



PRESCOTT CITY COUNCIL VOTING MEETING AGENDA

*A M E N D E D

PRESCOTT CITY COUNCIL
REGULAR VOTING MEETING
TUESDAY, AUGUST 12, 2008
3:00 P.M.

Council Chambers
201 S. Cortez Street
Prescott, AZ 86303
(928) 777-1100

The following Agenda will be considered by the Prescott City Council at its Regular Voting Meeting pursuant to the Prescott City Charter, Article II, Section 13. Notice of this meeting is given pursuant to Arizona Revised Statutes, Section 38-431.02.

- ◆ **CALL TO ORDER**
- ◆ **INTRODUCTIONS**
- ◆ **INVOCATION:** Pastor John Garwood, Cornerstone Church
- ◆ **PLEDGE OF ALLEGIANCE:** Councilman Lamerson
- ◆ **ROLL CALL:**

MAYOR AND CITY COUNCIL:

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

- ◆ **SUMMARY OF CURRENT OR RECENT EVENTS**

NOTE: Anyone wishing to speak regarding an item on the agenda must address the Council using the microphone at the podium. **PLEASE NOTE:** Comments from the public regarding any item on the agenda will be limited to five (5) minutes. Please refer to the Clerk's desk for the timing sequence of the lighting signals: **GREEN** at the beginning of comments, **YELLOW** with one minute remaining, and **RED** when time has ended.

THE CITY OF PRESCOTT ENDEAVORS TO MAKE ALL PUBLIC MEETINGS ACCESSIBLE TO PERSONS WITH DISABILITIES. WITH 48 HOURS ADVANCE NOTICE, SPECIAL ASSISTANCE CAN BE PROVIDED FOR SIGHT AND/OR HEARING IMPAIRED PERSONS AT PUBLIC MEETINGS. PLEASE CALL 777-1272 OR 777-1100 (TDD) TO REQUEST AN ACCOMMODATION TO PARTICIPATE IN THIS MEETING.

I. PUBLIC COMMENT (Please limit your comments to five minutes)

- A. Eric Bewley re Prescott Badgers.
- B. Nancy Healey re situation at Lincoln/Grove corner.

II. PRESENTATIONS

- A. Presentation by APS re donation to the Elks Opera House Foundation.
- B. Update from the Prescott Bicycle Advisory Committee.

III. REGULAR AGENDA

- A. Public Hearing and consideration of liquor license application from Heng Lin, applicant for Teng and Lin, LLC, for a Series 12, Restaurant license for Chi's Cuisine located at 114 North Cortez Street.
- B. Adoption of Resolution No. 3900-0902 – 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.
- C. Discussion/consideration re Downer Trail Gate south of Sierry Peaks Drive.
- D. Approval of letter from City of Prescott to Arizona's Congressional Delegation in support of federal funding of scientific studies as proposed by the Verde River Basin Partnership.
- E. Hazelwood Property:
 - 1. Ratification and approval of contract amendment with Hazelwood Family Trust.
 - 2. Adoption of Ordinance No. 4662-0905 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, accepting title to real property known as the Hazelwood Property located in the Granite Dells, and authorizing the Mayor and staff to execute any and all documents to effectuate said purchase.
 - 3. Adoption of Resolution No. 3902-0904 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona approving the transfer of unencumbered appropriations from the Capital Projects Fund to the 1% Streets and Open Space Fund.

- F. Adoption of Resolution No. 3901-0903 – 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 and the Yavapai County Sheriff's Office for the City's use of the County's driving track and facility, and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.
- G. Approval to cancel the August 19, 2008 Study Session and combine with the August 26, 2008 Regular Meeting (due to the League of Arizona Cities and Towns' Annual Conference).
- H. Approval of the Minutes of the Prescott City Council Special Meeting of June 24, 2008, Regular Voting Meeting of July 8, 2008, the Joint Study Session/Special Meeting of July 15, 2008, the Special Workshop of July 22, 2008, the Regular Voting Meeting of July 22, 2008, and the Study Session of August 5, 2008.
- I.* Adoption of Ordinance No. 4663-0906 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona amending Section 1 of Ordinance No. 4660-0903 regarding the primary property tax levy for FY 2009.**
- I.J.*** Recess into Executive Session.

IV. 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, pursuant to ARS 38-431.03(A)(4).
 - 1. Peregrine Subdivision.

V. ADJOURNMENT

CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing AMENDED notice was duly posted at Prescott City Hall on _____ at _____m. in accordance with the statement filed by the Prescott City Council with the City Clerk.

Elizabeth A. Burke, City Clerk, MMC

COUNCIL AGENDA MEMO – August 12, 2008
DEPARTMENT: Budget and Finance
AGENDA ITEM: Transfer of Unencumbered FY 2009 Appropriation

Approved By:	Date:
Department Head: Mark Woodfill	
Finance Director: Mark Woodfill	
City Manager: Steve Norwood <i>SNorwood</i>	<i>08/06/08</i>

Background

City Charter Article VI Section 10 requires the City Council to approve transfers of Budget Appropriations among departments. This is a transfer of spending authority not cash. One transfer is needed for fiscal year 2009.

Item

Due to delays in the purchase of open space, less money was spent in the 1% Streets and Open Space Fund during FY2008 than anticipated. As a result, it is necessary to do a budget reappropriation as per City Charter so the monies could be expended during FY2009. It is important to note that there is sufficient cash for this open space purchase, but a reappropriation of the budget is necessary to meet legal requirements.

Recommended Action: MOVE to adopt Resolution No.3902-0904.

RESOLUTION NO. 3902-0904

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, APPROVING THE TRANSFER OF UNENCUMBERED APPROPRIATIONS FROM THE CAPITAL PROJECTS FUND TO THE 1% STREETS AND OPEN SPACE FUND

RECITALS:

WHEREAS, Article VI, Section 10 of the Prescott City Charter allows the City Council to transfer appropriations among various City departments; and

WHEREAS, there are unencumbered appropriations allocated to the Capital Projects Fund that were not expended during fiscal year 2008-09; and

WHEREAS, the budgeted amount for the 1% Streets and Open Space Fund will be insufficient to meet the fiscal needs for fiscal year 2008-09.

ENACTMENTS:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PRESCOTT AS FOLLOWS:

SECTION 1. THAT, the Mayor and Staff are authorized to transfer from unencumbered funds allocated to the Capital Projects Fund for fiscal year 2008-09 to the 1% Streets and Open Space Fund in the sum of Two Million Four Hundred Thirty-Seven Thousand Five Hundred Ninety-Five Dollars (\$2,437,595.00).

SECTION 2. THAT, the Mayor and staff are hereby authorized and directed to execute any and all documents in order to effectuate the foregoing.

PASSED and ADOPTED by the Mayor and Council of the City of Prescott, Arizona, this 12th day of August, 2008.

JACK D. WILSON, Mayor

ATTEST:

APPROVED AS TO FORM:

ELIZABETH A. BURKE, City Clerk

GARY D. KIDD, City Attorney

PRESCOTT CITY COUNCIL
STUDY SESSION
TUESDAY, AUGUST 5, 2008
PRESCOTT, ARIZONA

MINUTES OF THE STUDY SESSION MEETING OF THE PRESCOTT CITY COUNCIL held on TUESDAY, August 5, 2008 in the COUNCIL CHAMBERS located at CITY HALL, 201 SOUTH CORTEZ STREET, Prescott, Arizona.

◆ CALL TO ORDER

Mayor Pro-tem Suttles called the meeting to order at 3:00 p.m.

◆ INTRODUCTIONS

◆ INVOCATION: Father Darrell of Sacred Heart

Father Darrell of Sacred Heart gave the invocation.

◆ PLEDGE OF ALLEGIANCE: Councilwoman Lopas

Councilwoman Lopas led the Pledge of Allegiance.

◆ ROLL CALL:

Present:

Mayor Pro-tem Suttles
Councilman Bell
Councilman Lamerson
Councilwoman Lopas
Councilman Roecker

Absent:

Mayor Wilson
Councilman Luzius

◆ SUMMARY OF CURRENT OR RECENT EVENTS

Steve Norwood said there are two more shows of the Arizona Revue at the Elks' Opera House with the last show being August 16, 2008. He said they have been a very good tenant and customer of the Elks'.

I. PROCLAMATION

A. August 2008 – *Prescott Litter Lifters Month*

Councilman Roecker read the proclamation proclaiming August 2008 as *Prescott Litter Lifters Month* and presented it to the Prescott Litter Lifters.

II. PRESENTATION

- A. Presentation by Bryan Sperber, President and CEO of Phoenix International Raceway, on the economic impact of NASCAR on Arizona.

Byran Sperber said the NASCAR Semi-final Race in the Checker Auto Parts 500 is coming up on November 9, 2008 at Phoenix International Raceway. He said they have been looking at where their fans are coming from and they noticed the City of Prescott has overtaken all others in Northern Arizona. Mr. Sperber said they have produced special commemorative flags to recognize that great achievement, which have the NASCAR logo emblazoned along side the City of Prescott and Phoenix International Raceway logos. He thanked the Council and the NASCAR fans of the community for their support and presented the Council members with the limited edition flags.

Steve Norwood said he and a few others in the audience have been to the NASCAR races at Phoenix International Raceway. He said there is also charter bus that takes fans to the races. He said the economic impact of both races equals that of one Super Bowl.

Mr. Sperber said it is about \$470,000,000 of annual economic impact to the state according to a study conducted by Arizona State University. He said what makes NASCAR so unique for the state is that it comes to the state twice per year unlike the Super Bowl that may come around every ten years or so.

III. DISCUSSION ITEMS

- A. Adoption of Resolution No. 3901-0902 – 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.

Mayor Pro-tem Suttles said as a courtesy to Mayor Wilson and Councilman Luzius who are out of town it has been requested by Councilman Lamerson that they not have a Consent Agenda.

Chief Bruce Martinez said this agreement includes training on local, state and federal levels. He said they have a disaster preparedness plan that they evaluate every year and one of the benefits to this agreement was shown in the cooperation with the Lane II Fire. He said there are no changes to this plan with funding in the amount of \$14,254 which is budgeted and has remained the same for the last five years.

Mayor Pro-tem Suttles said they were able to recognize the group from the Lane II Fire a couple of weeks ago and she thinks this is money very well spent.

B. Discussion/consideration re Downer Trail Gate south of Sierry Peaks Drive.

Mark Nietupski said on July 22, 2008 there was a Prescott City Council Public Workshop to discuss the current gate at Downer Trail and Sierry Peaks Drive. He said there was a lot of discussion for taking it down and leaving it in place. He said they have placed in the Council packets four options for the Council to consider: to leave it in place, to remove it, to allow limited northbound access at the gate or to allow limited southbound access at the gate. He said based on a traffic study that was done, if the gate were to be removed today it is anticipated or projected that potentially the current volume of 350 – 400 vehicles per day would be increased by 200 vehicles per day, so that could go up to 550 – 600 vehicles per day based on current traffic conditions. He said at build out if the gate were to be removed an additional 1500 vehicles per day could be expected on Downer Trail and ultimately on Oregon Avenue. He said those are 24 hour volumes so effectively there could be 1800 vehicles per day on Downer Trail and then 2900 vehicles per day on Oregon Avenue.

Tom Potter, 1694 Far View Lane, asked if anyone has consulted with the State Historic Preservation Office about the increased traffic in through the Mile High Park National Register District and if the Council has consulted its own Prescott Preservation Commission. He said there are restrictive traffic structures in the City, for example one in the Fleury Addition, which is also a National Register District. Mr. Potter distributed contacts to the State Historic Preservation Office.

Mr. Nietupski said to his knowledge SHPO has not been contacted regarding the gate on Downer Trail being opened nor has the Preservation Commission been contacted regarding this matter. He said it would be unique process because they typically would not ask SHPO about traffic loads on a local street.

Cindy Swope, 1650 Oregon Avenue, asked the City Council to consider codes for road system. She said there are portions of road with a certain steepness that is not to road specifications for safety. She said there are other roads with limited access due to safety concerns, such as the road across from Pine Lawn Mobile Home Park that had boulders put on it to prevent use and others. Ms. Swope said the area should remain closed and available to local traffic only for reasons of safety. She said there is an exit that comes down by Peppertree and it is an appropriate road because of its width, it is not winding, and it connects to a connector road that is able to handle traffic in a safe manner.

Christopher Dunn, 629 Downer Trail, said there is a third party not included in the discussion and that is the javalina. He said they need the gate open to travel freely on Downer Trail and they are part of the historical charm and he is now in favor of keeping the gate open.

Lucy McMillan, 2150 Meander, said they have private roads in Forest Trails and each homeowner pays \$100 per year in assessments. She said they do have some public use of their roads but so far the public use has been self limiting. She said she urges the City Council to open the gate at Downer Trail at least until such time as objective data can be collected to support closure of the gate, otherwise any decision made will be viewed as favoritism. Ms. McMillan said the legality of closing the gate may be challenged as a misuse or an unreasonable use of governmental power. She said the City of Prescott spent more than \$1,000,000 of public funds to improve the Downer Trail from Oregon Avenue to Sierry Peaks and then installed a gate blocking access to the street to many of the people who helped pay for the improvements. She said it is the symbolism of the gate, which implies City Council is saying citizens can pay for a road but a gate will be put there. Ms. McMillan said she does not agree with the numbers because she does not think they are based on data that is current and relevant. She said people are correct that the road has some inherent traffic calming measures so people are probably not going to use it as much as predicted.

Carol Russell, 555 Downer Trail, said she speaks for many of her neighbors south of the crash gate and the vast majority of neighborhood has consistently been opposed to opening the crash gate as indicated in the signature petitions previously submitted. She said she hopes the Council will visit both sides of the gate before making this decision. She said what looks logical on paper connecting lines on a map is a very different reality on the ground.

Ms. Russell said north of the gate the pavement is 28' wide in addition to curb, gutter and sidewalk. She said south of the gate the pavement is 20-23' wide with no curb, gutter, or sidewalk and the grade is very steep. She said when City engineers designed the recent improvements to Downer Trail they did not design it to the same standards as on the East/West Connector. She said combinations of factors make Downer Trail an unsafe choice and that it is classified as a local residential street rather than a minor collector as are Sierry Peaks and Westridge. She also said in 2005 the Preservation Commission recommended to City Council be excluded from the Westside circulation to help protect the neighborhood. She urged Council to please keep the gate closed.

Jane't Noriega Schwind, 1316 Covey Trail, said with commenting on apparent bias and developer influence it looks like taxation for the benefit of

a special interest group. She said property owners in Forest Trails, Heritage, Covey and the neighborhoods north of Downer Trail pay taxes and the City of Prescott in turn uses those taxes to pay for the development and maintenance of public venues. She said their payment of those taxes to the City confers upon them the legal right of access to all publicly paid for roads and spaces. Ms. Schwind said if the residents south of the gate want exclusive control over the historic ambiance of their neighborhood they are entitled to that if they pay for it but they do not have the right to exclude fellow citizens who pay for their comfort and exclusivity. She said there at least 12 other neighborhoods in Prescott with one established in 1919 where residents pay for their private roads and infrastructure, gates and restricted access. She said past practice can weigh heavily in this case.

Dorothy Baxter, 1818 Idyllwild Road, said she uses her bicycle to commute to work in downtown Prescott four days per week and she uses Oregon Avenue as part of her route. She said the amount of traffic is currently somewhat reasonable but if traffic is increased enjoying and doing non-motorized activities would be challenging. She said the road is narrow and presently does not accommodate motorists and bicyclists and the same is true of Downer Trail. Ms. Baxter said the City officials need to reevaluate the recommendation for bicyclists to use Oregon to see if it still qualifies as a good bicycle route. She said if Downer Trail is opened bicycle paths and crosswalks would need to be established so non-motorized activities could still be available by residents of the area and to comply with the 2003 Prescott Bicycle and Pedestrian Master Plan.

Fred Vail, 1331 Sierry Peaks Drive, said he is there to support the proposition that the gate should be opened. He said if they were to stand at the intersection Sierry Peaks and Downer Trail and look north they would see a nicely paved road paid for by developers that is open to the public. He said if they were to look south they would see a nicely paved road paid for by the City and is not open to the public. Mr. Vail said he cannot understand the logic of that.

He said secondly, with respect to the road put in on Downer Trail north connecting with Westridge and which was paid for by developers, the Council can be sure the developers are going to make every effort to pass their cost on to the people who bought those respective properties, which means the homeowners will have paid for that road. He said the properties south of gate have undoubtedly seen increase in values but those people have not paid a dime for the benefit. He said he knows of no reason why increased traffic would impact on an historic district and if it did then they should look at putting gates on Mt. Vernon Avenue. He said he agrees with the last speaker who suggested keeping the gate closed but assessing the property owners who will benefit from closed gate. He said the City has effectively created a closed gate community at public expense.

George Seaman, 1830 Idyllwild Hill, said there have been three different things that have been talked about that need correcting. He said first, he knows of no one on south Downer Trail that wanted the road paved. He said the second thing is there is absolutely no restriction on who can use that road rather drivers need come in on Oregon instead of Sierry Peaks and it is not a gated community. Mr. Seaman said the third thing is the historic area is a reality and Oregon is an incredibly narrow, winding small street that has at its core one of the few places of affordable housing in the City of Prescott. He said if they increase traffic on Oregon they will have to widen the road, which will take away the buffer from the traffic to the front yards of the residents. He said the history of Prescott includes a huge piece that this was a summer resort and that people came here from Phoenix. He said Oregon and that neighborhood were on of the major places for that particular activity.

Max Pelazzio, 1417 Oregon Avenue, said he walks to his friends' houses a lot and there aren't any sidewalks and all the traffic going through there would ruin the park they go to.

Joe Funke, 1710 Far View Lane, said he has lived there since 1972 and has owned property in area since 1964. He said he and his wife have gone up and down Oregon about 70,000 times in 35 years. He said the intersection of Far View Lane and Downer Trail creates conflict and the safest way to negotiate that corner is to have both cars stop. Mr. Funke said Oregon has a problem with a rock outcropping on the south side creating shade where snow and ice accumulate in winter. He said it has potholes and one this winter was about 6' wide. He said this is a road that has not had a lot of improvement. Mr. Funke said tax dollars have not benefit that road much at all and most of the benefits have been to the City sewer and water system. He said they have a culvert on the east side draining to the west side with an 18-24 inch drop off and no guardrail. He said he is in favor of either improving both Downer Trail and Oregon Avenue to full city standards or to leave that gate closed.

Jeff Schalau, 1818 Idyllwild, said he is against opening the gate. He said it was put in after a fire road was built and it appears to have two accesses in and out with one of them being locked off. He said the gate was constructed for fire access. Mr. Schalau said people who bought properties on the north side of the gate did so knowing they did not have connectivity to that side of town. He said it is not a good idea to open the gate due to safety and that there is data as previously presented.

Michael Wacker, 385 Lindbergh Drive, said he pays a lot in taxes and he was before Council two years ago speaking about the same issue. He said Forest Trails had a better case then. He said one issue that has not been mentioned yet is that on Oregon from Downer Trail there is a low water

crossing. Mr. Wacker said he has two kids and dog, and they walk in the neighborhood with no sidewalks so they are literally on the road. He said people speed down Oregon. He said as for the data the numbers may be high or low, but no one needs to have that half a mile or a mile shortened. He said it is a lot less impact on a neighborhood not designed to handle 1800 – 2000 cars per day. He said by opening the road up they may find more people that will look for ways to cut through and take the back roads. He said he votes to keep the gate a crash gate.

Mayor Pro-tem Suttles asked about the various references to the exact distance from the crash gate to Gail Gardner.

Mr. Nietupski said the distance from the gate via Westridge to Gail Gardner and then to the intersection at Oregon and Gail Gardner is approximately 9/10 of a mile longer than from the gate down Downer Trail to Oregon to Gail Gardner.

Mayor Pro-tem Suttles confirmed with the Council members that all of them have been on a field trip to the site and have traveled both ways from the gate.

Edna Moglewer, 1855 Forest View, said she was at a previous meeting. She said she has another reason the gate should be open. She said it is special treatment because all of them would like to live in little bit of Americana again. She said she thinks the special treatment for this community and the gate may be a grave problem for Prescott in the future. She said the City will have more people come before Council wanting to preserve the beautiful little neighborhoods and that it will be harder and harder for Council to say no.

Arthur Anderson, 629 Downer Trail, said when he bought his property they had a full city street in plans and it was part of a development agreement for the off loading out of Forest Trails. He said in 1999 they had a Westside Neighborhood Plan that endorsed what the City wanted – an additional exit to the north that has become Westridge. He said as his house was developed they did so with full knowledge they would have city street to the south and a city street to the north. Mr. Anderson said the gate is 50' from his driveway that prevents him from traveling north. He said it was said earlier that nobody on Downer Trail wanted a paved trail and that is absolutely wrong. He said the Westside Neighborhood Plan is what they expected to happen and what they did not favor in any way was a gate which divided the neighborhood. He said what should be a 2.5 mile trip the previous day to Forest Trails took him 8 miles round trip in their neighborhood and by that counting City Hall is as much a part of his neighborhood as is Forest Trails. Mr. Anderson said previous discussions talk about safety on Oregon. He said cars come down Oregon west of Downer Trail at high speeds and the pedestrian traffic often

has to walk out on the street and this has been discussed for ten years. He said in the private sector safety issues had to be addressed. He said if the City Council decides for or against the gate without addressing the issues of safety on Oregon then they are not doing their job.

Alan Mott, 1348 Indian Trail, said he is in favor of the gate being removed because he does not want to use his taxpayer money again for the litigation that may come if someone needs to get through that gate and cannot or because of the precedent that is being set.

Mayor Pro-tem asked if that is a crash gate.

Mr. Mott said he would not want to crash his vehicle through it. He said Indian Trail was a very nice quiet street until the connector street was put through and now they have a lot more traffic coming through there. He said his closing thought is that he would also like to have a quiet street but if he were to try to get on the agenda to lower traffic they would likely deny his request.

Judith Merrill, 1252 Sierry Peaks Drive, said she lives four houses up from the crash gate. She said she cannot image there will be 1500 hundred cars generated if the area is every built out. She said two of the four choices seem really silly because those two choices will make half the people happy half the time. Ms. Merrill suggested a sixth option, which is to open gate with restrictions, for example do not allow any construction vehicles and most large trucks unless they are actually building homes on the south side of Downer. She also suggested the City post signs indicating for local use only. Ms. Merrill asked the Council to open the road to the taxpayers who paid for it.

Mrs. W. A. Mitchell, 148 Josephine Street, said she does not think any of the Council has heard of that street before today. She said she has lived there since 1943. Ms. Mitchell said her and her husband have a home there that was built of rock from the rock on the property in 1923. She said her mother-in-law also bought home on Josephine Street built in 1921. She said the park across the street used to be Acker Park but is now named Flinn Park for Dr. Flinn. She said there are many walkers on that street people visiting the park and she hates to see gate open because of the unreal traffic they already have on Josephine Street. Ms. Mitchell said they paid taxes times two to put in water and sewer and it took them 12 years to pay for it. She said something needs to be done about the traffic on their street.

Alice Mott, 1348 Indian Trail, asked for the source of the data for the counting of cars.

Mayor Pro-tem said that information will be available after the meeting.

Jeannie Bell, 1809 Far View, said she lived there 36 years. She said they were assured the gate would remain closed. She said her children and her great nieces all road the school bus. She said it does not take any longer to go to Samaritan Village and to her church up over the hill than to go down to Gail Gardner. Ms. Bell said she hopes they do not open the gate.

Ken Godbold, 1507 Sierry Peaks, said every street has speeding. He said regarding emergency responses the street has not been through much more than a year to get much response. He said the City Council is facing a lot of neighborhoods wanting traffic calming and he thinks the gate would be great way to calm traffic.

John Finn, 1333 Clear Creek, said he was the developer of the Ridge at Iron Springs, Enchanted Canyon, and Heritage III and the first two of those projects are gated communities. He said it was mandated that when they made those communities private and gated that they maintain those streets. He said it goes against his grain that his tax dollars are being used to maintain a private community where they do not maintain their own private streets. Mr. Finn said he and Tom Devareaux incurred great expense in the Westridge opening and they bore the brunt of that expense. He said it was his understanding at the time that this would be open. He said he disagrees with Mr. Nietupski's traffic numbers. He asked why the City installed a road that did not meet City standards and why are they paying for a road that does not meet City standards. He said he cannot do that as a developer.

Mr. Nietupski said the design for Downer Trail south of Sierry Peaks was discussed with the community it affected most, those that live along it. He said the initial concept was for a roadway with curb, gutter and sidewalks but the nature of that road is narrow, serpentine and steep. He said the neighborhood desired to maintain a more rural atmosphere relative the new approximate urban development to the north. Mr. Nietupski said the design was approved to install 22' pavement with no curb and gutter and no sidewalks. He said the drainage improvements were minimal and new utilities were installed, which accounts for some of the cost.

Mr. Norwood asked what the City standard for a new street is. Mr. Nietupski said it is 28'. He said the City frequently allows developers to deviate from that and in fact. Mr. Nietupski said that happened in one of Mr. Finn's subdivisions and that he has a 24' waiver.

Mr. Finn said they have approximately 100' where they were allowed to go less than that because of the boulders and the cliff. He asked what the extent of the utilities installed was.

Mr. Nietupski said existing sewers were reconnected; a brand new water main was installed and new water services.

Mr. Finn said for clarification the crash gate is mainly for the Fire Department not anybody else.

Mr. Nietupski said he does not know where the terminology came from but effectively the Fire Department would not crash through that.

Mayor Pro-tem Suttles asked if there was a cable there before the gate was installed. Mr. Nietupski said initially it was two bollards, concrete filled cylinders, with a cable stretched between them and a placard that hung off of the cable saying no traffic.

Mr. Finn said this is rather selective that people can create a community with a gate maintained by the City. He said if they are going to do that then he thinks the City ought to take care of his subdivision, too.

Mayor Pro-tem Suttles asked if his subdivision is built out. Mr. Finn said no, not in this economy. He said they have 72 homes sites.

Pam Wickstrom, 700 Downer Trail, said she lives on the north side of the gate and she supports the comments of Arthur Anderson. She said lives at the top of Downer Trail and she hopes they noticed that she is now on a blind curve with a pedestrian crosswalk there. Ms. Wickstrom said she would like to see the gate opened because of safety. She said when they put their original driveway in they had the Fire Department come to make sure they could get in the driveway and they could. She said she had them do the same thing after the new road was created and they could not get in and they said it was the worst driveway entrance they had ever tried to get their truck in. She said she is a big walker and many streets do not have sidewalks. She also said she supports the downtown merchants and does volunteer work downtown and would like to be able to get there the way she did when she moved to Prescott.

Steve Blair, 1802 Northside Drive, said while he was on Council there were numerous meetings and comments about traffic in that area. He said the bottom line was there would be gate until the full road improvements were done and then the gate would come down. He said it was public funds that built it and there needs to be public access to all the roads.

Richard Katy, 1412 Nature's Way, said he lives about half way into Forest Trails. He said when it was announced that Sierry Peaks and Westridge were going to be extended the people who live along Sierry Peaks were petrified anticipating their road would become an expressway. He said it is not and he does not think many people are going to make that right turn onto

Downer Trail. Mr. Katy said the estimates are ludicrous figures and there are just not that many cars. He asked the current gate cost. He said he does not agree with spending the money to put in such an elaborate gate and the one month later have hearings on whether to take the gate down or not.

Margaret Mendoza, 1844 Far View Lane, said she likes short cuts and others do as well. She said they are not just talking about neighborhood north of gate but people coming in from Williamson Valley Road, Skull Valley and other areas using that road for a short cut and she is really concerned about that.

Patricia Quinn-Kane, 1730 Far View Lane, said she has seen the extent of change, growth and development. She said she sees a lot of short sidedness and instead they should be looking the future and the use of preservation of neighborhoods and the use of roads.

Alexia Nickelborough, 1544 Oregon Avenue, said a ten year study was recently completed in Germany, about the affect of traffic pollutants and the gasses emitted by cars on children. She said children who live within 150' of a road have an increased chance of asthma and respiratory problems of 50%. She said her son's bedroom right now is about 30' from the road. She said she is not interested in having the gate opened.

Mayor Pro-tem Suttles said the Council has a lot of information and that they are not going to make everybody happy no matter what they do and they need to come back to do the best they can for both communities.

- C. Approval of letter from City of Prescott to Arizona's Congressional Delegation in support of federal funding of scientific studies as proposed by the Verde River Basin Partnership.

Jim Holt said this item is to approve a letter of support to the Arizona Congressional Delegation for federal funding of scientific studies and investigations of the Verde River Basin by the Verde River Basin Partnership. He said Title 2 of Public Law 109-110, which is the Northern Arizona Land Exchange and Verde River Partnership Act 2005 authorized the United States Geological Survey to assist in a collaborative and science based water resource planning and management partnership in the Verde River Basin. He said Section 204 of Title 2 calls for the Partnership to prepare a plan for conducting water resource studies in the Verde River Basin and a draft plan has been developed and serves as a guide for those studies. He said the Yavapai County Water Advisory Committee as well as the Upper Verde River Watershed Protection Coalition both authorized the preparation of letters in July 2008 supporting the request of federal funding for these studies.

Councilman Roecker said thanked Mayor Wilson for bringing this letter to Council. He said the letter is redundant, there is nothing new in the letter, and he does not think it needs to be sent. He said the letter is just reiterating what has already been expressed by the Water Advisory Committee and the Coalition. Councilman Roecker said they do have a process in place to deal with this with six people assigned to come to some cooperative ways with the various water committees. He said it includes Supervisor Chip Davis, Councilman Mike Flannery from Prescott Valley, Mayor Karen Fann from Chino Valley, Mayor Von Gausig from Clarkdale, Dan Campbell from the Nature Conservancy and himself. He said at their last meeting they came to the conclusion that the next step is for the Verde River Basin Partnership to decide whether they wanted to assimilate into the WAC or maintain their autonomy. He asked if Mr. Holt has had a chance to look at the science plan that was presented by the Verde River Basin Partnership for recommendations to Council.

Mr. Holt said he has not, that he has reviewed the plan but does not have any recommendations for Council.

Councilman Roecker said he thinks the letter is premature and redundant.

Councilwoman Lopas asked is this supported by the other communities and would like to have some more comments.

Councilman Lamerson said that is one of reasons for not having a consent agenda.

- D. Ratification and approval of contract amendment with Hazelwood Family Trust and adoption of Ordinance No. 4662-0905 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, accepting title to real property known as the Hazelwood Property located in the Granite Dells, and authorizing the Mayor and staff to execute any and all documents to effectuate said purchase.

Gary Kidd said the Hazelwood Contract has been going on for some time; they have seven title commitments, five or six surveys to ultimately come up with the property the City is trying to buy. He said the total acreage increased by 2.163 acres and they were able to negotiate a price for those acres that is less than the per acre price in the original contract. He said with that they elected to go ahead to buy the 37+ acres as opposed to the 35 acres they originally started out with. Mr. Kidd said there are some additional terms in the addendum that provide for some additional acreage. He said the Ordinance accepting the deed is required as a part of the City Charter.

Mr. Woodfill said the other issue is that this purchase has dragged when it was anticipated that the expenditures were going to happen last fiscal year

so it was not appropriated for Fiscal Year 2009. He said although the cash was not spent they need to move appropriation for this expenditure. He said in next week's packet there will be a Resolution to move \$2,437,595 of appropriation from the Capital Projects Fund into the Open Space and that the cash is there but it was not spent.

- E. Adoption of Resolution No. 3901-0903 – 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 and the Yavapai County Sheriff's Office for the City's use of the County's driving track and facility, and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.

Chief Oaks said this is a request to enter into an Intergovernmental Agreement with Yavapai County and the Yavapai County Sheriff's Office for use of the new law enforcement driving track and facility located in Prescott Valley. He said the closest track and the track they have been using is in South Phoenix, which creates quite a commute for the officers and has literally eliminated in service training. He said the Yavapai County made the contribution of 20 acres of land out by the County Fairgrounds. Chief Oaks said the track is probably worth about \$2,500,000 and it was just recently completed as a modern, state of the art facility with a classroom on site. He said some things are necessary for the City of Prescott to use the track. He is said they need to indemnify the County from any liability and to set some reasonable fees. He said the figures have been negotiated down to \$25 per officer per year for unlimited use of the track for a payment to the Sherriff's Office for \$1875 for one full year's use of that facility, which is a great bargain.

- F. Notice of Public Hearing (August 12) and consideration of liquor license application from Heng Lin, applicant for Teng and Lin, LLC, for a Series 12, Restaurant license for Chi's Cuisine located at 114 North Cortez Street.

Ms. Carlson reviewed the liquor license application, noting that the public hearing would be held at the August 12 meeting.

- G. Approval to cancel the August 19, 2008 Study Session and combine with the August 26, 2008 Regular Meeting (due to the League of Arizona Cities and Towns' Annual Conference).

Mr. Norwood said this is their standard Annual Conference for Council done each year down in the Phoenix area.

- H. Approval of the Minutes of the Prescott City Council Special Meeting of June 24, 2008, Regular Voting Meeting of July 8, 2008, the Joint Study Session/Special Meeting of July 15, 2008, the Special Workshop of July 22, 2008, and the Regular Voting Meeting of July 22, 2008.
- I. Selection of items to be placed on the Regular Voting Meeting Agenda of August 12, 2008.

IV. ADJOURNMENT

There being no further business to be discuss, the Special Meeting of the Prescott City Council of August 5, 2008 was adjourned at 4:57 p.m.

JACK D. WILSON, Mayor

ATTEST:

ELIZABETH A. BURKE, City Clerk

COUNCIL AGENDA MEMO – August 12, 2008
DEPARTMENT: Budget and Finance
AGENDA ITEM: Ordinance Amending the Primary Property Tax Levy for FY 2009

Approved By:	Date:
Department Head: Mark Woodfill	
Finance Director: Mark Woodfill	
City Manager: Steve Norwood	

On July 15, 2008 the Council adopted Ordinance 4660 establishing the property tax levy for fiscal year 2009. Because of a judgment in the Qwest lawsuit, of which we received notice in June, assessed values for property in the City limits were changed for fiscal year 2009. The primary property tax levies established with Ordinance 4660 will not work with the adjusted assessed values so this levy needs to be amended. State law requires that property tax levies be set before the third Monday in August which is why this item was added to the voting session.

This Ordinance amends the primary property tax levy from \$1,205,316 to \$1,204,006.

Recommended Action: MOVE to adopt Ordinance No. 4663-0906
--

ORDINANCE NO. 4663-0906

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AMENDING SECTION 1 OF ORDINANCE NO. 4660-0903 REGARDING THE PRIMARY PROPERTY TAX LEVY FOR FY 2009

ENACTMENTS:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PRESCOTT, ARIZONA AS FOLLOWS:

SECTION 1. THAT, there is hereby levied on each one hundred dollars (\$100.00) of the assessed value of all property, both real and personal, within the corporate limits of the City of Prescott, except such property as may be by law exempt from taxation, a primary property tax rate sufficient to raise the sum of **\$1,204,006**, for the Fiscal Year ending on the 30th day of June, 2009. If such sum exceeds the maximum levy allowed by law, the Board of Supervisors or the County of Yavapai is hereby authorized to reduce the levy to the maximum amount allowed by law after providing notice to the City.

PASSED and ADOPTED by the Mayor and Council of the City of Prescott, Arizona on this 12th day of August, 2008.

JACK D. WILSON, Mayor

ATTEST:

APPROVED AS TO FORM:

ELIZABETH A. BURKE, City Clerk

GARY D. KIDD, City Attorney