be a gem.

- D. Presentation by Becky Garvin on the upcoming *Dickens of a Holiday* event.

Becky Garvin reported on the upcoming Dickens of a Holiday event, noting that they would have an eco-friendly ice skating rink during the weekend.

- E. Presentation on improvements at the Elks Theater.

Joe Place, Manager of the Elks Theater, gave a review of the recent renovations that took place at the theater, and showed a PowerPoint presentation with before, during and after pictures.

Mr. Place said that the new sound system is in and they have received nothing but compliments. The installation went wonderfully.

Councilwoman Suttles asked what the next project is that they want to do.

Mr. Place said that the interior restoration is one project, so the Elks Opera House Foundation is in a capital fundraising campaign right now to do that. He said that they are also very interested in the front of the theater and changing the face, and upgrading the marquee. Because of the interior restoration, the nature cannot really be done in steps because they

would be removing seats, etc. They need to go dark and do the entire interior.

Councilman Bell said that as one of their tenants, he wanted to thank him for his work and that of the Elks Foundation. It is a pleasure to walk in there and put on a performance in a facility as nice as it is.

Mayor Wilson said that when he took the tour one of the items pointed out was the loading area in the back of the theater as a potential project. Mr. Place said that they have done a little research on what could be done. There is a large loading door in the back that has been bricked in. There is a partial door there now that really is not used because it is about 20 feet up from the alley. One of the engineers has looked at designing a lift to go on the outside so they can bring in larger sets. A preliminary study says that it would cost around \$83,000, but there are safety issues to be studied as well.

F. Update on the Greenways Program.

Eric Smith handed out a diagram to the Council and reviewed it with them. He said that he was only going to give a brief update, but there are some key individuals that have allowed them to take it to the next step, and they would like to say a few words. He said that the idea of the Greenways Project goes back to 1972. It is a large project in magnitude, encompassing about 3 ½ miles of Miller and Granite Creeks that they call the Prescott Downtown Greenways, and while some of it is City owned along the creeks, there is a lot of private property involved and they have had tremendous success over the last seven years with the private property owners.

Mr. Smith said that Phase 1 of the project was completed about six years ago, and it provided the foundation for the Greenways Project, allowing them to move to the next step, which was applying for a \$1/2 million grant for Phases 2 and 3. There are numerous steps in the grant, and what they are completing is the most difficult part of the process, securing the right-of-way along the creeks. They have had success working with over 20 different property owners. The Federal Guidelines that guide the project and how they utilize the funds and work with private property owners are fairly detailed and it allowed them to contract an individual, Jean Trupiano. She is the contracted liaison to work with the private property owners, working closely with the Tribe, the Prescott Unified School District and all of the private property owners, as well as the State and Federal governments to keep them in compliance with the right-of-way requirements.

Ms. Trupiano said that it is a pleasure to be working on the project. She had some right-of-way experience in the Phoenix area so she thought she

could bring those skills to this project. The right-of-way that has been acquired so far as been done by the donations of willing landowners, and they are all trail easements. One was a donation of the entire corridor along Miller Creek. There is not much left to acquire, but they need to work on the handful of properties along Miller Creek and just two on Granite Creek. They have decided to break this into two phases; Phase 2 will be Granite Creek.

Mr. Smith then introduced Laurel Freeman, a local registered nurse, and said that when the project lost momentum in 2005, he credits her for bringing it back. They formed a committee and her passion and organization got the project back on track.

Ms. Freeman said that the children she works with in town live in proximity to where the trail will be. She works with kids that are depressed, attention deficit, and now there is more and more research showing that fresh air, exercise, getting out and feeling connected to nature are some of the things that will help them, as well as everyone in town. She has talked to business owners along Granite Creek who are very excited about it coming through. People will be able to park in the new Parking Garage and walk on the trail. She said that she appreciated the City's ongoing support of the project.

Mr. Smith then introduced Steve Morgan, a landscape architect that he has known for quite a few years. He said that he has the ability to look at the greenways on a microscale. For example, he is doing the design for the Greenways Project through Mile Hi Middle School to come up with a design that will serve bicyclists and pedestrians using the corridor, but will also benefit the school.

Mr. Morgan said that this is the kind of project that architects look forward to. He thanked the City for the opportunity.

Mr. Smith said that the memo spells out a lot of the grant process with the Arizona Department of Transportation (ADOT) and the next item to bring before the Council in early 2008 will be an IGA to allow for the transfer of grant funds. He said that they appreciate the support received over the years and approval of the easements.

Mayor Wilson said that he went out and looked at it with Michael Byrd after he was elected. He thinks they are just at the base of looking at the potential of the system. One of the things missing is signage. They have a lot of potential for this being a major asset within the City, and he thanked Mr. Smith and volunteers for their time.

II. CONSENT AGENDA

CONSENT ITEMS A THROUGH F LISTED BELOW MAY BE ENACTED BY ONE MOTION. ANY ITEM MAY BE REMOVED AND DISCUSSED IF A COUNCILMEMBER SO REQUESTS.

COUNCILMAN LAMERSON MOVED TO APPROVE CONSENT AGENDA ITEMS II-A THROUGH II-F; SECONDED BY COUNCILMAN BELL; PASSED UNANIMOUSLY.

- A. Authorize a proposed Airport Ground Lease Agreement with Legend Aviation for approximately 1.27 acres of airport property at Ernest A. Love Field.
- B. Approve authorization to enter into a grant agreement with the ADOT Aeronautics Division for design of a new Airport Maintenance Facility in the amount of \$100,000.00 (\$10,000.00 City) and further authorizing the Mayor and City staff to execute any and all related documents.
- C. Adopt Ordinance No. 4634-0836 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, accepting a drainage easement from Walter F. Watson and Debra J. Watson, Trustees of the Watson Family Revocable Trust and a drainage easement from Jay and Janice Soutee in the vicinity of Peppermint Way in Pinon Oaks Unit 4, Phase 2 and authorizing the Mayor and City staff to take necessary steps to complete acceptance and dedication as a City of Prescott public easement.
- D. Accept a Plat of Roadway Dedication for Green Lane west of Estrella Lane from the Rizk Family Trust, Latife Rizk, Trustee, Raymond Zogob, Agent, File #LS07-004.
- E. Approve a five-year extension for submittal of Final Plat, Bienvenue Subdivision, a 19-lot subdivision on approximately 11.68 acres located east of Delano Avenue on the North side of Tamark Lane, Owner Mary Bienvenue, SP06-007.
- F. Approve the minutes of the Special Meeting of the Prescott City Council held October 30, 2007 and the Joint Study Session/Special Meeting of the Prescott City Council held November 6, 2007.

III. REGULAR AGENDA

A. Idylwild Tract:

Community Development Director Tom Guice said that pursuant to Council's request, the neighbors met with the Blockers yesterday at 5:30 p.m. at City Hall, and some of those neighbors are present today.

Mr. Pettus apologized to the Council and Councilman Roecker for himself not appearing at the meeting held yesterday which was arranged by the City for the Blockers to meet with the neighbors. He said that it was stupidity on his part; he thought it was Thursday so he did not appear. He also wished to thank Mr. Schmidt, who has been ramrodding this project and he appreciates that. The main concern to himself and he believes the Blockers was the fact that the Council, in 1999, did not clarify what would be the outcome of their decision as to whether the property was going to be annexed for the purpose of any other things, or just annexed. He apologized to the Blockers for failing to appear when they went to the problem and work of sending out notifications. It is entirely up to the Council as to what they wish to do. He said that perhaps Mr. Schmidt can clarify it better as he is not a public speaker.

Mr. Schmidt said that the meeting yesterday did not go well without the Pettuses, Rudolphs and Schenkels to make their case. Their case involved the fact that they signed on to an annexation agreement which was linked to a development agreement which limited the Blockers at the time for just two dwellings. Last week the Council heard that at that time they felt they were misled about how many water connections they could have. The meeting did not come to any resolution; there still remains the question of the legal rights of those that signed the petition.

Mr. Schmidt said that on another count there were general concerns of the neighbors of keeping the approach to Thumb Butte the way it is—open with a lot of animal movement and birds with no fences. It was on that count that the possible agreement fell down. The Blockers feel that the ability of putting up fences is their only leverage against the neighbors and the neighbors appear to feel that while it is not clear what might happen to this property, and additional properties nearby, the pattern of development agreements that come in just under requirements for development of subdivisions suggest that they are not going to know.

Mr. Schmidt said that Mr. Blocker suggested at the meeting that moving from two lots to four lots could lead to further lots in the future, and that is why he is keeping a lot of property open around his home. They came to no understanding at all.

Ms. Rudolph said that she apologized for not being at the meeting, but her husband is terminally ill and sometimes she has to revise her priorities. She has no idea how this will end up, but she does recall a statement that Mrs. Blocker made that she felt they were misled by the City as to what they were signing.

Mrs. Pettus said that they are definitely in the center of the two homes that Mr. Blocker would like to build. They have owned that property for over 36 years; Mr. Blocker is a newcomer, and for him to be able to go in and distort everything that the area stands for is wrong. They don't want to make an enemy; they want to be a good neighbor, but they want him to take into consideration their feelings also. He said that Mr. Blocker stated before that her husband has cleared some of his land at the back, has water, with blocks for the animals. The reason he has done that is because the Fire Department told them to keep it clean because of a fire hazard.

Mrs. Pettus said that they would like to come to some kind of an agreement with Mr. Blocker, and they would like him to consider their feelings, and they don't want fences put up.

Mrs. Pettus said that Mr. Blocker asked them to come into the City so that he could get water, but that was a lie. There is water beyond him; he did not need it. She said that the City misrepresented them.

Councilman Luzius said that he has listened to this, and he has heard about an agreement that he has yet to see. He asked if anyone ever produced a copy of the agreement. Mrs. Pettus said that they didn't give them one. Mrs. Rudolph said that she signed hers at the front door.

Councilman Luzius said that when they mention Council, most of the people on the Council now were not on it back then. He recalls this whole scenario because he was on the Board of Adjustment. The Blockers went in for a variance on the roof height and a conditional use permit for their large carriage house. He remembers questioning the height of the roof and believes it was Mrs. Blocker that said they wanted it to be over 35' because that is the way the architect drew it. The Board of Adjustment made a special variance. He said that he remembers the Blockers saying that these were the only two buildings they were going to put on the property and the height of the roof would not even be seen from Thumb Butte because it was going to be landscaped. He remembers them saying they were going to keep the fences down to keep more open space. In the lack of seeing a document, it seems that the Blockers have gone back on what they originally said.

Councilman Lamerson asked Mr. Kidd if the annexation agreement was one issue and the development agreement was another. Mr. Kidd said that there is no real annexation agreement; it is a petition signed by the property owners stating that they want to come into the City. The Development Agreement was signed in 1999 by two parties—the City and the Blockers.

Councilman Lamerson said that the Development Agreement is between the City and the Blockers. Having listened to this he agrees that there seems to be some confusion as to what was done. The Blockers may have been misled and there appears to have been some strongarm to get them into the City while they had the opportunity for water rights in the County. The Blockers have the private property right to come back to the Council and ask for a replat of this property. That does not mean that they are assured, but they are not going above the beyond the State law.

Mr. Kidd said that was correct. Under ARS Section 9-500.5, with the Development Agreement, the Blockers can ask the Council to amend the Development Agreement or rescind it.

Councilman Lamerson said that if they don't approve this, they could develop to the fullest extent today. He would have trouble not approving this.

Councilman Bell said that he has heard suggestions that the Council members were talking with the Blockers and he wanted to tell everyone that is not true, certainly not from his standpoint, and he doubted from anyone else on the Council. He asked Mr. Blocker if he had any future plans to go to more than four lots in the future. Mr. Blocker said that he did not. They did discuss that last night in length. Mr. Guice supervised the meeting last night and a lot of the questions being asked today were addressed last night. He is sorry for the problems they had that they could not meet, but the meeting was for them.

Councilman Bell asked Mr. Blocker if he had any plans for flood lights on his property. Mr. Blocker said they want to keep the animals. He has no idea where the idea of flood lights came from. They want to build two houses, and like he said at the beginning, if his son decides to stay in Deering Park and they continue to live in the house they are in, neither lot will be built on. He has no agenda to sell them or do anything. He said that the neighbors need to work with them. He is suggesting four houses without roads. They want to be as minimally affecting anyone as they want them to be. They don't want to see them; they don't want to see him. He does not want to put up a fence. It would sound like a threat and it kind of is, if they want to play hardball, but that is not what he wants to do.

Councilman Bell asked Mr. Blocker if it was in his plans to put up a fence. Mr. Blocker said absolutely not; the issue was addressed last night.

Councilwoman Lopas said that it sounds like the issue is the subdivision, and she knows that it not his intent. She comes from a real estate background so she was wondering if he would consider something to appease the neighbors, if he would consider a deed restriction.

Mr. Blocker said that he started the meeting last night asking the Schmidts what his real objection was. He said that the word subdivision means different things to different people. He is not doing a subdivision; he is not a developer. All he is doing is putting on two houses that are completely wide open. The only restrictions they will have comes down to the fire because the Fire Department has all of their rules on how big they have to make the driveway to get into the flag lot.

Councilwoman Lopas said that if the property was sold the deed restriction would run with the land, and it would give the neighbors a sense of security to the whole neighborhood.

Mr. Blocker said that it probably could be done, but at the moment he is not willing to do that. He is beside himself with the fact that they would object to him putting four houses on ten acres, when the neighbors have six houses on one acre.

Councilwoman Suttles said that she has watched this progress and it is a neighborhood squabble. She said that the Blockers have done everything they are required to do. This property is his ten acres and he is not coming out and putting in 14 homes. The neighbors need to try and work it out. She said that Mrs. Pettus does not want any animosity, but she doesn't want Mr. Blocker to do anything. She said that she has no problem voting on this.

Mayor Wilson concurred that it would be better resolved at the community level, but since it has come before the Council they need to make a decision.

1. Approval of second replat of Lots 155-158, 181-184 and portions of Lots 154, 159 and 180 of the Idylwild Tract.

COUNCILWOMAN SUTTLES MOVED TO APPROVE THE SECOND REPLAT OF LOTS 155-158, 181-184 AND PORTIONS OF LOTS 154, 159 AND 180 OF THE IDYLWILD TRACT; SECONDED BY COUNCILMAN LAMERSON; PASSED 5-2 WITH COUNCILMEN LUZIUS AND ROECKER CASTING THE DISSENTING VOTES.

2. Adopt Resolution No. 3869-0837 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona repealing Resolution 3224 adopted by the Prescott City Council on January 11, 2000, which approved a Development Agreement with John & Ruth Blocker.

COUNCILMAN LAMERSON MOVED TO ADOPT RESOLUTION NO. 3869-0837, A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA REPEALING RESOLUTION 3224 ADOPTED BY THE PRESCOTT CITY COUNCIL ON JANUARY 11, 2000, WHICH APPROVED A DEVELOPMENT AGREEMENT WITH JOHN & RUTH BLOCKER; SECONDED BY COUNCILMAN BELL; PASSED 5-2 WITH COUNCILMEN LUZIUS AND ROECKER CASTING THE DISSENTING VOTES.

- B. Adoption of Resolutions and Ordinances for the implementation of the Illegal Discharge and Illegal Connection Stormwater Code, Construction Site Erosion and Sediment Control Code, and Post Construction Stormwater Runoff Code as required by the Arizona Pollutant Discharge Elimination System (AZPDES).

Engineering Services Director Mark Nietupski said that language was changed as requested last week with respect to “affirmed”. He said that a meeting was held last Wednesday with the Yavapai County Contractors’ Association and it was positive, the discussion was good and without controversy.

1. Adoption of Resolution No. 3871-0839 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, declaring as a public record that certain document filed with the City Clerk and entitled the *2007 City of Prescott Construction Site Erosion and Sediment Control Code*.

Councilwoman Suttles asked who would be enforcing this. Mr. Kidd said that if it is not resolved through the Code Enforcement process, it will be referred to his office and they will handle it as a prosecution or penalty enforcement.

COUNCILWOMAN SUTTLES MOVED TO ADOPT RESOLUTION NO. 3871-0839, A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED THE *2007 CITY OF PRESCOTT CONSTRUCTION SITE*

EROSION AND SEDIMENT CONTROL CODE; SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY.

2. Adoption of Ordinance No. 4635-0837 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, amending the Prescott City Code by adding a new Section 16-4 thereto by adopting by reference that certain document entitled the *2007 City of Prescott Construction Site Erosion and Sediment Control Code*, which document was made a Public Record by Resolution No. 3871-0839.

COUNCILMAN LUZIUS MOVED TO ADOPT ORDINANCE NO. 4635-0837; SECONDED BY COUNCILMAN ROECKER; PASSED UNANIMOUSLY.

3. Adoption of Resolution No. 3872-0840 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, declaring as a public record that certain document filed with the City Clerk and entitled the *2007 City of Prescott Illegal Discharge and Illegal Connection Stormwater Code*.

COUNCILWOMAN LOPAS MOVED TO ADOPT RESOLUTION NO. 3872-0840; SECONDED BY COUNCILMAN BELL; PASSED UNANIMOUSLY.

4. Adoption of Ordinance No. 4636-0838 - An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, amending the Prescott City Code by adding a new Section 16-5 thereto by adopting by reference that certain document entitled the *2007 City of Prescott Illegal Discharge and Illegal Connection Stormwater Code*, which document was made a public record by Resolution No. 3872-0840.

COUNCILMAN LUZIUS MOVED TO ADOPT ORDINANCE NO. 4636-0838; SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY.

5. Adoption of Resolution No. 3873-0841 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, declaring as a public record that certain document filed with the City Clerk and entitled the *2007 City of Prescott Post Construction Stormwater Runoff Code*.

COUNCILMAN LAMERSON MOVED TO ADOPT RESOLUTION NO. 3873-0841; SECONDED BY COUNCILWOMAN LOPAS; PASSED UNANIMOUSLY.

6. Adoption of Ordinance No. 4637-0839 - An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, amending the Prescott City Code by adding a new Section 16-6 thereto by adopting by reference that certain document entitled the *2007 City of Prescott Post Construction Stormwater Runoff Code*, which document was made a public record by Resolution No. 3873-0841.

COUNCILMAN BELL MOVED TO ADOPT ORDINANCE NO. 4637-0839; SECONDED BY COUNCILMAN LUZIUS; PASSED UNANIMOUSLY.

IV. ADJOURNMENT

The Regular Voting Meeting of the Prescott City Council held December 11, 2007, adjourned at 5:40 p.m.

JACK D. WILSON, 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 Regular Voting Meeting of the City Council of the City of Prescott, Arizona held on the 11th day of December, 2007. I further certify the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____, 2008.

AFFIX
CITY SEAL

ELIZABETH A. BURKE, City Clerk