

PRESCOTT CITY COUNCIL
REGULAR VOTING MEETING
TUESDAY, OCTOBER 27, 2009
PRESCOTT, ARIZONA

MINUTES OF THE REGULAR VOTING MEETING OF THE PRESCOTT CITY COUNCIL held on TUESDAY, OCTOBER 27, 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.

◆ **INVOCATION:** Prescott Police Department Chaplain Larry Gotfredson

Police Chaplain Larry Gotfredson 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**

None.

I. PROCLAMATION

A. October 31, 2009 as *Toastmaster International Day*

Mayor Wilson read the proclamation proclaiming October 31, 2009 as *Toastmaster International Day* and presented it to Roy Shot, who said he was very pleased to bring the yearly convention to the Prescott Resort. He invited everyone on Council and the audience to go to the Resort and see

what they were about. He then presented a new sign to the Mayor to be posted on the civic sign holder coming in on Route 89.

Mayor Wilson said that there are several Toastmaster chapters in Prescott. He is a member of the High Noon Toastmasters and 50 years ago Councilman Bell was a President of a chapter out of state.

II. PRESENTATIONS

A. Introduction of new businesses.

Dave Maurer, Executive Director of the Prescott Chamber of Commerce, introduced the following new businesses:

◆ National Realty of Prescott, Tina Seeley, Broker/Owner, 222 West Gurley Street, www.nationalrealtyofprescott.com, 928-443-0096.

◆ Mike Paper, owner of Larry & Hy's Bar Bones Barbecue on Whiskey Row, and Chairman of Prescott Area Independents, an alliance of independent restaurants and bars.

◆ Jim Kleczewski, Founder of Insight, a full service public relations marketing and advertising agency, 778.2439, www.trillilmresorts.com.

◆ Reverend Nancy Cushman, she and her husband are the senior pastors at Prescott United Methodist Church, www.prescottumc.com, 778.1950

B. Teri Drew of Northern Arizona Council of Governments (NACOG) regarding a LTAF II grant.

Ms. Drew said that she was there to talk about a grant that NACOG received to provide vouchers to Prescott residents. It is a \$50,000 grant with a \$50,000 match, and NACOG would be accomplishing the match. She and Tom Guice felt that this would be an absolute compliment with future LTAF opportunities. Rides through this pot of funds will be for workforce-related activity only. Vouchers will be provided immediately, and people can call the offices at 778.1422. The rides will begin in November. Councilman Luzius thanked her for the presentation and said that it was good news.

C. Presentation on the Park Ranger Volunteer Program.

Debbie Horton said that she was pleased that Teri Drew was there and thanked her for obtaining the NACOG funding which was money well spent for her assistant to help with the Park Ranger Volunteer Program, Melissa Jackson, who she then introduced.

Ms. Jackson gave a PowerPoint presentation on the Park Ranger Volunteer Program that addressed the following items:

- ◆Rangers and What They Do
- ◆Park Ranger Training
- ◆Park Ranger Transportation
- ◆Interfacing with the Public
- ◆Ranger Statistics
- ◆Park Ranger Results
- ◆Ranger Program Expansion

Ms. Jackson then recognized some of the volunteers in attendance.

Mr. Petrowski, Quartermaster of the Park Rangers, noted that the Rangers make female hikers feel safer just by having someone who waves and smiles at them on the trails.

Dave Mills noted that his function with the rangers was to obtain resources needed by the rangers to more effectively do their jobs. He wants to have a professional program that provides great customer service.

Councilwoman Suttles asked Ms. Jackson how she divides up the Rangers amongst all of the parks and trails. Ms. Jackson said that she looks at their requests and tries to match them up, making sure that all of the routes are covered. Councilwoman Suttles said that she certainly filled a void for them that they have been looking for as funds get smaller and smaller.

Councilman Lamerson noted that without the volunteers, the City of Prescott would not be able to offer all of the amenities, but it sounded like there was staff who provided training. Ms. Jackson said that the fire department holds CPR and First Aid training to the general public, and they have been able to get their people in at the regularly-scheduled times. The individuals on Police Department have been able to build the trainings into their schedule.

Councilman Lamerson said that the Fire and Police Department are heroes. He asked if any consideration through Parks & Rec on amenities been given to use fees to offset the cost incurred. Ms. Horton said that

one of the biggest problems with trails is that there is no specific entry point. There is no way to collect and monitor entrance. The best way for them to collect user fees is at the lakes.

Mayor Wilson asked about the impact of the program from the Police Department perspective. Chief Kabbel noted that they have worked with Parks and Rec and made some adjustments to make the program successful. He felt that the idea was wonderful and that it had augmented the officers on the street. He cannot say enough about the volunteers.

Mr. Norwood commented that Melissa Jackson was first-class and high energy in everything she does, and she does it with class and professionalism. He said that they had a park ranger for hundreds of miles of trails, and that position was eliminated. City Council put a priority on making the parks safer. Instead of Ms. Horton and staff putting their heads in the sand, this is what has grown out of the need. The enthusiasm and success is documented with some real stats and it shows that volunteerism is alive and well in Prescott.

D. Presentation on the Prescott Lakes Parkway Roundabout.

Traffic Engineer Ian Mattingly gave a brief presentation on plans for the roundabout to be located on Prescott Lakes Parkway at the entry of the new County facility.

Councilman Bell asked what the estimated cost was for the project. Mr. Mattingly said that in early 2008 when the feasibility study was done the cost was around \$1 million to \$1.3 million; he has not seen the final costs.

III. CONSENT AGENDA

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

COUNCILWOMAN SUTTLES MOVED TO APPROVE CONSENT AGENDA ITEMS III-A THROUGH III-E; SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY.

- A. Approve an agreement with Otto Environmental Systems for purchase of automated side-load containers, in an amount not to exceed \$120,000.00.
- B. Approve an agreement with Roberts Tire, Inc. for retread tires in an amount not to exceed \$55,000.00.

- C. Approve increase of the Guaranteed Maximum Price (GMP) of the CM@Risk agreement for the Elk's Opera House Restoration by \$87,709.00 to \$1,239,032.00.
- D. Adopt Resolution No. 3989-1019 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, amending Resolution Number 3830, by amending the Intergovernmental Agreement approved therein to now allow for a disbursement of \$250,000 from the City to the County against monies otherwise payable to them and authorizing payment therefore.
- E. Approve the minutes of the Regular Voting Meeting of October 13, 2009 and the Joint Study Session/Special Meeting of October 20, 2009.

IV. REGULAR AGENDA

- A. Adoption of Resolution No. 3994-1024 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, approving the incorporation of the Town of Williamson Valley, Arizona.

Management Analyst Connie Tucker said that this item was on last week's agenda and was pulled from the consent Agenda to allow for further input from the public.

Councilman Lamerson said that he respects the sanctity of home rule and self-determination. He said that this is a neighborhood not related to the City and they have a right to choose how they live. He asked Mr. Kidd what the consequences would be if the Council took no action. Mr. Kidd said that if they pass the resolution they would go through the petitioning process. If they take no action, it would mean a no vote; individuals would have to go through another method of incorporation, but it would leave them the ability to do it on their own.

Councilwoman Suttles said that they have been bombarded with e-mails, calls, etc. and when they came into the meeting today there was a total received so far of 69 against and 36 for. She said that there seems to be the assumption of some of the citizens in that area that how the Council votes is how it is going to be, but that it not true. She said that it has been brought to the City because of the close proximity with the area and the City limits. She said that if a group tries to incorporation, they have to go through certain hoops, and that includes a resolution from the City.

Councilwoman Suttles said that she felt it was not a City issue. She said that the perception is that whichever way the Council votes is how they look at it, but it is not the City's business. She said that if the Council takes no action and it takes another six months, it is still their project.

Councilman Roecker said that a lot of the e-mails talked about taking away people's rights. Regardless of what action is taken by the Council, they are taking away no rights. Mr. Kidd said that was correct. There is another process if the Council takes no action. It would require the group to request annexation into the City. If the City did not annex them, they would then go to the Board of Supervisors and go through the alternate process. It changes the voting process and manner, but they can still move forward.

Councilman Roecker asked Mr. Kidd if he knew the history behind this requirement in the statutes. Mr. Kidd said that they changed the statutes to provide for consent in urbanized areas. He does not recall the history, but he know there was a series of law suits on this issue, including Tortalita and Tucson, as well as Sahuarita.

Mayor Wilson said that it was his understanding that if they vote in support of the resolution it means that it requires 10% of the residents to sign the petitions to put it to a vote. If they take no action, it requires 20% of the residents. Mr. Kidd said that was correct, and also if they take no action, they must first request annexation from the City.

Councilman Luzius said that his opinion is that if the people in the Williamson Valley area want to look at incorporating the area the Council should not stand in their way. To take a course of "no action" has them sitting on their hands. He did not see that a yes vote on the resolution would do any harm.

Councilman Lamerson said that in no way did he want to obstruct the residents' ability to incorporate and therefore **MOVED TO TAKE NO ACTION ON THE RESOLUTION; SECONDED BY COUNCILWOMAN SUTTLES.**

Georgene Lockwood, 8100 N. Red Oak, Prescott, said that they will pursue annexation, even if it takes an additional 120 days and requires 20% signatures. They were confident they could do that. She said that the net result is that the taxpayers of Prescott end up paying more for what would be the same result, involving staff and Council's time in processing another resolution.

Mike Roda, 8675 North Oak Forest Drive, said that he owns and operates a business at 805 Whipple Street in Prescott and drives every day down Williamson Valley Road. He has a degree in civil engineering and the underlying issue is the road; they all know that. He asked legal counsel what the County has to do with it if they get the 20% signatures. Mr. Kidd said that he had reviewed the statutes and process from the City's

perspective. He would have to get back to him on that in order to look at it from the Board of Supervisors' position.

Mr. Roda said that he was under the impression that the County Board of Supervisors needed to approve it so he went down and talked with Supervisor Springer but he was not satisfied with the answers she provided. Mr. Kidd said that he could research it further, but once they turn in the 20% signatures it goes through the County process.

Mr. Roda said that he also thought that a five-lane road dumping on the City was the City's problem and not hers. He said that if the Council takes no vote then it thrusts the people back to the County where the issues arose so he did not know where it would go if they had to get their approval. He said that if the road is expanded it is going to accelerate development in Williamson Valley and put a lot more traffic on it.

Mayor Wilson said that they need to stick to the agenda. Mr. Roda said that the traffic will come into Prescott. He lived in Los Angeles for 24 years and then in Tucson, and they left both of those locations because of the traffic.

Jim Sigmon, 9820 Clear Fork Road, encouraged the Council to vote no or pass on the issue. He did not think it was a mountain they wanted to die on; it should be left up to the local residents. He said that there is a split. There should be a vote, but they need to make sure they can get at least 20% to get it on a ballot. He said that he was a retired economist and it was splitting the community between growth and no growth. He said that it will have a lot of impact on different issues, when all they want to do is control the width of a road.

Lew Smith, 2102 Stringfield Drive, said that he spoke last week against it and continues to have that feeling; however, he thought the Council should know there is one whole subdivision that has met in a private home and voted not to be included in the proposed town, and they have communicated that decision to the incorporation group. He said that he has a friend in Black Canyon City, and at one time they wanted to incorporate but because they were within six miles of Phoenix they had to get support from Phoenix which they could not get. He said that there must be something other than what Ms. Tucker or Mr. Kidd has stated because as of today they are still not incorporated.

Buck Buchanan, former Sheriff and living at 8480 Buchanan Drive, said that they bought the old Sundown Ranch and they have lived there as family residents for 62 years. In addition to growth taking place, he worked for the Prescott Police Department and is familiar with City politics. He said that two days ago he heard a state broadcaster state that the

personal income revenue sharing has decreased by 25%. He said that he and his family chose to live in that area because they appreciated the rural environment, and they do not want it to change.

He said that Supervisor Springer has said that the issue is up to the people in that area and he agrees. He said that there are two processes for incorporation. One requires that they garner so many signatures, the Board of Supervisors looks at it and they put a stamp of approval on it. The other method is so many signatures to place it on a ballot, which would take it to the vote of those affected. He said that the City is responsible to take an action, or no action, because of the proximity of the City to the proposed area.

Mr. Buchanan said that regardless of what action they take, he suggested that the wording of the resolution be clarified that the City is not taking a position or was in support of the resolution in order to circumvent it. He urged the Council to be judicious.

Ken Mino, 2560 Mesa Oak Court, said that he has heard nothing about negative impacts to the City of Prescott, and that the City has no desire to annex the area. He said that what he has heard is that the City is being urged to deny a group of citizens a right to vote on the matter. He said that he thought that was pretty common in banana republics and certain third-world countries. Mayor Wilson said that he did not think that banana republic was applicable as they were talking about the difference between 10% and 20%, and that was not denial in his mind. Mr. Mino said that is how it looks to the public. He said that they chose a difference approach over 200 years.

He said that those against the incorporation can take that argument to the public and let them decide. Whatever the outcome it should reflect the majority view of those folks. He would request that they not deny the citizens the opportunity to gain the same rights and responsibilities that the citizens of Prescott currently enjoy.

Dan Simmons, 4950 West Mint Creek Road, said that he was a native Arizonan and has had a local business in the area for 25 years. He is a firm believer of limited government. He was not a real big fan of people bringing lawsuits against government to get their way and he was totally against this. He encouraged the Council to not vote on an endorsement.

Ms. Lockwood clarified that the incorporation group had received no communication from any neighborhood that they wanted out of the area.

Linda Wheatbrook, 2331 West Post Oak Drive, said that she believed the resolution was asking for the residents of Williamson Valley to have

permission to debate the issue and vote on it. All of the other issues that any individual in that area may have are not germane to the City's decision. The question is whether the City wants to annex them or allow them to pursue whatever form of government they want. If it is of no issue to the City, then why would have not take action on it to allow it to proceed.

Tommy Meredith, 880 Live Oak Drive, said that he has had a business in Prescott and also drive that road. He said that it has all been said, but he was really opposed to the effort totally. He said that it did not make sense. There was a small group of people that challenged Supervisor Springer against the five-lane "truck route" which is actually a four-lane parkway. He encouraged the Council to either turn it down or not vote on it at all. He said that even if they voted for it, it will eventually be turned down, but he liked the idea of taking no action at all.

His message to the public is to not take anything for granted, do not wait to the last minute, and let their opinions be heard because they were looking at Proposition 401, and it is the same type of condition, where they do not need to be.

Councilman Roecker asked Mr. Kidd to clarify what effect the motion would have. Mr. Kidd said that a yes vote to the motion would basically table the item and take no action on the resolution.

Councilman Bell said that he felt it was unfair that it even comes to the City. He said that he would resent it if the Williamson Valley people told the City how to run the City. He does not think it is right for the City to tell them how to run theirs. He said that he was in favor of the motion.

Councilwoman Lopas reminded everyone that in 2012 they will be going from three to five supervisors. She felt the action was premature as they do not know who will be running, and there were too many questions. They really do not know the fiscal impact to the City. She said that there is still the misinformation that the City was stopping this and they are not stopping anything. The process still happens. She said that for them to get 20% in signatures is not a hurdle if it is something that the majority really wants.

MOTION PASSED 6 – 1 WITH COUNCILMAN LUZIUS CASTING THE DISSENTING VOTE.

V. ADJOURNMENT

There being no further business to be brought before the Council, the Regular Voting Meeting of the Prescott City Council held October 27, 2009 adjourned at 4:30 p.m.

JACK D. WILSON, Mayor

ATTEST:

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 27th day of October, 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

ELIZABETH A. BURKE, City Clerk