

PRESCOTT CITY COUNCIL  
REGULAR VOTING MEETING  
TUESDAY, JANUARY 13, 2009  
PRESCOTT, ARIZONA

MINUTES OF THE REGULAR VOTING MEETING OF THE PRESCOTT CITY COUNCIL held on TUESDAY, JANUARY 13, 2009 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 Darrell Olds, Sacred Heart

Father Olds gave the invocation.

◆ **PLEDGE OF ALLEGIANCE:** Councilwoman Suttles to introduce the Prescott High School Honor Guard

Councilwoman Suttles introduced the Prescott High School Honor Guard who then 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**

Mayor Wilson stated that during the previous Workshop the Council decided to not call for the election in May, which is an item later on the agenda, but they would still receive public comment on that item.

Mayor Wilson reported that Salt River Project has sued the City and other litigants claiming that the state law allowing Prescott to import water is

unconstitutional because it is special legislation. Mr. Kidd added that it was not unexpected.

Mayor Wilson reported that recently the Council adopted a resolution that established new Rules of Procedures, and they have been prepared in pamphlet form and are available at the back table. He added that they become effective on January 15, 2009.

## **I. PRESENTATIONS**

- A. Presentation by Dallas Hammit of Arizona Department of Transportation (ADOT) on the planned median treatment design concept for SR69 between Prescott and Prescott Valley.

Dallas Hammit, District Engineer for ADOT, gave a PowerPoint presentation that discussed the following:

- ▶ Construction projects
- ▶ Current Projects - \$126.5 million under construction with just under \$94 in Yavapai
- ▶ Upcoming FY2009 projects
- ▶ Remaining FY 2009 Project

Mr. Hammit then continued with a presentation on the proposed barriers for SR69, which covered:

- ▶ SR 69 Safety Study Overview
- ▶ Study Limits
- ▶ Roadway Characteristics
- ▶ Reported Collisions
- ▶ Collision Types
- ▶ Potential Mitigation Measures
- ▶ Half barrier median
- ▶ Median Details

▶ Intersection Details

▶ Where do we go from here?

▶ Questions

Councilman Bell said that it has taken quite awhile, but he thanked him and ADOT for working on this issue. He appreciated what they have done to solve the problem and it should certainly cut down on the accidents. Councilman Roecker echoed Councilman Bell adding that the result is much better than they first anticipated.

Mayor Wilson asked Mr. Hammit if he has received feedback from the residents. Mr. Hammit said that they wanted to talk with each community first. They have received a request from the Diamond Valley Homeowners Association to speak before them, and once they have spoken with the communities, they will be holding several public meetings.

**I. CONSENT AGENDA**

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

**COUNCILMAN LUZIUS MOVED TO APPROVE THE CONSENT AGENDA ITEMS II-A THROUGH II-G; SECONDED BY COUNCILMAN BELL; PASSED UNANIMOUSLY.**

- A. Approve Revision Plat to adjust the subdivision boundaries of Lot 1 of the Preserve at Prescott Phase 1 to incorporate a meets and bounds description of a portion of the McIlvain Tract, to create Lot 1R within The Preserve at Prescott Phase 1 at 1300 Westridge Drive, Owner/Applicant is Burro Creek, LLC; Tom Devereaux (APN 115-07-154D and 115-07-155). (RP08-004)
- B. Approve a professional services agreement with Civiltec Engineering Inc. for design of the Surface Water Recharge Pipeline Project and Lake Water Quality Evaluation, in an amount not to exceed \$580,120.00.
- C. Approve a professional services agreement with Kelley/Wise Engineering, Inc. for design of the Prescott Resort Pump Station in an amount not to exceed \$250,000.00.
- D. Approve a professional services agreement with Claycomb Rockwell and Associates for preliminary design, analysis, and siting of the Copper Basin Water Storage Tank in an amount not to exceed \$55,128.00.

- E. Approve a professional services agreement with Carollo Engineers for the West Airport Area Utility Master Plan Analysis in an amount not to exceed \$41,660.00.
- F. Adopt Resolution No. 3929-0935 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the City of Prescott to enter into a Memorandum of Understanding with the Yavapai-Prescott Tribe providing for allocation of funds for the public benefit in accordance with the State of Arizona Gaming Compact and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.
- G. Approve the Minutes of the Prescott City Council Regular Voting Meeting of December 9, 2008; the Joint Meeting with the Prescott Unified School District Board of December 16, 2008, and the Regular Voting Meeting of December 16, 2008.

### III. REGULAR AGENDA

- A. Reappointment of members to the Board of Adjustment and Transportation Coordinating Committee.

Ms. Burke stated that the terms of Thomas Kayn on the Board of Adjustment and Robert Meyer on the Transportation Coordinating Committee were expiring in January, and both were interested in being reappointed. She said that they were invited to attend the meeting today. Mayor Wilson said that he had received an e-mail from Mr. Kayn that he would not be able to attend; it was noted that Mr. Meyer was in attendance.

**COUNCILWOMAN SUTTLES MOVED TO ACCEPT THE COUNCIL APPOINTMENT COMMITTEE RECOMMENDATION TO REAPPOINT THOMAS KAYN TO THE BOARD OF ADJUSTMENT, TERM TO EXPIRE JANUARY 2012; AND REAPPOINT ROBERT MEYER TO THE TRANSPORTATION COORDINATING COMMITTEE, TERM TO EXPIRE JANUARY 2013; SECONDED BY COUNCILMAN LUZIUS; PASSED UNANIMOUSLY.**

- B. Adoption of Resolution No. 3928-0934 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona authorizing the City of Prescott to enter into an Amendment of the Development Agreement, Contract No. 2005-319, with Diamond E. Partnership, approving an Assignment to PWP Prescott Partners, LLC and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.

Mr. Guice explained that this was an amendment to the Development Agreement with Diamond E Partnership for the property located at the corner of Pioneer Parkway and Willow Creek Road. He noted that Guy Donahue, representing Park West, had not been able to attend the meeting last week.

Councilwoman Suttles added that she had requested this item not be placed on the Consent Agenda in case someone from the surrounding neighborhood had a comment. She said that she appreciated Mr. Donahue coming up, but she had not had any conversations or e-mails from the neighbors. She said that she does think this is better for the City because it allows them to be more hands-on with the project when it does move forward.

Mr. Donahue said the issue is that the economy is bad right now, but Park West feels strongly about developing a commercial center at the corner. He said that as many have read, the retail business is terrible and as a result the big boxes are cutting back. He said that they did not file the plat because they did not have one to file. He added that he has also communicated with Nikki Crouse from Piñon Oaks and told her the same thing. He said that they do have every intention of developing.

Councilman Lamerson expressed his appreciation for their continued faith in the City of Prescott. He said that it takes a lot of courage to stand there and say they are still waiting to invest in the community, and he thanked him.

**COUNCILWOMAN SUTTLES MOVED TO ADOPT RESOLUTION NO. 3928-0934; SECONDED BY COUNCILMAN ROECKER; PASSED UNANIMOUSLY.**

- C. Approval of a professional services agreement with Lyon Engineering for engineering design of Zone 12 New Water Transmission Main, Storage Reservoir, Booster Station, and Wastewater Infrastructure South and North of Highway 89A, in an amount not to exceed \$1,248,453.00.

Mr. Nietupski reviewed this item. Councilwoman Suttles said that she had asked to pull this item from the Consent Agenda because of the dollar amount. She said that they have three projects going on and this is over \$1 million. She felt that for something in those dollars, they need to look and vote on it individually to show they are trying to spend their dollars the best way. Mr. Nietupski noted that Lyon Engineering was in attendance if they should have any questions.

Councilman Lamerson complimented Councilwoman Suttles for her concern of the economy, and for standing up and saying that things in excess of \$1 million should be talked about.

**COUNCILWOMAN LOPAS MOVED TO APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH LYON ENGINEERING FOR ENGINEERING DESIGN OF ZONE 12 NEW WATER TRANSMISSION MAIN, STORAGE RESERVOIR, BOOSTER STATION, AND WASTEWATER INFRASTRUCTURE SOUTH AND NORTH OF HIGHWAY 89A, IN AN AMOUNT NOT TO EXCEED \$1,248,453.00; SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY.**

- D. Adoption of Ordinance No. 4689-0932 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, setting a Special election to be held on May 19, 2009 to vote on municipal measures.

Mayor Wilson said that this was the item he discussed at the beginning of the meeting. He said that they decided to take the tax extension to the voters in September at 1% for 20 years, but they wanted to have public input.

Lou Bellisi, 1102 E. Timberidge, said that he had attended the Workshop and he is one of the “dummies needing education.” He said that yesterday he got the gas bill and it was the biggest one he ever received. At first he thought he was using too much gas, but found that last year he used more gas than this year. When he looked at the bill he found a State Sales Tax, City Sales Tax, City Franchise Fee, and all had gone up. He said that he is the only true Republican in the meeting and was suggesting that instead of going for 1% or ¾% for roads, they have a tax cut to ½% for roads, and that the revenues be used for repair and maintenance of the existing roads, not building of any new roads or widening old roads.

Steve Conrad, 1730 Rolling Hills, representing the Central Arizona Partnership, said that they agreed and supported the delay at this time.

Sandy Griffis, 810 E. Sheldon, representing the Yavapai County Contractors Association, thanked the Council for taking time at the Workshop to resolve this issue and not put it on the May ballot. She said that the passage of the extension is going to be difficult because they know there are strong feelings. She recommended that a Political Action Committee (PAC) be formed to educate the public. She said that they cannot sit back and wait for the election; the hard work is now in front of all of them. She thanked them for their decision.

Jim Lawrence, 345 High Chaparral Loop, thanked staff for their spreadsheet, noting that unfortunately the Committee did not have time to get into it. He said that will be addressed later. He appreciated the work they did to get it to everyone.

Tom Rutherford, 1193 Fox Trail, said that he believed that there should be a special committee established to sell this to the voters. The information should be filtered as intelligence so the public can make decisions based on best, accurate, timely intelligence and get it down to plain English.

E. Recess into Executive Session.

**COUNCILMAN BELL MOVED TO RECESS INTO EXECUTIVE SESSION; SECONDED BY COUNCILWOMAN SUTTLES.**

Councilman Lamerson submitted that he has trouble going into Executive Session knowing that they have had leaks and they have not heard anything on that from the Attorney General's Office. Mr. Kidd said that the Attorney General's Office will be in contact with the City very soon.

Councilman Luzius suggested that if Councilman Lamerson votes against going into Executive Session, he should not participate in it. Councilman Lamerson said that the Charter requires them to participate. He can object to having it and still participate in it.

**MOTION PASSED 6-1 WITH COUNCILMAN LAMERSON CASTING THE DISSENTING VOTE.**

The Prescott City Council recessed from Open Session at 3:42 p.m.

#### **IV. EXECUTIVE SESSION**

- A. Discussion or consultation for legal advice with the attorney or attorneys of the public body, pursuant to A.R.S. §38-431.03(A)(3).
  - 1. City involvement in elections process.

**V. ADJOURNMENT**

The Prescott City Council reconvened into Open Session at 4:10 p.m. at which time the Regular Voting Meeting of January 13, 2009, adjourned.

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JACK D. WILSON, Mayor

ATTEST:

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ELIZABETH A. BURKE, City Clerk

**CERTIFICATION**

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Voting Meeting of the City Council of the City of Prescott, Arizona held on the 13<sup>th</sup> day of January, 2009. I further certify the meeting was duly called and held and that a quorum was present.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2009.

AFFIX  
CITY SEAL

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ELIZABETH A. BURKE, City Clerk