



# PRESCOTT CITY COUNCIL VOTING MEETING AGENDA

## *ACTION TAKEN*

**PRESCOTT CITY COUNCIL  
REGULAR VOTING MEETING  
TUESDAY, DECEMBER 9, 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:** Chaplain Jack Unangst, VA Medical Center
- ◆ **PLEDGE OF ALLEGIANCE:** Councilman Luzius
- ◆ **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**

**I. PROCLAMATION:**

- A. Proclamation – *Dedication of OCTOBER 18<sup>TH</sup> MEMORIAL.*

**II. PRESENTATIONS**

- A. Presentation by the S.N.A.P. (**S**pecial **N**eeds **A**ctivity **P**rogram) Signers.
- B. Presentation of *Award of Excellence for National Tournament* to Don Fishel.
- C. Introduction of new members of the Prescott Police Department.

- D. Update by Jim Holt on the Big Chino Water Ranch Project.

### III. CONSENT AGENDA

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

**ACTION:    *MOVED to approve consent Agenda Items III-A through III-H; passed unanimously.***

- A. Approve purchase agreement in an amount not to exceed \$120,000.00 with Otto Environmental Systems for purchase of automated side-load containers.
- B. Approve 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.
- C. Approve Effluent Sales Agreement with Hanson Aggregates Arizona, Inc.
- D. Building Code Amendments:
1. Adopt 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. Adopt 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. Adopt 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. Adopt 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. Adopt 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. Adopt 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. Adopt 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. Adopt 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. Adopt 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. Adopt 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. Adopt 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. Adopt 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. Adopt 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. Adopt 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. Adopt 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. Adopt 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. Adopt 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.

E. 1300 Westridge Drive:

1. Adopt 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. Adopt 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”.

- F. Approve 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.
- G. Approve 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.
- H. Approve 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.

#### IV. REGULAR AGENDA

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

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.

**ACTION:    *MOVED to adopt Ordinance No. 4685-0928, with the amendments to improve the site visibility at the three intersections previously discussed, the striping as identified, and the City to initiate dialogue on the future of Garden Street and Willow Street which would include the neighbors, Prescott College and the City's Transportation Coordinating Committee; passed 4-3 with Councilwoman Suttles and Councilmen Lamerson and Luzius casting the dissenting votes.***

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.

**ACTION:    *MOVED to accept the applicant's request to withdraw Ordinance No. 4684-0927 at this time; passed 5-2 with Councilmen Lamerson and Luzius casting the dissenting votes.***

- B. 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; Jasper W. Starkey and Deana Starkey; William J. Seyfried and Dorita D. Seyfried; Clifford L. Bunting; Terra Bella, L.L.C.; Alice E. Petri, Doris M. Brown and Neill w. Petrie; 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; and 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.

**ACTION:** *MOVED to approve Ordinance No. 4687-0930; passed 6-1 with Councilman Luzius casting the dissenting vote.*

- C. Approval of Water Service Agreement with CFChino Investments, LLC, RCChino Investments, LLC, and BCChino Investments, LLC, for APNs 306-33-010R, 306-33-010B, 306-33-010E, 306-33-010G.

**ACTION:** *MOVED to approve the Water Service Agreement with CFChino Investments, LLC, RCChino Investments, LLC, and BCChino Investments, LLC for APNs 306-33-010R, 306-33-010B, 306-33-010E, 306-33-010G; passed unanimously.*

- D. Recess into Executive Session.

**ACTION:** *MOVED to recess into Executive Session; passed unanimously.*

## V. EXECUTIVE SESSION

- A. Discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body, except that, with the exception of salary discussions, an officer, appointee or employee may demand that the discussion or consideration occur at a public meeting, pursuant to A.R.S. Section 38-431.03(A)(1).

1. Annual evaluation of Judge Arthur Markham.

## VI. POST EXECUTIVE SESSION

- A. Approval of Employment Agreement with Judge Arthur Markham for a two-year period.

**ACTION:** *MOVED to approve/deny an Employment Agreement with Judge Arthur Markham for a two-year period, with the same terms as before except that no merit increase will be given for the first year and a merit increase for the second year will be decided at a meeting of the City Council in December 2009; passed unanimously.*

## VII. ADJOURNMENT