

PRESCOTT CITY COUNCIL
STUDY SESSION
TUESDAY, DECEMBER 2, 2008
PRESCOTT, ARIZONA

MINUTES OF THE STUDY SESSION OF THE PRESCOTT CITY COUNCIL held on DECEMBER 2, 2008 in the COUNCIL CHAMBERS located at CITY HALL, 201 SOUTH CORTEZ STREET, Prescott, Arizona.

◆ **CALL TO ORDER**

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

◆ **INTRODUCTIONS**

◆ **INVOCATION:** Father John A. Peck, Prescott Orthodox Christian Church

Father Peck gave the invocation.

◆ **PLEDGE OF ALLEGIANCE:** Councilman Lamerson

Councilman Lamerson 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**

Mr. Norwood reported that next year there will be a two-year traveling exhibit going across the country on the International Year of Astronomy. Out of 40 libraries nationwide, Prescott Public Library was chosen to show the exhibit which is an indication the library continues to rise to the top and be recognized.

Mr. Norwood also reported that he received official numbers for November for enplanements, at they were still around the 1,100 mark, which was great.

I. PRESENTATIONS

A. Presentation on Granite Mountain Hot Shot Crew.

Chief Willis called members of the Granite Mountain Hot Shot Crew forward, noting that they were recently awarded Type I Hotshot status by the U.S. Forest Service. He said that they are the most highly trained and experienced, and serve on the most difficult parts of wildland fires. He added that they were the first municipal hotshot crew in the nation.

He said that they are available April through September of each year, and along with the crew members they generally hire 10-12 temporaries each season. He said that the crew members are full-time employees of the City and when they are not fighting fires, they are building defensible space around homes. He said that it is a national model; no other community does the work they do.

Chief Willis said that they put the crew together in 2001 after a very severe wildland season in 2000. Congress adopted the National Fire Plan and they put money to the states to help homeowners. The City of Prescott capitalized on that in 2001 hiring four temporary employees and put in for a State Assistance Grant. Since that time they have been at the top for grant funding and those funds fund 50% of the work that the crew does. Also, when they are out fighting fires they get reimbursed for the time they are out. He said that the crew is self-sustaining, and they were instrumental in fighting the Lane II fire. He said that now with their status, if they are called out of state and the City's fire danger is extreme, the region will backfill to stand by in the area which gives the City better protection.

He said that they recently completed technical rescue training to do high-angle rescue, and they are diversifying what they can do. He said that the Annual Report which had been distributed highlights their activities, and he then showed a short video.

Councilwoman Suttles said that she noticed there was only one woman on the crew. Chief Willis said that they have worked with her for several years on another crew. He said that she carries more than her weight and is a great addition to the team.

B. Recognition of the Yavapai Community College Roughrider Soccer Team for their Seventh National NJCAA Championship.

Parks and Recreation Director Debbie Horton invited forward the members of the Yavapai College Roughrider Soccer Team. She said that

the team has gone to nationals 13 of the 20 years they have existed, and they recently brought home their seventh national win.

Coach Pantalione then introduced each of the team members and assistant coach and each was presented with a token of recognition.

Councilwoman Suttles congratulated the team on their Seventh National NJCAA Soccer Championship with a 26-0 record.

II. DISCUSSION ITEMS

- A. Approval of purchase agreement in an amount not to exceed \$120,000.00 with Otto Environmental Systems for purchase of automated side-load containers.

Chad McDowell said that the City went out to bid, and Otto Environmental Systems was the lowest responsive bidder. He said that the containers will be the old green ones, not the new grand style which is more expensive, but there is a ten-year warranty on them.

- B. Approval of contract with Sherri Ruth dba Babe Ruth Concessions to provide Ballfield Concession Services at Parks, Recreation and Library Department concession facilities, with an annual concession compensation to the City of Prescott of \$3,000.00 in 2009, \$4,000.00 in 2010, and \$5,000.00 in 2011.

Ms. Horton said that this item was to approve a contract with Sherri Ruth dba Babe Ruth Concessions for concession services for the Parks, Recreation and Library facilities. She said that the City went out to bid for this and the two proposals were reviewed carefully and this one was selected by the committee.

Councilwoman Suttles said that it was her understanding that the City had not gone out to bid for quite some time. Ms. Horton said that was correct.

- C. Request by Prescott College re Garden Street/Alleyway Abandonments:

Mr. Nietupski said that this item is being brought back from a previous meeting a few months ago, requesting the abandonment of a portion of the alley south of Sheldon and west of Grove to improve pedestrian safety on the Prescott College campus. He said that the packet includes a traffic study performed by the City's traffic engineer, Ian Mattingly, and he was at the meeting for any questions. He said that staff counted the number of spaces that would be lost if the alley was abandoned, which totaled 35 spaces. He said that it was staff's understanding that the college has adequate area away from the alley that will accommodate parking.

He said that the appraised value of the alley is \$35,000.00 and if it was abandoned, the City would retain and public utility easement.

Councilman Suttles requested that both the items related to Prescott College be pulled from the Consent Agenda. She said that the Council members were able to visit the area and they saw that the alley is used by the neighborhoods. She said that the alley was there before Prescott College and they use the alley for the same reasons as now. With the college building up and around in that neighborhood she was sure the college had impacted the alley more than the neighborhood. Mr. Nietupski said that there was quite a bit attributed to the college.

Councilwoman Suttles referred to page 4 of Mr. Mattingly's report with respect to Western Avenue at Grove and Willow, and asked if the City would be working on that area. Mr. Nietupski said that they intend to improve the intersection by cutting brush where it obstructs visibility and parking restrictions may be included along Grove to ensure that those are addressed. He said that they will come in and work on Willow and Norris as well.

Councilwoman Suttles asked if Mr. Feldmeier would report on his talks with the neighbors. Mr. Feldmeier said that he did have an opportunity to visit with some of the neighbors, both at their homes and at stores when he saw people. He said that he was not speaking for the neighbors, but he can say that during the discussions he has had with them and others, there is a general concern with traffic safety in the neighborhood and with traffic flow in general.

He said that some of the discussions revolved around visibility at Western and Willow and Willow and Norris and it was his belief and that of Prescott College that in all of those cases, they were in agreement that those improvements need to be made. He said that they would like to see the one-way obstacle on Willow removed and returned to both ways to help move things along.

Councilwoman Suttles said that based on the requests from the neighbors to keep the alley open, and the fact that it was there before Prescott College came and will be there after it leaves, she believes it should stay open to all traffic in that neighborhood.

Councilman Luzius said that he agrees with Councilwoman Suttles. He has talked with a lot of neighbors in that area and was there again today. He knows there was a discussion about putting in a traffic light at Western and Grove, but he does not know what came of that. He was told that Tom Guice was checking with Ian Mattingly.

Mr. Mattingly said that he did do an evaluation of that intersection to look at the warrants for a traffic signal, and it did not meet any of the criteria established in the manual which governs the installation of signals on any arterial intersection in the City.

Councilman Luzius said that he has heard that the college is requesting the closure of the alley for safety reasons, and asked how many incidents there have been in the alley. Mr. Nietupski said that he was not aware of any. Councilman Luzius said that there is no safety issue, and he has heartburn with that. He would like to see Garden Street opened again with a low-water crossing, or high-water bridge. He said that it is putting a lot of discomfort on the neighbors. He knows that Prescott College is growing, but every time they purchase another home, that is one more home off the property tax rolls because they are a nontaxable entity.

Councilwoman Lopas said that her understanding was that the alley was not meant for thru traffic, and asked Mr. Nietupski about the intent of the alley. Mr. Nietupski said that alleys are typically provided for access, trash removal, utilities, etc. it is not typically meant through thru traffic. Councilwoman Lopas asked if there was any problem with closing the alley with regard to trash. Mr. Nietupski said that as the request has been structured, there would be trash plans available. Councilwoman Lopas said that, with regard to there being no safety incidents, she does not want to wait until there is a safety problem.

Mayor Wilson asked Police Chief Oaks to speak to the safety issue, as he is of the same mind. Chief Oaks said that he and Deputy Chief Kabbel drove the neighborhood in the morning, including the alleyway, and it seems like an obstacle course. He said that it is his opinion, based on 35 years of police work, that it is a safety hazard for two-way traffic. He does not believe it was ever intended to carry two-way traffic or it would have been a street. He believed it would be a wise move to abandon the alley and block thru traffic.

Chief Oaks said that they also drove east on Western and exited on Grove making a left turn. He said that the parking on Grove should be restricted on both sides of Western west of the intersection because it narrows the threshold, and he believed that would help and expand the site distance.

He said that they also pulled onto Garden Street, and keeping in mind that he does not consider cost when looking at things, it would be nice if Garden Street went through. He was troubled by what appeared to be improvements in the right-of-way of Garden. He said that Deputy Chief Kabbel indicated that years ago they were able to maneuver a car through there, but that was now impossible.

Councilwoman Suttles said that they broke the items out to cover the alley and Garden and when Councilman Luzius brought in Garden Street, it diluted the discussions. Mayor Wilson said that they need to stay on Item 1, and then they will get to Item 2.

1. Adoption of Ordinance No. 4685-0928 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, vacating and abandoning a certain municipal right-of-way which consists of a portion of an alley located west of and parallel to Grove Avenue south of Sheldon Street and selling and conveying to Prescott College, and authorizing the Mayor and City staff to take all necessary steps to effectuate such vacation and abandonment.

Councilman Luzius said that he spoke with Mr. Guice yesterday regarding the alley, and there is a difference in zoning on one side of the alley versus the other side. He said that one zone is business and the other is a different type of business that provides for residential, but when it is used to build residential and the lot is at least 15,000 sq. ft., they can put up three houses. The current code encourages that when that is done that the ingress/egress be through the alley so they don't take away from the landscaping of the front yard. He said that they cannot have it both ways.

Councilman Lamerson said that he appreciated Mr. Nietupski's comments re access, but he believes that the criteria should be the same thing for all alleys around the City. From a public safety standpoint, they have obstructions in all of the alleys.

Councilman Bell asked Mr. Nietupski if there are other intersections in town where they have installed signals where they were not warranted, and suggested Black Drive.

Mr. Mattingly said that Black Drive was warranted under the anticipated future volumes with the development that is still ongoing. Councilman Bell asked if it was possible that the traffic on Grove could exceed the current counts. Mr. Mattingly said that based on development and lack of empty lots, he cannot see that being a possibility with the current numbers. Western will never generate enough side streets. He said that there may be other warrants, but it does not seem likely.

Councilman Bell said that there was a proposition to consider a signal, which could have been a solution, but he heard that the cost would be prohibitive. Mr. Mattingly said that there are approximately 140-150 cars a day cutting through the alley. A signal might cost

around \$300,000. That would be a decision, but it is not warranted. He said that it is not the same situation as Black. He said that the intersection of Gurley/Park/Grove is a very unique signal in the City and it has special overlaps because it is like two intersections tied together. He said that they could not tie those two signals together.

Councilman Bell said that Chief Oaks mentioned that the alley did not lend itself to two-way traffic, but asked if it could be changed to one-way traffic. Chief Oaks said that in his mind it is almost like an attractive nuisance. There are school buildings on both sides of the alley. Most alleys do not have a lot of pedestrian traffic across them, and that would not be seriously mitigated by one-way traffic.

Mr. Feldmeier said that it is important to remember at least four things as they continue discussions: 1) their primary concern for the college in approaching the City was safety, first and foremost; 2) they wanted to landscape it, and not leave it barren; 3) the alley is narrow and is being used for thru traffic; and 4) abandonment of the alley, according to the Public Works Director, would not adversely affect the traffic.

Councilman Roecker said that he disagreed with Councilman Lamerson; he did not think they should lump this with other alleys in town because it is unique. He would be in favor of closing the alley and selling it to the school with the conditions that the citizens in the area were satisfied that their movement was not going to be adversely affected and that the parking issue was satisfactory to the citizens. He said that they delayed having the conversation and he was disappointed that the Council playing Solomon between the two. He wished they could get together and come up with a reasonable solution.

Councilwoman Lopas said that she drops her daughter off at Sacred Heart School and goes out at Grove. She said that for the last few weeks there has been no traffic, and asked Mr. Mattingly if she was just lucky or if that was the trend. Mr. Mattingly said that she had been lucky. He said that they could look at those two intersections, but they are not connected with any conduit. He said that whenever they have synchronization they need cycle lengths that are the same and that would probably not work well. Mayor Wilson asked if Mr. Mattingly would look at that and bring it back next week; Mr. Mattingly replied that he would.

Mr. Feldmeier said that they also delayed the discussion from October to today so they could discuss the parking issue and they have fulfilled that responsibility. He said that if the alley was

abandoned the college would remove 35 parking spaces and relocate them to other sites that have already been defined as a part of the campus parking plan. With that, there are still 55 parking spaces more than is needed by City requirements. They have met that and continue to do so in the future.

He said that the residents have concerns with people parking in front of their homes, and that lasts all day long. He said that it is public parking and there is nothing the college can do. He said that the Council could require that no-parking signs be installed.

Mayor Wilson suggested that they allow citizens in the audience to speak, and then allow Mr. Baskin, the architect, to speak.

June Sherod, 820 Norris Road, said that the City is heading down a slippery slope. The alley was approved many years ago as a dedicated thoroughfare to be used by the general public; if Prescott College assumes ownership it is lost forever. She said that Prescott College is slowly encroaching on several neighborhoods; the only interested buyer in that area is the college. She said that once they own the property on both sides of a road or alley, they want it closed.

Jean Phillips, 1001 Norris Road, said that it was not that long ago that the Prescott United Methodist Church built a new sanctuary and they requested to close the alley for public use. At that time there was an unquestioned refusal that it was not intended to be private and was a City thoroughfare. They did not question that and have proceeded with the sanctuary, with traffic going back and forth and they have had no safety factors.

Marilyn VanDemark, 146 Garden Street, said that she lives on the corner of Garden and Western, and it has been mentioned that people use both sides of the street. She said there is poor visibility but they cannot take away the shrubbery because there is a house with walls that obstruct the vision. It is much too narrow a street for a lot of traffic. It would need to be widened. She feels that the college has been represented quite well, but does not feel that the neighborhood has been as well represented in the discussions. She would like to see a brainstorming session between the college and neighborhood to find solutions. She said that they do have small children in the area and there has to be more consideration given. Right now the alley is the way to get to a street light and she understands that sometimes it is easy to get onto Grove, but one of her neighbors has waited eight minutes to get to Sacred Heart

School. She is concerned about the safety of people on campus, but also of those in the neighborhood.

Mayor Wilson said that they have several representatives from the college in the audience and would suggest they get together and have some conversations.

Don Biele, 951 Norris, said that he used to have a business on Grove in 1974 and is familiar with the alley in question. He said that he has lived on Norris for ten years and the reason why Willow was closed to one-way traffic was because traffic coming from the west would cut across to miss the light at Park. He said that the issue at hand is, having lost Willow and Garden Street, if they lose the alley too they have gone from five access points to two, and that does not seem fair. He said that residents are in agreement that they would like to have open access. Everyone he has talked to indicates that it could be a simple matter of give and take.

He said that they could give the college the alley and then the City open back up garden Street. He said that he does not know that they can dissect the two issues; they are related. He said that he has not been contacted by anyone; he would like to get together and find a solution.

Mr. Biele said that he thinks that Prescott College has been good for that section of town. They have taken over what would be a failing business area, and they are good for the community. He does not mind them being in his backyard. He said that if Mr. Nietupski gave him a bulldozer and a few culverts he would fix the Garden Street crossing. They could save the money for a signal and put it into improving Garden.

He said that with regard with alleys in town, if they made them all one-way it would solve a lot of problems.

Steve Blair, 1802 Northside, said that Garden was closed down because there used to be a Fry's and there was a lot of cut-through traffic. He said that he has not talked to any residents, but he has suggested a signal to an engineer friend of his, but he said a signal would not work there and it would cost \$300,000. He believes that the alley should be closed down; it is between a campus that has changed. He thinks that Garden Street should be reopened and turn Willow Street back to two-way traffic.

2. Adoption of Ordinance No. 4684-0927 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona,

vacating and abandoning a certain municipal right-of-way which consists of a portion of Garden Street south of Sheldon Street and selling and conveying to Prescott College, and authorizing the Mayor and City staff to take all necessary steps to effectuate such vacation and abandonment.

Mr. Nietupski briefly reviewed the Garden Street abandonment issue. Councilwoman Suttles asked why Garden Street had been closed. Mr. Nietupski said that there was a request from a number of residents along Garden Street. He said that a traffic study was done at that time, and discussion was held on the maintenance and operation of Butte Creek. He said that the level of service was not high enough so the street was closed. Councilwoman Suttles asked if Prescott College was there at that time. Mr. Nietupski said that he believed it was, but he does not know what the extent of their holdings was.

Councilwoman Suttles asked if it was the same elevation as Garden is now. Mr. Nietupski said that there was an incline down the hill and up to Sheldon. It has been modified over the years with terracing. Councilwoman Suttles asked what it would entail for the City to open Garden. Mr. Nietupski said that it would include removal of all of the improvements, and the structure for composting. Grading would be done and surface improvements. There would need to be some type of low-water crossing with a design to minimize future maintenance, signage and protective devices. He said that if they opened it up they would need barriers to close when storms occur. Councilwoman Suttles asked for a ballpark figure of what the cost would be for those improvements. Mr. Nietupski said that with a minimal roadway, around \$75,000 to \$100,000. By minimal, he means a concrete low-water crossing that would span the whole creek bottom so when they had flows they would not have wash-outs. He would recommend doing it with pavement. He said that the figure was with the understanding of having the City's street operations division doing the work.

Mayor Wilson asked if they had money for those improvements. Mr. Nietupski said that they could possibly find money, but with the times they are in something else would have to go. Councilwoman Suttles said that they have designated projects planned, and by the Council saying they want those bumped, that would not sit well for those that having been waiting.

Councilman Bell said that would require that Prescott College remove the obstructions, and he asked what they thought of that. Steven Corey, Executive Vice President of Prescott College, said

that they would be glad to meet with the neighbors. He said that they are equally frustrated with trying to find a solution. He said that if it is the City's desire to reopen Garden Street they would remove the obstructions as that was agreed to when it was closed.

Councilwoman Suttles asked if the college would be able to make that area into a park setting if the City didn't abandon Garden. Dr. Corey said that it has been their intent and pledge that the area along the creek be cleaned up. They have been working with Eric Smith of the City over the years and the plan is to connect to the City's trail system.

Councilwoman Lopas asked if there was a way to not charge the school if the City opened garden back up and then give the college the alley. Mr. Kidd said that they are going to abandon something it has to be at fair market value. Councilwoman Lopas thanked them for bringing up Fry's because her concern is that they could exchange one problem for another. With the post office on the curve of Miller Valley, they may end up having cut-through traffic again if Garden was opened up. She asked for Chief Oaks' thoughts on that issue. Chief Oaks said that he did not know that he could speak to something that has not occurred. Without a more thorough understanding of the whole traffic network, it would probably be better answered by the traffic engineer.

Councilman Lamerson said that he appreciated Chief Oaks' comments earlier and asked if he understood that there were improvements made within the right-of-way on Garden. Chief Oaks replied that was correct. Councilman Lamerson asked if that was typical; Mr. Norwood replied that it was not. Councilman Lamerson said that he has a problem listening to some of the discussion and he would hope all of the obstructions would be taken down. Mayor Wilson said that the college has committed to doing that.

Councilman Luzius said that he would like to see Garden Street opened with a low-water crossing, see how it alleviates traffic, and then talk about abandoning the alley.

Mr. Biele said that he understands the tight budgets and in his opinion the residents have been pretty patient. They have been without and if it needs to go into the budget, it seems fair and reasonable. On the reverse side, he would suggest they do not close the alley until that is done. With regard to Garden Street, he said that it could be dangerous and they may want to consider a right-turn only.

Councilman Bell asked if people would start using the cut-through again if they reopened Garden Street. Councilwoman Lopas said that she did not know. If it goes all the way through they may see more post office traffic going the back way.

June Sherod said, in response to why Willow was closed, she heard the rumor that the people had young children playing in the road and they wanted the traffic lessened. She said that if Garden Street was opened all the way it could split the traffic and lessen the traffic.

Steve Blair said that both Garden and Willow are public streets. Regardless, they need to be open to the public. Things have changed; if people decide to take Garden and Willow and take a chance to make a left turn that is their choice. He supports Prescott College and was on the Council when they helped them buy the old DES building. He thinks the alley should be closed, but not before they open Garden Street and Willow to two-way traffic. Additionally, the intersection at Willow/Norris would need to be widened.

Paul Bash, consulting traffic engineer located in Tempe, Arizona said that they were contacted by a planner for Prescott College who asked them to examine the situation. He said that he can understand and sympathize with the decisions to be made, as he was an engineer with the City of Scottsdale for 16 years. He complements Ian Mattingly who he has worked with for several years now.

He said that alleys are a difficult matter because they are public matter. They are a different type of street. At the high end is freeways; alleys are at the other end and are intended to be very narrow, low volume, only to serve the adjacent accesses. He said that the referenced alley is only 25' wide, and varies from 17' to 21' in width. That is not wide enough for a typical street. A street serving thru traffic, motor and pedestrians, should be at least 32' wide. Unfortunately, that is wider than the alley right of way. The alley cannot serve thru traffic safely.

Teresa Reeser, Western, said that they have all of the traffic by the side of her house. Regardless of whether they close the alley and open Garden that will continue. She said that Prescott College wants everything in that area and will continue to come back asking for more and more. She said that they do not pay taxes and they do not do anything for the City. She does not allow her grandchildren to play outside because the students walk by with bad language. She has lived there her whole life and she has already given up to

Prescott College, listening to their heater and air conditioning. She has their garbage by the side of her house and in the summer it was disgusting with flies everywhere. She said that they are not going to eliminate all of the parking. Mayor Wilson said that in their parking plan they are eliminating all of it. She said that it is a no-win situation for her neighborhood.

Mayor Wilson suggested that the citizens and Prescott College get together and discuss the issues.

Mr. Biele said that the solution to the trash dumpster is simple; the City can mandate where it is located. It has to be accessible but it can be required to be away from residents. He said that he would be glad to volunteer to talk with Prescott College. He believes that if they talk things out they can find solutions.

Mayor Wilson said that he agreed, and would offer facilities to Dr. Corey and others from Prescott College to get together with the residents.

D. Approval of Effluent Sales Agreement with Hanson Aggregates Arizona, Inc.

Connie Tucker reviewed the terms of the agreement, which she said had not changed significantly. The agreement was for 20 ac. ft. a month of effluent and the current price is remaining the same with the same escalator.

Councilwoman Suttles said that it was not that long ago that Prescott Valley sold a lot of effluent for a lot of money. Ms. Tucker said that they sold their effluent for \$25,000/ac. ft. for a 100-year supply. If that is divided out, it comes out to \$250 a year.

Councilman Luzius said that the new price is going to be \$300/ac. ft. in January, and asked what the golf course is charged for effluent. Mr. Norwood said that it is \$270/ac. ft.

E. Adoption of Ordinance No. 4687-0930 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the purchase of utility easements from Robert D. Waxler and Gillian W. Waxler, Trustees of the Waxler Living Trust, Kenneth W. Clifton and Gisela E. Clifton, Trustee of the Kevin Loring Scott Separate Property Trust, First Nevada Mortgage Co. Inc., Jan Anthony Vigil, Sr. and Yvonna Pearl Vigil, and Jasper W. Starkey and Deana Starkey, Kenneth C. Whitley and Patricia E. Whitley, Aritides Nicholas Nafpliotis, Peter B. Foster and Kathryn K. Foster, Miller Family Investments, LLC, Jean Ann

O’Gorman, Ned Leigh and Rita M. Leigh, Jo Ann Leavitt, Robert E. Riggle and Nanci I. Riggle, Jeff Anderson and Susan Anderson for the Big Chino Water Ranch Project, authorizing the Mayor and City staff to execute any and all documents to effectuate said purchases, and declaring an emergency.

Mr. Holt said that this ordinance would authorize the acquisition of utility easements and temporary construction easements for the Big Chino Water Ranch Project. The exhibit lists the twenty parcels involved in this particular ordinance. He said that upon adoption of the ordinance, 20 of the 128 easements for the pipeline will have been obtained. Most important in the background information provided in the packet is that Arizona Revised Statutes, Title 45-555 allow for the transportation of groundwater from the Big Chino Subbasin by Prescott AMA municipalities.

In October 2007 the City filed its Application for Modification of Designation of Assured Water Supply to the Arizona Department of Water Resources. On November 12, 2008, ADWR issued a decision and order finding that the City’s application satisfied all of the requirements for a Designation of Assured Water Supply, determining that the City had the right to withdraw 8,067 af/yr of groundwater and transport it for use within the Prescott AMA.

Mr. Holt said that the agreement amounts are included in the packet and are based on appraisals and/or competitive market data provided by Roger L. Dunlap and Associates. The total amount required for the acquisition of the twenty easements is \$72,740.00, plus closing costs which are estimated to be between \$200 and \$1,000 for each of the closings. Pursuant to the IGA with Prescott Valley, the costs will be split 54.1% (Prescott) and 45.9% (Prescott Valley). He said that the ordinance emergency is recommended on behalf of the property owners, to expedite the escrow process and closings.

Mayor Wilson asked if they were on scheduled. Mr. Holt said that he would have liked to have had a few more, but they are at a good spot.

Councilman Luzius said that he was trying to get a grasp on the actual expenditures to date on the pipeline, including the preliminary work done and intended purchase of right-of-way, as well as the amount of legal fees. He said that it was his understanding that they were going to sit back, since they know they have SRP looming over their shoulders and do not know what is going to happen. He said that he would like the citizens to know what has been spent to date, including his wages. Mayor Wilson asked Mr. Holt to bring that back to the next meeting.

Councilman Luzius requested that it be taken off the Consent Agenda.

Joanne Oellers, 11201 East Western Sunset Drive, Dewey, representing the Center for Biological Diversity, asked that they continue to consider their request for a comprehensive mitigation plan for any progress of the pipeline plans. The Center continues to insist that plans to move forward on the pipeline, including rights-of-way purchases, be preceded by a comprehensive plan to prevent adverse impacts to the river caused by the projects. Even though work is occurring in that direction they continue to strongly recommend that the City of Prescott and its partners in the project work with the US Fish and Wildlife Service to prepare habitat conservation plans or other mitigation plans that would prevent adverse impacts before preparation to break ground proceed.

Ms. Oellers then asked about the emergency clause recommended on behalf of the property owners. Mayor Wilson said that it is typical with construction and property transactions. Ms. Oellers said that the wording in the emergency clause talks about protecting the public health, safety and welfare, and asked if that applied in the case. Mr. Kidd said that ordinarily an ordinance does not go into effect for 30 days, but in a property transaction, they want to close as quickly as possible so property values do not change. Also, the valuation within the market can change, and the seller could become an unwilling seller. Additionally, title issues need to get done and they try to get the transactions done in a timely manner.

- F. Approval of Water Service Agreement with CFCREI Investments, LLC, for APNs 306-33-010R, 306-33-010B, 306-33-010E, 306-33-010G.

Mr. McConnell said that the above water service agreement is in fulfillment of an obligation of the City to provide water to parcel nos. 306-33-010R, -010B, -010E, and -010G pursuant to a 1968 grant of easement for the City's 18" transmission line. CFCREI is purchasing the subject property from the current owner, James Deep Well Ranches #1, which has provided written support for approval of the Agreement.

He said that the first thing they see in the easement is that there is no quantity of water specified. As well, there is a similar easement which exists and was granted by the property owner in 1967 west of the airport, but this item does not pertain to that; however, at some time in the future it will be brought to Council.

Mr. McConnell said that the question has been asked how many of these there are out there, and staff is researching the three transmission lines to see if there are any similar easements, but it will take some time. Today, staff is recommending a water service agreement which settles the City's obligation to provide water to 232 acres. He said that the easement was

granted before Chino Valley was incorporated, and this property is now located in their town limits.

Mr. McConnell said that the agreement will settle the easement commitments with 116 ac. ft. He said that in Chino Valley the City has an obligation to serve CVID properties. If this property was a CVID property, it would be entitled to 58 ac. ft., so that was the starting point in determining a quantity. He said that the property owner has requested 166 ac. ft., but the difference is proposed to be made up by the present property owner (James Family) so they are providing water comparable to that if it was CVID property. Everyone is happy with the amount.

He said that also in the packet there is a copy of the latest current water budget. From 2006 to 2010 the quantity of 116 ac. ft. would be provided for from the contingency amount which is sufficient. Next week in the packet they will have a slightly modified version of the agreement as there were a few changes in the language, but nothing to do with the quantity. Right before the meeting he was informed that the party in the agreement will be replaced by another legal entity.

Mayor Wilson said that he would support what is proposed, but he also supports continued investigation to see if there is more out there and believes they need to do whatever it takes to make that happen.

Councilman Lamerson expressed his thanks to the Deep Well Ranch family for being rational and working with the City of Prescott, and to Sal Lutey as their representative.

Mr. McConnell said that an important key to the agreement is that the property owner (buyer of the property) will be responsible for paying the rates and fees as set forth in the Code. In this case, the property is located in Chino Valley which means there is a 30% surcharge. They have estimated that for the development potential for the property, with meter charges and impact fees at build out, the fees would be around \$4.9 million.

Councilman Luzius said that the property owner is providing the City with 58 ac. ft. of water and the City is providing them with 116 ft., so the final cost is 58 ac. ft. Mr. McConnell said that was correct; the present owner will be crediting 58 ac. ft. from future entitlement which they have for water, whether through annexation or other agreements. Councilman Luzius said that the scary thing is the “future entitlement” is a vast unknown.

Councilman Luzius said that he understood that the City has an 18” water transmission pipe and will tap into that with a 6” tap with a pressure valve,

at the City's expense. He asked if that was going to affect the efficiency of the 18" pipeline. Mr. McConnell said that there will be a pressure reducing station which will reduce it from 400 psi to 75 psi. He said that the system within the property will be a private system. The City has a number of similar taps and from an engineering standpoint they do not see any impact.

Councilman Luzius said that since it is a 30' wide right-of-way for one mile, he asked if it was possible to install a sewer line and get the sewer charges, and have the property annexed into the City of Prescott. Mr. Kidd said that is not on the agenda, but as it relates to the contract, Mr. McConnell said that Chino Valley does have plans for extending their sewer system in that area. As far as annexation, it is already in the town limits of Chino Valley and their area of influence would extend south of this area.

Sal Lutey, counsel for Mr. James and the Deep Well Ranch, said that what is before the Council is the result of some long and serious, tedious negotiations with the buyer of the property. He thinks that under the circumstances it is positive for his client and the City of Prescott. Mayor Wilson concurred with that statement. Mr. Lutey added that it was a pleasure working with Mr. Kidd.

G. Building Code Amendments:

Mr. Guice said that the amendments before the Council are the same ones presented at a previous Council meeting. The last one is recommended changes to the fee structure and is on the agenda as a result of a request from builders at meetings they have been holding. The fees would be for commercial permits only. He said that Randy Pluimer was present for any questions.

Councilwoman Suttles asked if these were the same that Mr. Pluimer presented a few weeks ago. Mr. Guice said that they were. He said that they worked with the Yavapai County Contractors Association on them, with the exception of the fees.

Councilwoman Suttles asked if there was any time that someone could question why something was done once they are adopted. Mr. Guice replied that they could.

Mayor Wilson said that the amendments will bring the City up to the bottom of the green standards.

Councilman Luzius said that he thought the program was good. He attended the presentation by Mr. Pluimer to the contractors and it was

done very well. He asked about “investigation fee” at the bottom of page 6 of Resolution 3911. Mr. Guice said that they wanted to clarify that it was an investigation fee based on time and effort.

Councilman Roecker asked if there was any objection from the YCCA. Mr. Guice said that he believed they were supportive of it.

Sandy Griffis of the YCCA thanked Mr. Guice and Mr. Pluimer for their cooperation and welcoming arms to bring them in for their opinion and support. In particular, the new fee for commercial was a win-win. She said that it is a change that modifies and makes permitting process go smoother and quicker. They are in full support of the changes.

1. Adoption of Resolution No. 3911-0917 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, adopting that certain document entitled the *City of Prescott 2008 Amendments to the Administrative Building Code* as a public record, and directing the City Clerk to retain three copies thereof on file.
2. Adoption of Ordinance No. 4675-0918 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, amending Title III Chapter 17, Administrative Building Code, of the City Code of the City of Prescott by repealing Section 3-17-2 thereof, and adopting a new Section 3-17-2 by adopting by reference that certain document entitled the *City of Prescott 2008 Amendments to the Administrative Building Code*, which was made a public record by Resolution No. 3911-0917, and providing penalties therefor.
3. Adoption of Resolution No. 3912-0918 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, adopting that certain document entitled the *City of Prescott 2008 Amendments to the 2006 International Building Code* as a public record, and directing the City Clerk to retain three copies thereof on file.
4. Adoption of Ordinance No. 4676-0919 – 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 Section 3-1-2 thereof and adopting a new Section 3-1-2 by adopting by reference that certain document entitled the *City of Prescott 2008 Amendments to the 2006 International Building Code*, which was made a public record by Resolution No. 3912-0918, and providing penalties therefor.

5. Adoption of Resolution No. 3913-0919 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, adopting that certain document entitled the *City of Prescott 2008 Amendments to the 2006 International Residential Code for One- and Two-Family Dwellings* as a public record, and directing the City Clerk to retain three copies thereof on file.
6. Adoption of Ordinance No. 4677-0920 – 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 Section 3-8-2 and adopting a new Section 3-8-2 by adopting by reference that certain document entitled the *City of Prescott 2008 Amendments to the 2006 International Residential Code for One- and Two-Family Dwellings*, which was made a public record by Resolution No. 3913-0919, and providing penalties therefor.
7. Adoption of Resolution No. 3914-0920 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, declaring that certain document entitled the *City of Prescott 2008 Amendments to the 2006 International Mechanical Code*, as a public record, and directing the City Clerk to retain three copies thereof on file.
8. Adoption of Ordinance No. 4678-0921 – 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 Section 3-2-2 and adopting a new Section 3-2-2 by adopting by reference that certain document entitled the *City of Prescott 2008 Amendments to the 2006 International Mechanical Code*, which was made a public record by Resolution No. 3914-0920, and providing penalties therefor.
9. Adoption of Resolution No. 3915-0921 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, declaring that certain document entitled the *City of Prescott 2008 Amendments to the 2006 International Plumbing Code*, as a public record, and directing the City Clerk to retain three copies thereof on file.
10. Adoption of Ordinance No. 4679-0922 – 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 Section 3-6-2 and adopting a new Section 3-6-2 by adopting by reference that certain document entitled the *City of Prescott 2008 Amendments to the 2006 International Plumbing Code* which was made a public record by Resolution No. 3915-0921, and providing penalties therefor.

11. Adoption of Resolution No. 3916-0922 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, declaring that certain document entitled the *City of Prescott 2008 Amendments to the 2006 ICC Electrical Code*, as a public record, and directing the City Clerk to retain three copies thereof on file.
12. Adoption of Ordinance No. 4680-0923 – 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 Section 3-7-2 and adopting a new Section 3-7-2 by adopting by reference that certain document entitled the *City of Prescott 2008 Amendments to the 2006 ICC Electrical Code*, which was made a public record by Resolution No. 3916-0922, and providing penalties therefor.
13. Adoption of Resolution No. 3917-0923 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, adopting that certain document entitled the *City of Prescott 2008 Amendments to the 2006 International Fuel Gas Code* as a public record, and directing the City Clerk to retain three copies thereof on file.
14. Adoption of Ordinance No. 4681-0924 – 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 Section 3-5-2 and adopting a new Section 3-5-2 by adopting by reference that certain document entitled the *City of Prescott 2008 Amendments to the 2006 International Fuel Gas Code*, which was made a public record by Resolution No. 3917-0923, and providing penalties therefor.
15. Adoption of Resolution No. 3918-0924 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, adopting those certain documents entitled the *2006 International Energy Conservation Code*, as published by the International Code Council, Inc. and the *City of Prescott 2008 Amendments to the 2006 International Energy Conservation Code* as public records, and directing the City Clerk to retain three copies thereof on file.

16. Adoption of Ordinance No. 4682-0925 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, amending Title III, Building Regulations, by adding a new Section 3-18 thereto by adopting by reference those certain documents entitled the *2006 International Energy Conservation Code*, as published by the International Code Council, Inc. and the *City of Prescott 2008 Amendments to the 2006 International Energy Conservation Code* which were made a public record by Resolution No. 3918-0924, and providing penalties therefor.
17. Adoption of Resolution No. 3919-0925 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona rescinding Resolution No. 3837-0805 and adopting new fees for building permits and associated permits.

H. 1300 Westridge Drive:

Mr. Guice said that this was a two-part item, amending the General Plan from Low-Medium Density Residential to Commercial and rezoning from Single-Family 18,000 sq. ft. min. lot size to Neighborhood Oriented Business. He said that the Planning and Zoning Commission unanimously recommended approval of the items, and there was no input from the neighbors. Councilman Luzius said that he thought it was a good fit as it is commercial on two sides already.

1. Adoption of Resolution No. 3922-0928 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, amending the General Plan Land Use Map pertaining to that certain property located at 1300 Westridge Drive, west of Gail Gardner Way, consisting of approximately 0.6 acres, parcel number 115-07-154D, from “Low-to-Medium Density (1-7 DUA) Residential” designation to “Commercial” designation; parcel number 115-07-155 from “Low-to-Medium Density (1-7 DUA) Residential” designation to “Commercial,” and a portion of parcel number 115-08-019E, from “Low-to-Medium Density (107 DUA) Residential” designation to “Commercial”, attached hereto as Exhibit “A”.
2. Adoption of Ordinance No. 4686 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, amending the Zoning Map pertaining to that certain property located at 1300 Westridge Drive, West of Gail Gardner Way from “Business Regional Zoning” to “Neighborhood Oriented Business” Zoning; and from “Single-Family 18 Zoning” to “Neighborhood Oriented Business Zoning”; and a portion from “Single-Family 18 Zoning” to

“Neighborhood Oriented Business Zoning”, attached hereto as Exhibit “A”.

- I. Approval of Final Plat for the WestHill Club at Forest Trails consisting of 44 lots on 17.4 acres located west of Sierry Peaks Drive and south of Iron Springs Road, Owner/Applicant: Myers Investment Ltd. Partnership (APN: 115-10-141J) FP04-011.

Mr. Guice said that this is a final plan in substantial compliance with the Preliminary Plat. It did not require a water service agreement because it was a pre-1998 preliminary plat. He said that it is the final unit of the Forest Trails subdivision. It did not go to the Planning and Zoning Commission but it did go through a rigorous review by various departments. The Fire Department has advised that there have been a number of improvements and this gives an emergency access off the northwest out of the property into Unit 4, which enables access into the church camp.

Councilman Luzius said that earlier in the session he heard from an expert that roads should be 32' wide and the City's are 28' wide, with this being agreed to at 24' wide. He asked the Fire Chief if he was okay with the plan. Chief Willis said that there is no problem because they are not going to allow parking on the street.

- J. Approval of a one-year Insurance Broker Agreement with Willis of Arizona for a fee of \$33,500.00 per year with two two-year renewal options and annual increases not to exceed \$1,000.00 per year.

Ms. Swain said that this for approval of a one-year insurance broker agreement, with two, two-year renewal options. She said that they went out for proposals and staff is recommending Willis of Arizona. Allison Cline, Vice President of Willis, said that they were glad to work with the City and she actually lives in Prescott

Councilwoman Suttles said that she was pleased they were at least able to look at someone local, although she realizes they were not quite there.

Councilman Bell asked Ms. Swain if she was able to contact the second low bidder to tell him he did not win. Ms. Swain said that she had not talked with him, but had left him a message.

Ms. Cline said that Willis of Arizona has a tremendous resource in public entity side, with resources from any other areas that may come in, such as pollution, etc. The fact that she is local and has been in the City since 1988, she is familiar with the people. She said that it was good for the City and for Willis of Arizona.

- K. Approval of the Minutes of the Prescott City Council Workshop of November 25, 2008; the Regular Voting Meeting of November 25, 2008; and the Study Session Minutes of December 2, 2008.
- L. Selection of items to be placed on the Regular Voting Meeting Agenda of December 9, 2008.

Councilman Bell stated that the Consent Agenda would consist of Items A, B, D, G, H, I, J, K. The Regular Agenda would include C, E and F.

III. ADJOURNMENT

There being no further business to be discussed, the Study Session of the Prescott City Council held on December 2, 2008, adjourned at 5:30 p.m.

JACK D. WILSON, Mayor

ATTEST:

ELIZABETH A. BURKE, City Clerk