

PRESCOTT CITY COUNCIL
REGULAR STUDY SESSION
TUESDAY, JUNE 16, 2009
PRESCOTT, ARIZONA

MINUTES OF THE REGULAR STUDY SESSION OF THE PRESCOTT CITY COUNCIL held on TUESDAY, JUNE 16, 2009 in the COUNCIL CHAMBERS located at CITY HALL, 201 SOUTH CORTEZ STREET, Prescott, Arizona.

◆ **CALL TO ORDER**

◆ **INTRODUCTIONS**

◆ **INVOCATION:** Father James Kirschner, Sacred Heart

Father Kirschner gave the invocation.

◆ **PLEDGE OF ALLEGIANCE:** Councilwoman Suttles

Mayor Wilson led the Council and audience in the Pledge of Allegiance in Councilwoman Suttles' absence.

◆ **ROLL CALL:**

PRESENT:

Mayor Wilson
Councilman Bell
Councilman Lamerson
Councilwoman Lopas
Councilman Roecker

ABSENT:

Councilwoman Suttles
Councilman Luzius

◆ **SUMMARY OF CURRENT OR RECENT EVENTS**

City Manager Norwood stated that Councilman Luzius was at a national conference in Albuquerque and Councilwoman Suttles was on vacation in Iowa.

SPECIAL MEETING

- I. Adoption of Resolution No. 3964-0970 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the City of Prescott to enter into an Amended Development Agreement with WESCAP Investments, LLC, for “Amendment No. One to the Development Agreement McDonald/Bradshaw Drive (City Contract No. 96-150)”, and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above. (The Bradshaws).

Community Development Director Tom Guice said that this item had been placed on this week’s agenda as the Council had requested some changes in wording from last week’s meeting. He said that Mr. Kidd had made those changes and Mr. Spreitzer was present for any questions.

COUNCILMAN BELL MOVED TO ADOPT RESOLUTION NO. 3964-0970; SECONDED BY COUNCILMAN LAMERSON.

Mayor Wilson asked for input from citizens in the audience on this agenda item

Michael Allen Peters, 640 West Lee Blvd., said that at the last City Council meeting he had questions, which he still had, on how they wanted the impact fees handled; if they are to be paid at the completion of each phase or at the completion of all phases. He then presented some recommended changes in the wording. He said that he would be glad to sit down with Mr. Kidd after the meeting if the Mayor and Council wished.

Mayor Wilson asked Mr. Kidd for his opinion of the suggestions. Mr. Kidd agreed there were some good suggestions on the wording. He said the operative date would be 30 days because it is a resolution, which automatically becomes effective 30 days after adoption. He said that it was his understanding that the impact fees would probably be paid after each phase is completed and the occupancy for that phase goes into affect.

COUNCILMAN BELL WITHDREW THE ORIGINAL MOTION; COUNCILMAN LAMERSON SAID THAT HE WISHED THEY HAD DISCUSSED THIS PRIOR TO THE MEETING, BUT HE WOULD AGREE TO WITHDRAW HIS SECOND.

Councilman Bell asked Mr. Guice if the delay in bringing this back next week to include the wording changes would be a problem for the applicant. Mr. Spreitzer said that would be fine.

There being no further business to be discussed, the Special Meeting of the Prescott City Council held on June 16, 2009 adjourned at 3:16 p.m.

STUDY SESSION

I. PRESENTATION

A. Presentation by Vote YES for Prescott Streets Committee.

Jason Gisi, 3200 Lakeside Village Dr., said that he was Chairman of the Vote YES for Streets Committee, along with Tom Pettit, Co-Chair, and David Maurer was Treasurer. He said that they, along with the Yavapai County Contractors Association (YCCA) and Citizens Tax Committee are on board to help get the issue passed. He then reviewed the public meetings they have scheduled: Thursday at the Yavapai County Board of Supervisors' Meeting Room on Fair Street (6:00 p.m.), June 22 at the Yavapai Hills Clubhouse (6:00 p.m.), June 25 at the Rowle P. Simmons Community Center (6:00 p.m.) and the final meeting is on July 15 at the City Hall Council Chambers (6:00 p.m.).

B. Presentation by Gail Sadler, US Census Bureau, on the 2010 Census.

Gail Sadler with the US Census Bureau said that she was there to talk about the upcoming 2010 Census. She gave a brief PowerPoint presentation on the early Census, noting that the first Census was taken in 1790 as mandated by the Constitution. She said that there was no requirement that it be a Census of citizens, but rather a census of residents, and it is the same today.

She said that they need to count everyone who lives here because they all use services. One of the main reasons for the Census is the mandatory redistricting that follows, because the population totals from the Census determine the number of seats that each State has in the House of Representatives. She said that they are standing on the brink of a historic census for Arizona, because based on estimates, Arizona stands to gain two in the House of Representatives. For Yavapai County that means that when they are over the threshold for 200,000 population in the county, they will go from a Board of Supervisors of three districts to five. Mojave County is facing that same threshold. The political landscape in Northern Arizona is going to change significantly and she thought it was going to improve the quality and the local representation that people have.

Councilman Roecker asks for clarification as to being a citizen of the United States to be counted. He said that he keeps hearing things on television about people with agendas doing the census counting. He asked how they can assure the people in their communities that it cannot happen here and how they can assure they are not double-counted.

Ms. Sadler said that the first thing they have done is identify each household and then they will make sure we get a response, but only one response per household. They will double check if others identify themselves individually when they list their address. They will check to see where that household is and they may even send a worker to that household to say does this person really live here. There are some safeguards in place that way.

The only thing the census takes more seriously than their accuracy is their confidentiality. No personal identifying information is ever released from the Census Bureau to any other government agency, not a landlord, not welfare, not law enforcement. Seventy-two years after the census is finalized they will release census data through the national archives for genealogists and historians. That answers the questions for people who are afraid to answer the census,

Councilman Lamerson thanked her for coming and giving her presentation and asked, for clarification, if people did not need to be in the country legally. Ms. Sadler said that they answer ten questions, and it does not ask if they are a citizen or if they have documentation.

Mr. Lamerson further commented that it is important to the census of the United States to know whether or not they are using taxpayer money, for people that are here the way they are supposed to be here. Ms. Sadler said that their purpose was to get a head count.

II. PROCLAMATION

- A. June 16, 2009 as *It's in our Hands / United States Census 2010*

Mayor Wilson read the proclamation proclaiming June 16, 2009 as *It's in our Hands / United States Census 2010*, and presented it to Ms. Sadler.

III. DISCUSSION ITEMS

- A. Approval of the Open Space Master Plan.

Parks and Recreation Director Debbie Horton invited the Open Space Acquisition Advisory Committee co-chair Bruce McKeeman to come forward. Mr. McKeeman presented the proposed Master Plan.

Bruce McKeeman, 3075 Cabazon Lane, Prescott said that he was the co-chair along with Dan Campbell of the Open Space Acquisition Advisory Committee, and was presenting the Open Space Master Plan for review and approval. He went on to state that the practices and policies for the long-term investment already made by the City had not been addressed

elsewhere in the City's planning documents. He said that the plan represents a broad basis of management practices, including volunteer opportunities, the open space the City currently owns as well as any future additions. The Open Space Master Plan has been in development for over a year and it is based on State and Regional models from Coconino, Pinal and Pima Counties in Arizona as well as the Cities of Phoenix and Durango, Colorado.

Councilwoman Lopas thanked Mr. McKeeman for his presentation and commended the Open Space Committee.

Mayor Wilson asked members of the committee to stand up so that they could be acknowledged by the audience. He then also commended the entire committee for all the work that has gone into this.

Councilman Roecker questioned the reasoning for the formalization of the committee to Open Space Commission, and if it is due to concern that a future Mayor may say they do not need this committee. Mr. McKeeman responded that the reasoning was twofold. One is that a commission is a formalized process and it reports both to the Council and the Mayor, so it would eliminate the tentative nature. Also, it would allow the commission to more formally interact with the staff and other parts of the City and other commissions of the City as far as working cooperatively.

Councilman Lamerson asked that this item be taken off the Consent Agenda, as he was not comfortable with the hiring of a full time open space manager and would like further discussion.

Councilwoman Lopas pointed out that the plan has been through the Parks and Recreation Advisory Board. It has been to Planning and Zoning as well as the Community Development Department

Mayor Wilson stated that the Open Space Master Plan is on the City's website for the public to view.

- B. Approval of Professional Services Agreement with Yavapai Humane Society for animal care.

Mr. Guice Presented the proposed contract, which has an initial two year term to be renewed automatically on a year by year basis with the cost of services the first two years at \$49,334 per year to be paid at \$4111.00 per month. Each party in the contract has the right to terminate with a 90 day written notice of termination. Per the contract Yavapai Humane Society (YHS) would comply with all State and local laws pertaining to the care and disposition of animals and would provide much needed force for the

City of Prescott on a number of animals and those animals were taken in on a monthly basis.

Duane Adams, Yavapai Humane Society, 1625 Sundog Ranch Rd., reviewed some of the history of their organization and its relationship with the City.

Bobbette Sanchez Harbeck, 220 S. Montezuma, YHS boardmember said that the board has unanimously approved this contract. She said that the Board is 100% committed to the project and to a successful partnership with the City, and hopefully successful partnerships down the road as well.

Mr. Norwood said it was important to note on the agreement that the City would still be providing some animal control. It will be the field work, with the officers out in the field, picking up animals, responding to calls.

Councilman Lamerson asked what the actual percentage is of animals that are unadoptable. Mr. Guice said that of the 25%, the vast majority are not adoptable for one reason or another. Space, on occasion, does become an issue and there are times that animals have to be moved out in order to make room for other animals. I

Nancy Vargo, President of United Animal Friends, presented her proposal for the animal shelter to Council.

Mayor Wilson asked Ms. Vargo UAF has ever run a shelter. Ms. Vargo stated they had not, but they believe they are capable as they already work at the shelter, have people who are there, already have a relationship with the animal control officer, and they know the procedures. They expressed an interest in having the opportunity.

Mayor Wilson stated that he would think as this is a very small community and the two groups have similar purposes would be able to work together to make this successful.

Councilman Roecker asked Mr. Adams if the Humane Society applies for grants that are available for specific purposes such as UAF does. Mr. Adams stated that when they find grants they are eligible for they absolutely do apply.

Councilman Lamerson stated his concern is for the animals. He further noted that he would like to see a better working relationship between these two entities.

Mary Brotchner, 10533 Manzanita Trail, Dewey, asked Mr. Adams if the YHS a County facility is a City facility or a private facility. Mr. Adams answered that YHS is a private, not-for-profit corporation (501C3).

Maria Paptometri, 835 South Hopi trail, Dewey, questioned Mr. Adams about the policies of YHS.

Councilman Lamerson requested that the item be pulled from the Consent Agenda.

C. Granite Dells Ranch Holdings (Cavan) Annexation:

Mr. Guice brought forth the Cavan Annexation item, and the resolution which would approve the pre-annexation and development agreement, noting that it is for the approximate 500 acres for this overall project. Deputy City Manager Craig McConnell went through the specifics of the development agreement showing a PowerPoint presentation.

This development is also subject to payment of any and all impact fees required by city code.

Councilman Lamerson asked about the open space requirement and how it is calculated. Deputy City Manager McConnell explained how the open space is calculated.

Councilman Bell asked if the economic analysis takes into account if there is a delay in the construction, referring to Dr. Kendig and Mr. Danforth's economic analysis, which talked about the unquantifiable implications that might be there and that defines it as not quantifiable. He said that he thought that one of the things they were looking at is if it was delayed for a certain length of time that could affect their cost benefit analysis. Mr. McConnell stated that there is always a question of how quickly that investment returns benefit.

Councilman Roecker asked for clarification of designing of a bicycle/pedestrian overpass and how the issue of equestrian path fits in. McConnell explained that with the benefit of national practice, it is staff's recommendation for that crossing that equestrian and potential ADA be accommodated at grade. Councilman Roecker further questioned ADA compliance. Mr. McConnell stated it will not necessarily be ADA compliant, and if in fact it is not, there would be an at-grade crossing that would be ADA compliant and equestrian ready.

The last point that Mr. McConnell made was as to paying for the water and sewer infrastructure. It is anticipated that the legislature will have acted and provided closure to the moratorium issue during the next few weeks.

The discussion has been in the context of the State budget. Mr. McConnell recommended that the Council defer action on the items indefinitely rather than tabling or continuing to a date specific.

Mr. Norwood stated that when Mr. McConnell says indefinitely, again, as soon as the State gets some resolution they will bring this back, because they are recommending this and he thought Council had expressed support in this.

Mayor Wilson stated he is specifically concerned about Senate Bill 1035. It is not apparent if they are going to reach a conclusion by June 30. Given the uncertainty about what is going on at the Legislature, with the Governor suing the Legislature and who knows what else is going to happen tomorrow, he thought it was appropriate to take the action as noted by Mr. McConnell.

Councilman Roecker asked the City Attorney regarding delays such as this not restarting automatic time delays. Mr. Kidd stated he thinks that Mr. McConnell has looked at that and they are within the time frames provided.

Councilman Lamerson asked about private property and annexation. He appreciates the consideration of deferring the annexation on top of that and asked what happens if in fact the Senate, House or Governor, or all collectively, decide to erase the City's ability to move forward with infrastructure. He asked if at that point they would be back all over again with the timing, as Mr. Roecker referred to, with time limitations, prop 400 and everything else and go through the whole thing again in trying to get these folks annexed into the City. Mr. Kidd answered that there will be some serious issues in terms of the economic analysis they have and in terms of the viability of that particular thing of the crediting, looking at some of the anticipated revenues.

Councilman Lamerson pointed out that he wants it to be acknowledged that private property still has rights in the State of Arizona.

Mayor Wilson stated that as to Mr. Kidd's comments, if they were to actually experience a three year moratorium as passed by the Legislature and held up by going to the Governor, would in effect stop development across the entire State of Arizona, not just in Prescott.

Mr. Kidd advised that the Council may direct staff to table the items and bring them back as recommended by Mr. McConnell that would be appropriate. Mr. Kidd suggested that they leave the Public Hearing scheduled so that they can continue that on a voting session to a date certain.

Sid Mogleroy, 1866 Forest View, said he would like to make some comments on 3.8 of the Development Agreement. The indication is that there are a couple of crossings on the Peavine Trail that are still undecided by the Council, and he would like to point out that Councilman Bell, a couple of meetings ago, asked a very good question of how some of the crossings would be paid for. He went on to tell of a study done by the University of Georgia that may be of some interest.

1. Adoption of Resolution No. 3969-0975 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the City of Prescott to enter into a Development Agreement with Granite Dells Ranch Holdings, and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.
2. Adoption of Ordinance No. 4704-0947 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, extending and increasing the corporate limits of the City of Prescott by annexing property generally located in the proximity of the Side Road/Hwy 89A Interchange.
3. Adoption of Resolution No. 3970-0976 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, amending the General Plan Land Use Map to that certain property located in proximity of the Side Road/Highway 89A Interchange and east of the Peavine Trail described as parcel numbers: 103-01-030A, 103-01-031A, 102-06-001 and 102-06-002E and totaling ±165 acres and adjusting the existing configuration of the Open Space, Very-Low Density Residential, Commercial and Commercial/Employment designations to allow for an overall increase in Commercial Land Use (Open Space to Commercial/Employment, Commercial to Open Space, Very-Low Density Residential to Commercial and Commercial/Employment to Commercial).
4. Adoption of Resolution No. 3971-0977 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, amending the Airport specific Area Plan (“ASAP”) Map to that certain property located in proximity of the Side Road / Highway 89A Interchange and east of the Peavine Trail described as parcel numbers: 103-01-030A, 103-01-031A, 102-06-001 and 102-06-002E and totaling ±165 acres by amending the ASAP Map to change the Open Space to Mixed Commercial Employment, Low Density Residential to Commercial, Mixed Commercial Employment

to Commercial, and Commercial to Open Space designations located within the north project area.

5. Approval of Master Plan.
6. Public Hearing (Special Meeting on June 23) on the rezoning.

D. Renewal of insurance policies for FY2010.

Risk Manager Sherri Swain presented the renewal of three of the City's major insurance policies for fiscal year 2010 that cover our public entity liability, auto, property and workers compensation. She introduced Joy Boswell, Vice President with Willis, the City's broker as well as Allison Cline their local representative from Willis. She said that Risk and Legal work together to try and figure out a new business model wherein they can enhance coverage or their retention, claims handling and hopefully help with defense costs. Joy gave a short presentation to give.

Mr. Kidd said there is an advantage to their department and there is an advantage for the City. It is kind of a crap shoot in the insurance business. Legal thinks it is a good option, out of all the options they looked at Willis did an excellent job in their brokerage services this year. They did a pretty broad range of taking a look at the City's insurance. He said that he thought the plan that they have is better coverage and it addresses some of the gap issues.

Councilman Bell asked, in the interest of public transparency, how Willis establishes their fee for the work they do for the City. Ms. Boswell explained that they look at the complexity of the account. They have a business model, how many insurance policies there are and the level of expertise of the staff devoted to the account.

E. Approval to purchase one Freightliner 26' MT55 Walk-In Equipment Truck from Utilimaster in the amount of \$174,135.53 including state use tax.

Emergency Services Director Darrell Willis presented the five items, the first of which was the purchase of a piece of equipment. He said that this item would be used to provide air for the air tanks used by the firefighters in the field. He said that the vehicle they are replacing looks okay, but it has a hard time going up hills. He said that they kept looking for a vendor that could provide this equipment and finally located one that came in under budget.

F. Adoption of Resolution No. 3952-0958 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the City of Prescott Fire Department to enter into an Intergovernmental

Agreement (“IGA”) with Chino Valley Fire District to share personnel resources and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.

Chief Willis said that Items F and G were related items, F relating to the Chino Valley Fire District and G to the Central Yavapai Fire District, both regarding shared reserve firefighters between the two entities. He said that they have had mutual aid agreement with them for over 20 years. Over the last year they have been looking at ways to improve their response to major incidents and also cut some costs, while continuing to maintain their current service levels.

Councilman Bell asked if we have laid off any firefighters at this point. Chief Willis stated no firefighters have been laid off. Some attrition has been used with a fire marshal and fire captain, but they have not laid anyone off.

Councilwoman Lopas asked if this was something that went back to the firefighters for group discussion, as it was before the Council previously. Chief Willis said that it did. He said that he could not say that everyone was happy with it, but he thinks the Union understands the situation they are in. The gentleman’s agreement is that the City would use their own personnel first.

Chief Willis believes that in the long run he would like to see them have their own reserve program. What they are looking at though is probably a \$5,000 investment per person to get there with their equipment and workman’s compensation over the year. To make it worth their while they would need about ten, and it is just not in this year’s budget to be able to do something like that.

Mayor Wilson asked what a reserve is. Chief Willis explained the best term to describe this position would be the old volunteer, someone who volunteers, but has met all of the requirements. They have to go through the testing, have passed a written test. They have to meet certain physical requirements, and have to have Firefighter I and II college level classes, and they also have to be an EMT. It is the City’s entry-level personnel.

Councilwoman Lopas requested to pull this item and Item G off of the Consent Agenda.

Councilman Lamerson stated that he appreciates the sensitivity to the firemen with regard to their expertise. He did have questions about becoming overly dependent on reserve programs in relationship to

qualified, fulltime fire and police. There are times in history when they need to have full time people that do this job every day of their life. He hopes that they were not getting into something using other people's reserve program that would be a crutch for their inability to fund a fully manned crew all the time. He was not opposed to trying something on recommendation of experts in this scenario; but he is concerned that they may be looking at getting into areas of having a fully manned fire/police by being overly dependent on reserves.

- G. Adoption of Resolution No. 3956-0962 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the City of Prescott Fire Department to enter into an Intergovernmental Agreement (“IGA”) with Central Yavapai Fire District (CYFD) to share personnel resources and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.
- H. Adoption of Resolution No. 3968-0974 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the City of Prescott Fire Department to enter into an Intergovernmental Agreement (“IGA”) with Yavapai College to provide vehicular and/or clinical training for students enrolled in emergency medical service courses and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.

Chief Willis explained that Item H is an agency affiliation agreement between the fire department and Yavapai Community College to provide vehicular and/or clinical training for students enrolled in the emergency medical services section of the college, specifically the paramedic training

- I. Approval to apply for Assistance to Firefighters Fire Station Construction Grant for construction of a downtown fire station.

Chief Willis went on to Item I, which he said was for approval to apply for the assistance to fire station construction grant through the American recovery and reinvestment act through FIMA.

Michael Allen Peters, 640 W. Lee Blvd., asked, if the City was awarded the grant, how soon thereafter they would have to make up the difference, and how this money was budgeted.

Chief Willis said they have 36 months to spend the money. Mr. Norwood stated that there is a three year time frame, so if there was not sufficient budget authorization they would just wait until the next fiscal year to achieve that.

Mayor Wilson states that they have \$5 million in their capital program that was not spent on the convention center, so they have some flexibility. If they are lucky enough to get \$4 million in the stimulus program he thought they would be overjoyed and would try to do something. Chief Willis stated that the current estimate is \$6.4 million, and it may even be better than that if they were to actually go out to bid right away.

- J. Adoption of Resolution No. 3972-0978 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, approving Third Amendment to the Memorandum of Understanding between the City of Prescott and the Central Yavapai Metropolitan Planning Organization for personnel, purchasing and accounting services.

Deputy City Manager McConnell discussed the Memorandum of Understanding with the Central Yavapai Metropolitan Planning Organization, also known as CYMPO, stating that this would provide another two-year extension of the MOU, through June 30, 2011 and employment of three personnel, defined as three fulltime-equivalent positions.

- K. Consideration of approval/denial of a 60-90 day temporary half street closure of the west end of Glendale Avenue at Coronado Avenue.

Ian Mattingly brought forward Item K, which was for consideration of a temporary half street closure on the west end of Glendale Avenue at Coronado Avenue.

Rod Hoffman, 634 Glendale Ave, stated the main thing the neighbors are concerned about is saving a life, whether an animal or a human life, as cars go down through there at terrific speeds.

Councilwoman Lopas asked if they see this problem during the school year or summer. Mr. Hoffman noted a tremendous difference during the school year getting moms just circling around to pick up kids, etc.

Councilwoman Lopas asked if they have talked to the school district at all to see if they were working on this issue for any coordination in a way of helping the traffic in the neighborhood. Mr. Mattingly stated that the school is aware that this request has come in. One of the things that the Traffic Coordinating Committee was concerned about was what the drivers will do if they do not use this route. If they come down to Coronado it is skewed there at Park, and the loading zone for the school starts south of there. They would not implement this plan or trial until school started, and then they would try to work with the school to see what impact it has and how they could resolve some of those issues.

- L. Adoption of Ordinance No. 4701-0944 - An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona repealing Ordinance No. 4656-0858 adopted June 24, 2008 and authorizing the purchase of real properties, easements and improvements from Donald A. Guzzo; Nicholas and Lorraine Guzzo; Donald and Joan Guzzo and Nicholas and Lorraine Guzzo Joint Tenants with Rights of Survivorship; Michael S. Drew; Rutkowski Family Trust; and Dale and Vanessa Coffman; Robert and Michele Flori for the widening of Williamson Valley Road, and authorizing the Mayor and City staff to take all necessary steps to effectuate said purchases.

Public Works Director Mark Nietupski said that this Item M is for repeal of an ordinance that was adopted on June 24, 2008 for the acquisition and acceptance for right of ways for the Williamson Valley Road improvement project. Yavapai Title Company recently contacted the City requesting additional information, details that were not provided in the first ordinance and some clarification was needed. This is effectively cleaning that up and returning it to Title Company, and there were are no costs associated with this ordinance.

- M. Approval of payment to Arizona Public Service in the amount of \$58,798.96, for streetlight installation associated with the Iron Springs Road Improvement Project.

Mr. Nietupski presented Item M for consideration, stating that it was a recommendation for payment to Arizona Public Service Company for the installation of Street lights, associated with the Iron Springs Road Improvement Project in the amount of \$58,798.96. The street lights were installed and designed as a part of the roadway improvement. Ultimately APS was the installer and the lights were installed under an existing operations and maintenance agreement between APS and the City of Prescott. Seventeen lights were installed. The installation was not accomplished until November 2008, and the City just received the invoice from APS on June 3. This was an anticipated expense and would be funded from the one-cent sales tax fund.

- N. Award of Fiscal Year 2010 legal publications to Prescott Newspapers, Inc. at the rate of \$11.16/column inch for straight copy and \$9.30/column inch for camera-ready copy.

City Clerk Liz Burke presented the annual public notification legal advertisements that are required for publications in the newspaper. One bid was received from Prescott Newspapers or the Daily Courier. Their rates are \$9.30 per column inch for camera ready copy and \$11.16 per column inch for straight copy, which is the same rate as this past year.

She said that staff was recommending that this be awarded to Prescott Newspapers.

Councilman Roecker asked if there is consideration to going electronic on this requirement, and if there was anything in the law that allows that. Ms. Burke stated there was a bill that was introduced earlier this session, but she was not aware of its status.

- O.* Approval of a Real Estate Purchase Agreement with John & Judy Beurie for approximately 15 acres of real property near Willow Lake for Open Space purposes.

Parks and Recreation Director Debbie Horton presented for consideration of the purchase of approximately 15 acres of property from John and Judy Beurie for open space purposes. A slide show was presented.

Mayor Wilson asked that this item be pulled from the Consent Agenda as two Council members were not present at the meeting.

Councilman Lamerson commented on his confusion regarding lake front property and trails and the cost associated with that. Ms. Horton explained that the appraisal did come in differently, but the \$60,000 is in keeping with recent sales in the Dells area.

Mayor Wilson explained that in looking at the appraisal it shows that this is an undeveloped property without infrastructure, water and sewer, as opposed to the property across the road that had infrastructure which would appraise significantly higher, closer to the piece of property that he was alluding to. Councilman Lamerson stated it looks pretty undeveloped to him.

Councilman Roecker discussed his concern regarding the total amount, \$900,000, and recognizing the economy they are in, said he was concerned about spending that much money at this point in time. He asked if the property is developable at all and if it was the property in a flood plain. He further asked if there was any consideration on the part of buyer to spread out payment of the open space over a period of years so they can have time for the economy to come back before spending all the money.

Councilwoman Lopas stated there is money budgeted. There are not any competing properties to buy in their entirety. One of the reasons for going with the 14-15 acres is the natural terrain, which gives a natural boundary. The owners live on the other side of this, so it keeps people on trail side and not looking on home side.

Councilman Roecker said that he read in the agreement that a fence is required, so the natural boundary would not be enough. Councilwoman Lopas said they have horses and some of the reason for the fencing is to keep her horses from going where they do not belong and to keep trail-goers on the trail.

Councilwoman Lopas further explained that there is already septic and well access and there is development potential on the other side in Granite Gardens. Councilman Roecker further asked about the flood plain and if that would reduce the value of the property. Councilwoman Lopas stated that the James parcel that was purchased was \$65,000 an acre. The appraiser did look into those items.

Councilman Roecker asked if they had talked with the property owner regarding selling less property. Councilwoman Lopas stated that was discussed, but again the natural terrain lends itself to the entire 15 acres. Councilman Roecker stated that \$900,000 out of budget at this time is scary. He said that he wants to buy this, but is concerned.

Councilwoman Lopas explained that this would allow the City to annex Willow Lake because right now they own it, but it is not in the City boundaries. This does complete that as well.

Ms. Horton explained that one thing they did not ask was if they could pay off over years. She would find out and have answer next week.

Mayor Wilson asked how long they have been talking to them about purchasing this property. Ms. Horton said probably as long as they have owned the lake.

Judy Beurie stated she does have a representative who is present today and she was not prepared to speak. However, no one had approached them about longer term pay off.

Michael Allen Peters, 640 West Lee, stated the cost of that fence from the brief description may require investigation into the type, quality of the fence, gating. They might want a balloon if the owner will take a small down and balloon it 3, 4 or 5 years, just as a consideration.

Mr. Kidd said that they met last Friday and one of the issues that has been illuminated is that the fence will be on the Beurie property.

Paul Katan, 844 Flora Street, said that this was exciting as it is a beautiful piece of property. It sounds like a great opportunity for the City to acquire

it for a number of different reasons. To echo Councilman Roecker's words of caution about the economy and the concern about spending dollars on open space at this time, where there is uncertainty about impact fees, the State and the future, he wondered how much was remaining in the budget, assuming this property was bought outright. Mayor Wilson states there is plenty of money as it is over \$2 million dollars. Ms. Horton states it is \$2.5 million Paul Katan asks if that is for this year's budget of open space purchases.

- OP***. Approval of the Minutes of the Prescott City Council Joint Special Meeting/Study Session of May 19, 2009; the Budget Workshop of May 21, 2009; the Public Workshop of May 26, 2009; the Regular Voting Meeting of May 26, 2009; the Joint Special Meeting/Study Session of June 2, 2009 and the Regular Voting Meeting of June 9, 2009.

No discussion.

- PQ***. Selection of items to be placed on the Regular Voting Meeting Agenda of June 23, 2009.

Councilman Bell said that the following items would be on the Consent Agenda: D, E, H, I, J, and P. The remainder would be on the Regular Agenda.

IV. ADJOURNMENT

There being no further business to be discussion, the Joint Special Meeting/Study Session of the Prescott City Council held on June 16, 2009, adjourned at 6:00 p.m.

JACK D. WILSON, Mayor

ATTEST:

ELIZABETH A. BURKE, City Clerk