

PRESCOTT CITY COUNCIL  
STUDY SESSION MEETING  
TUESDAY, OCTOBER 6, 2009  
PRESCOTT, ARIZONA

MINUTES OF THE STUDY SESSION MEETING OF THE PRESCOTT CITY COUNCIL held on OCTOBER, 6, 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:** Reverend Julia McKenna, Spiritual Architect

Reverend McKenna gave the invocation.

◆ **PLEDGE OF ALLEGIANCE:** Councilwoman Suttles

Councilwoman Suttles introduced Joey Mancha and Matt Brock, Prescott High School football players, to lead 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

## STUDY SESSION

### I. PROCLAMATION

#### A. October 2009 as *United Way Month*

Councilwoman Suttles read the proclamation proclaiming October 2009 as *United Way Month* and presented it to Don Schaffer and Mike Whiting of United Way.

Mr. Whiting said that they were honored to receive the proclamation. They appreciate support of the community and have been in the community for 22 years. As part of that, they have been able to invest about \$5.2 million in the various communities. United Way would like to continue that. They hope that they are improving lives and that they will have a lasting impact.

Mr. Schaffer said thanks and God bless Prescott. He noted that a lot of people step up and work for United Way.

#### B. October 2009 as *Community Planning Month*

Councilman Luzius read the proclamation proclaiming October 2009 as *Community Planning Month* and presented it to Kathy Dudek and Kelly Sammeli of the Community Development Department.

Ms. Sammeli noted that on behalf of the Planning & Zoning Department they appreciate and accept the proclamation. She said that their planners do more than go through the motions; they do a job that is important to all of the community.

Ms. Dudek said that in 2005 the City of Prescott hosted the Arizona Planning Association Conference, and this year the conference is being hosted by Prescott Valley from October 14-16. On October 15, at Prescott City Hall at 6:30 p.m., the National Director, League Director and the City's Planner, Wendell Hardin, the Western Regional Representative to the US Green Building Conference, will be presenting a workshop on Environmental LEED Building. The public is welcome to attend.

Throughout the week their planners will be attending the conference at various times but their department will still be staffed and open for business.

C. October 5 – 9, 2009 as *Customer Service Week*

Councilman Bell read the proclamation proclaiming October 5-9, 2009 as *Customer Service Week* and presented it to Patti Crouse, Executive Assistant to the City Council.

Ms. Crouse said that she was pleased to accept the proclamation on behalf of all of the service workers; noting that they make Prescott the wonderful place to live.

Mr. Norwood said that Patti Crouse is the face of Prescott and that they do have 500 other employees who do a great job as well. He heard a story a few years ago of a woman who accidentally threw out a diamond ring in the garbage and two of their Transfer Station employees went through tons of garbage and found the ring.

Recently, an employee came up to a house where a man had just fainted. The employee called 9-1-1 and got the person the help he needed.

Mr. Norwood's favorite story was about a medic call to a home about 4:00 a.m. The woman had a medical problem and she could not afford an ambulance. The grandmother drove her to the hospital. The fireman took her son back to the station on the fire truck, fed him breakfast and then got him to school.

## II. DISCUSSION ITEMS

- A. Approval of expenditure for purchase and installation of an Automated License Plate Reader and associated analysis software from PIPS Technology, Inc, for a total price of \$20,425.00.

Police Chief Mike Kabbel reminded the Council that they had accepted a U.S. Department of Justice Recovery Act Grant, and the license plate recognition system was part of that grant. It is a digital camera and software package that mounts under the existing light bar and connects to the mobile data computers. The system will read license plates and compare them to a data base. For example, it will alert them to the car of a registered sex offender who may be at a school or a park. They will also be able to search for stolen vehicles and amber alert vehicles.

Mayor Wilson confirmed that this was a Department of Justice grant. Chief Kabbel said yes.

Mr. Norwood asked if they would be taking photos of the people driving the vehicles and if it only kicks out those plates that are in the system.

Chief Kabbel answered that it only reads license plates and will give an alert. It requires the officer to turn around, find the vehicle and look into it more.

Councilman Luzius asked how many municipalities have that equipment in Arizona. Chief Kabbel said that he was not sure of the numbers. Phoenix and Tempe have them as well as some of the major municipalities. He was not sure that there was an agency in Northern Arizona that has them.

Councilwoman Suttles asked if they would get paid back what they spent from the grant. Chief Kabbel said yes. They received a grant in April of 2009. The City Council approved the award of \$64,000. Within that grant they specified equipment they wanted to purchase, this was one of those items.

- B. Approval of expenditure of \$68,524.85 to Arizona Emergency Products, for emergency vehicle equipment builds relating to the recently-purchased police vehicles.

Chief Kabbel noted that in July of 2009, the Council agreed to the purchase six 2010 Crown Victoria police cars. This item is for emergency builds for those cars.

Mr. Norwood said that it was important to note that there is some of the equipment from the old cars that will be used on the new ones as well.

Councilman Lamerson asked if there was a regular rotation schedule of vehicles. Chief Kabbel said that there was and they tried to adhere to it, depending on budget constraints.

- C. Adoption of Resolution No. 3991-1021 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona approving the First Amendment to the Intergovernmental Agreement dated May 1, 2003, which established the Central Yavapai Metropolitan Planning Organization (CYMPO), providing for addition of the Town of Dewey-Humboldt as a participating agency and amendment of the Planning Area Boundary to include Dewey-Humboldt.

Mr. McConnell presented the item, noting that Dewey-Humboldt could apply for various grants should they receive a seat on the Board. Their improvement projects would be included in the transportation

improvement program, which is adopted by CYMPO. It is similar to the City's Capital Improvement Program. The original IGA must be amended to allow Dewey-Humboldt to become a member.

He had Vicki McClain there from CYMPO to answer any questions.

Councilman Luzius said that he thought it was a good idea for Dewey-Humboldt to join and looked forward to them sitting on the Executive Board.

- D. Approval of Water Service Agreement with Highgate Prescott, LLP located on Blooming Hills Drive for an allocation of 10.8 acre-feet annually.

Ms. Tucker noted that the property on Petroglyph Point Road in Prescott Lakes was originally designed as an assisted living facility. They have now decided to add some Alzheimer units which resulted in a need for a Water Service Agreement for the new, non residential units. If a non residential unit is over five acre feet, they have to bring forward a Water Service Agreement. The demand estimate from the property was 10.8 acre feet per year; this leaves them with 79 acre feet for 2009 water budget

Councilman Lamerson thought it was a good project. He asked what they had left in the alternative water budget. Ms. Tucker restated that they have 79 acre feet left in the 2009 budget. They have also had 200 acre feet for next year's allocation, 160 for market and 40 for work force. Because they have not allocated as much as budgeted, they have a little extra. They have 371 acre feet remaining in the total budget for the 2006-2010 budget.

Councilman Lamerson wanted to hear that so people would understand that they were monitoring what they had left.

- E. Approval of Special Use Permit for modifications to an existing telecommunications site located at 218 East Willis Street, Zoning is Business Regional (BR), Property owner: Roger Brown; Applicant: Brandon Brown, reliant Land Services for Verizon Wireless. APN: 113-16-032.

Mr. Guice introduced the item and showed the picture of the current and proposed pole. The current height was 52', the new one will be 50', metal with an antennae array and painted a rust brown color. There was a representative from Verizon there to answer any questions.

- F. Approval of Second Time Extension for the Cloudstone Revised Preliminary Plat Unit II-A Planned Area Development for 78 condominium

units on ±5.5 acres located at the southwest corner of Rosser Street and Blooming Hills Drive. (SP04-002).

Mr. Guice said that this was a second time extension request for Cloudstone Unit II. A sunset date was presented two years ago for the overall plat.

The staff's recommendation was to do the extension and have the update coincide with the sunset date of the development agreement which is December 31, 2010. There was a representative there from Cloudstone for any questions.

Mayor Wilson asked if they grant the extension, if they think they will actually do construction before the sunset date. The representative said that the property was currently in escrow and should close on November 20, 2009.

Mayor Wilson asked if they would actually do something if they approved it. He said that he certainly hopes so. They have a plan for an independent living center there and it looks good.

Councilman Luzius said that he wanted to make certain that the fees for extension application were in order before they submit the letter of approval.

Mr. Guice answered that they had notified the applicant and that the \$212 would be paid prior to City Councils vote next week.

- G. Award of bid and contract to CLM Earthmovers, Inc. for the Yavapai College / Sheldon Street Right-of-way Landscape Project in an amount not to exceed \$53,081.00.

Mr. Nietupski noted that the City adopted a resolution in December 2002, via Intergovernmental Agreement, relative to the construction of the 69/89 interchange. The provisions for landscaping were made as a part of that agreement. The contract would fulfill the obligations under the IGA. The City would install an irrigation system and some retaining walls, trees, plants and mulch. ADOT agreed to install the sidewalk and provide pedestrian lighting and right of way. The light poles are on order and should be installed in the next two weeks. Yavapai College will be responsible for maintaining the landscaping, weeding, watering and the plant life. This will be funded from the One Cent Tax for Street and Open Space.

Councilwoman Suttles asked if there was a warranty on the trees and plants. Mr. Nietupski said that there was a two year warranty provision. If it

fails after six months of its planting and up to 24 months, they have to replace that plant with a larger plant, based on the contract requirement.

Councilwoman Suttles asked if the City was dealing with the hill. Mr. Nietupski said that it was an ADOT right of way.

Councilwoman Suttles asked if they had plans to do anything with it. Mr. Nietupski answered that he did not know if they had any other plans than stabilizing the slope.

Councilwoman Suttles noted that the engineers estimate for this bid was over \$112,000 and asked what they were planning to put there.

Mr. Nietupski said that the estimate was based on ADOT's contract provisions for the contract that was associated with the interchange. The unit costs were taken from that contract to develop the estimate. When they bid the project they got much better pricing based on the competitive market that they are currently in.

- H. Approval of Authorization for Services #5 with Z&H Engineering in the amount of \$24,140.00 for conducting an update of the Signage, Marking, and Lighting Plan at Ernest A. Love Field.

Mr. Vardamin noted that this was a required component of the FAA approved airport certification manual. This update will survey every light, sign, can, and the access point. Dava and Associates accounts for about 64% of the total billable services assigned with the project. The monies are coming from the \$200,000 that Council approved for capital improvements at the airport for FAA mandated projects.

Mayor Wilson asked if the output of the survey gets put into the GIS system. Mr. Vardamin said that they had not discussed it yet but he thought it could be done.

Mayor Wilson said that they always say that they do not have good data on what is around, so they should try to incorporate this information into the GIS.

- I. Approval of payment to Arizona Public Service Company (APS) for installation of a power pole on Indian Hill in an amount not to exceed \$24,162.00.

Mr. Nietupski stated that this was necessary to accommodate the construction of the reservoir. This was an anticipated need and it requires the City to pay for it since it is in an easement.

- J. Adoption of Ordinance No. 4719-1016 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the purchase of real property belonging to the Rogers-Chemas Trust for Bradshaw Drive right-of-way.

Mr. Nietupski said that the encroachment on private property was identified in 1991. As a result of a replat and a note by the owner, they made a request that they be compensated. They also made a request for abandonment of portions of Carlton and Rush, just south of the property and adjacent to it on the west side. They determined that it would not be in the City's best interest to abandon the rights of way because of the potential for future development to the south of the parcel. The property was appraised at \$13,000. They were given credit for taxes paid in the amount of \$145.00. They recommend that the Council adopt the ordinance that would allow the City to acquire the title.

- K. Adoption of Resolution No. 3992-1022 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the City of Prescott to enter into an Intergovernmental Agreement with the State of Arizona Department of Transportation (ADOT) to provide for the Granite Dells Parkway SR 89A Traffic Interchange Project, accepting \$1,000,000 from ADOT for project administration during construction and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.

Mr. Nietupski said that an IGA is typically required on all ADOT projects where an improvement on their system is performed by a third party. The City would be allowed to submit an invoice and receive the \$1,000,000 if the IGA is approved. The State will do materials testing on the project at no cost to the City. They will allow the use of the existing box culvert that crosses SR89A. They will also maintain the ramps associated with the interchange. The City is obligated to provide for separate electrical metering.

When additional development does occur out there, it impacts the system. The developer, the City and ADOT will have to meet to mitigate that impact. That is stated in the IGA.

Councilwoman Suttles noted this item states that ADOT is to provide for Granite Dells Parkway \$1,000,000 for the project administration during construction. She said that they still do not have a contractor for that project. She asked if it was a good thing that ADOT has decided to go ahead and turn these monies over to the City while they continue to see what is going to happen.

Mr. Nietupski concurred that there was no contract yet, but that ADOT would require an IGA for this project to go forward. They are just putting themselves in the position to do that when that time is at hand. To obtain the funding, sooner than later, is advantageous to the city.

Councilwoman Suttles said that they cannot seem to get the project off the board and asked what would happen if the project falls by the wayside. She asked if they should have the contractor first and then move ahead with the rest.

Mr. Nietupski answered that it was typically ADOT's requirement to have an IGA in advance of the project; which is usually commensurate with the design start. In this case, that did not occur. If the project never occurs, the City would be obligated to return the \$1 million.

Mr. Norwood interjected that the money was not guaranteed. ADOT is saying they have it for the City of Prescott. He wants to take it as soon as he can. With the way the State funding is, and especially with ADOT, there are no guarantees that another City might get the money.

Councilwoman Suttles said that she thinks it is great and she appreciates ADOT standing up. She was always concerned that the money may go to another community because of the length of time the project has gone on. Maybe ADOT is looking at getting this settled sooner than the City of Prescott is.

Mayor Wilson said that it represents locking down the money, which they need to do as soon as possible.

Councilman Bell said that he was glad to see that ADOT is accepting responsibility of the lighting of the extension of the Peavine Trail through the box culvert and asked what the length of the culvert was. Mr. Nietupski said that he thought it was approximately 150-200 feet.

Councilman Bell noted that it extended under both lanes of the highway and asked if it was 10 x 10. Mr. Nietupski said that it was about 12 x 12. He also stated that the lighting associated with the box culvert will the

responsibility of the City. The ramp lighting for roundabouts will be on the State of Arizona.

Council Bell asked if there would be separate power for the pedestrian tunnel lighting and the roundabout. Mr. Nietupski said yes and that it was the City's obligation.

Councilman Bell said that he was not familiar with how horses react to tunnels of 150 feet. He asked if anyone had experience.

Councilwoman Lopas answered that the Open Space Committee met and Game & Fish and various organizations joined them. The lighting is already installed, which is not an expense that the City will have to face. It is only on the western culvert, the other culvert is for water. The Yavapai Trails Association said a horse should be able to be led through that. If the horse was really skittish, they would not go through the culvert. Everyone bought into the culvert. They thought that it was a great, safe way to get people through the area.

Councilman Lamerson wanted to make sure that the \$1 million from the state gets spent on the project they were talking about and not something else. Mr. Nietupski said that was correct; the money is specifically for that project and no other.

Michael Allen Peters, 640 West Lee, asked if once the City had accepted the \$1 million funding, there would be interest costs to the City pending.

Mr. Nietupski answered that there are no provisions in the IGA that speak to the interest one way or the other.

Mr. Peters noted that on the IGA, it provides in 2B about a public bidding of the project. He asked if that was a separate bidding project from Asphalt Paving and Granite Dells.

Mr. Nietupski said that it was not. It was consistent with the Development Agreement, consistent within providing for public bidding, consistent with Title 34, as long as it was not inconsistent with Title 28, which governs the State highway system.

- L. Approval of Supplemental Agreement No. 4 to Contract No. 07-115 with Parsons Transportation Group, for engineering post design services for the SR89A - Granite Dells Parkway Project in an amount not to exceed \$315,612.00.

Mr. Nietupski said that some additional work was required of the consultant near the end of the design. ADOT had requirements for

modifications of slopes after they had been designed at a 30% level. They asked for them to be broadened out at one time and then, between 60% - 90% they asked them to be broadened again. Ultimately, they went back and made the modifications to the design that had already been done and went forward. The State then changed their mind and asked that the slopes be built to a 3:1 slope. All of those changes affected the drawings, culverts, right of way descriptions, so there were additional costs incurred by the consultant.

There were additional requirements for asbestos and lead based paint facilities to do determinations on those things. The City had some issues that needed to be resolved because they were unable to identify scope tasks associated with the extension of main lines for service provision to the north side of SR89A for water and sewer. Those were associated with the Cavan Development Agreement. When the City was in design, that agreement was not finalized, so they were doing it on the fly and near the end of the project. Environment clearance for the Cavan property had to be obtained in order for the earth work to occur on that site. The post design services for construction support during the actual project will be a part of that particular contract.

Mayor Wilson asked if they got back to the original 30% slope. Mr. Nietupski said that the actual original slope design was at 2:1 He noted that when they are doing a project of this type and working with ADOT, they are not just asking one person to review a set of documents. There are several people who review them and what someone does not catch may be caught later. The design on the project was expedited. The design had to be completed very quickly in order to meet the delivery date for the bid documents.

Councilman Bell asked what the supplemental #4 brought the total contract to with Parsons. Mr. Nietupski said that the total was \$2.7 million.

Councilman Bell asked if that was on a project that they have a bid of \$17 million. Councilman Roecker asked if that was a normal percentage.

Mr. Nietpski said that this was not a typical project. It is a state system highway interchange. The cost associated with one of those state projects are considerably higher from the design side than what we would see in the City of Prescott. Usually the costs are in the range of 10-12% of a construction costs; however, in this being the project that it is, it is more expensive for the design and the effort that goes into it meeting the state requirements.

Councilwoman Suttles asked that it be pulled from Consent Agenda.

- M. Approval of Settlement in Bennett v. City of Prescott in the amount of \$50,000.00.

Mr. Kidd explained that it was a litigation that the City of Prescott was involved with as a co defendant.

It was a case involving a wrongful death claim. There was also an attempt to add some additional negligent claims. It was a \$1 million claim. They had set aside a reserve amount of \$250,000, which was an estimate based on different types of claims, if the matter were to go to trial. It had been in litigation for some time. They had gone to mediation, which was unsuccessful. They did a second settlement conference, as a result of that they got a proposed settlement in the amount of \$50,000.

- N. Notice of Public Hearing (October 13, 2009) and consideration of a liquor license application submitted by Mary Elizabeth Whipple, applicant for Firehouse Kitchen for a new Series 12, Restaurant, license for Firehouse Kitchen located at 220 Goodwin, Suite 101.

Ms. Burke said that this was notice of a public hearing scheduled for October 13, 2009 for the Firehouse Kitchen, series 12 Restaurant license at 220 Goodwin Street, Suite 101. The property has been posted with no public comment received.

- O. Approval of minutes of the Prescott City Council Regular Voting Meeting of September 22, 2009.

No additions or changes were required.

- P. Selection of items to be placed on the Regular Voting Meeting Agenda of October 13, 2009.

Councilman Bell noted that items A, B, C, D, E, F, G H, I, J, K, M, O would be on the Consent Agenda. Items L and N would be pulled from the Consent Agenda.

### III. ADJOURNMENT

There being no further business to be discussed, the Prescott City Council Study Session of October 6, 2009, adjourned at 4:04 p.m.

## SPECIAL MEETING

1. Call to Order

Mayor Wilson called the Special Meeting to order at 4:13 p.m.

2. Recess into Executive Session.

**COUNCILWOMAN LOPAS MOVED TO RECESS INTO EXECUTIVE SESSION;  
SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY.**

3. EXECUTIVE SESSION:

A. Discussion or consultation for legal advice with the attorney or attorneys of the public body, pursuant to ARS §38-431.03(A)(3).

i. Contractual issues associated with grant of easement for the City's 18" Chino Valley to Prescott water transmission line in the West Airport Area.

B Discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation, pursuant to ARS Section 38-431.03(A)(4).

i. Asphalt Paving & Supply, Inc. v. Granite Dells Estates Properties, Inc., Granite Dells Estates Properties II, Inc.; City of Prescott.

4. Adjournment.

The Prescott City Council reconvened into Open Session at 5:22 p.m. at which time the meeting was adjourned.

---

JACK D. WILSON, Mayor

ATTEST:

---

ELIZABETH A. BURKE, City Clerk

