

PRESCOTT CITY COUNCIL
STUDY SESSION
TUESDAY, FEBRUARY 16, 2010
PRESCOTT, ARIZONA

MINUTES OF THE STUDY SESSION MEEETING OF THE PRESCOTT CITY COUNCIL held on FEBRUARY 16, 2010 in the COUNCIL CHAMBERS located at CITY HALL, 201 SOUTH CORTEZ STREET, Prescott, Arizona.

◆ **CALL TO ORDER**

Mayor Kuykendall called the meeting to order at 3:01 p.m.

◆ **INTRODUCTIONS**

None

◆ **INVOCATION** Reverend Julia McKenna, Spiritual Architect

Reverend McKenna gave the invocation.

◆ **PLEDGE OF ALLEGIANCE** Councilman Blair

Councilman Blair led the Council and audience in the Pledge of Allegiance.

◆ **ROLL CALL:**

PRESENT:

Mayor Kuykendall
Councilman Blair
Councilman Hanna
Councilman Lamerson
Councilwoman Linn
Councilwoman Lopas
Councilwoman Suttles

ABSENT:

None

◆ **SUMMARY OF CURRENT OR RECENT EVENTS**

City Manager Steve Norwood noted that Chief Kabbel called a meeting with the downtown businesses to discuss the recent activities and the business owners seemed to be happy with the way the Prescott Police Department was handling everything.

I. PRESENTATIONS

A. Recognition of the Prescott Police Department Explorers.

Chief Kabbel invited the lead Explorer Advisor, Officer Matt Medina, to come forward with the Explorers to be recognized.

Officer Medina talked about their recent success in Chandler and he thanked the community for their support. The program allowed people aged between 14 and 20 that were interested in a career of law enforcement to train with Police Officers.

He said that over 6,500 Explorers from all over the United States competed in the Chandler tactical competition. Prescott won third place in the Negotiations Scenario and first place in an Incident Command Systems Scenario.

It was noted that all of the expenses of the Explorer Post are covered through donations; no City funds are used.

B. Presentation by Prescott Fire Department on Hopi-Nav Operation Winter Storm.

Darrell Willis showed a PowerPoint presentation and discussed the difficult January in terms of rain and snow in northern Arizona. The government declared a disaster in the Northern part of the state and was asking for help. Eleven employees answered the call to go to Holbrook for ten days.

Councilwoman Suttles said that it must have been extreme for the Hotshot Crew to rescue people in snow rather than putting out forest fires. She asked if they were with the department year round.

Chief Willis said that eight of them were full time and when they are not fighting fires, they are doing brush and fuel reduction in the area. They are all-risk employees who are capable of doing whatever is necessary.

Councilwomen Lopas and Linn thanked them for their worked in the very rugged country.

II. DISCUSSION ITEMS

- A. Approval of a three-year agreement between Antelope Hills Golf Course and E-Z Links Golf Inc., for an integrated Point of Sale, Tee Sheet and Marketing system.

Mr. Fenech reviewed the agreement and staff report. He said that E-Z Links will be provided with two tee times per day that they can sell, and they will keep the revenue as payment for their service. They generally recoup 38% of the tee times they are allotted. Any times that are not sold by 3:00 a.m. the day of play, go back to the course to sell. The approximate value of the system is between \$13,000 and \$14,000 in hardware and about \$778.00 in monthly charges, which is about \$42,000 over the three-year period. The hardware and software will belong to Antelope Hills at the end of the three years. The program received an endorsement from the Mayor's Advisory Committee.

Councilwoman Suttles asked about the employees who were doing this before E-Z Links came on. Mr. Fenech said that will allow them less staff time on the desk. They should be able to book tee times quicker and operations will be more efficient. He thought that it may take less staff, but will not be sure until they actually have it in place.

Councilwoman Suttles asked what happens to the E-Z Links tee times when there is a tournament. Mr. Fenech said that they will block out groups of time for tournaments and then E-Z Link will book around those times. If the City blocks out full days, they will owe E-Z Links the time. Bad weather days will be unrecoverable.

Councilwoman Suttles said that she would like to know how much they are giving away as to how much the City is giving. Mr. Fenech said that they will be able to track how many E-Z Links players they have on the course each month and then figure out what they would have made, if the golfer had paid them based on the average revenue per round.

Councilwoman Suttles said that she would like to see that for three months, six months, and nine months to see if it will work for Prescott.

Councilman Hanna said that he was on the Board and everyone really looked at the issue. The best part about this was that it is no cost to the City. It was a win/win. E-Z Links is only asking for two tee times per day. Many tee times go unused each day and this would not cut into anything the City would be making money on. This will draw more people to come into Prescott to play golf. They are actually adding more revenue for them to come up and play.

Councilwoman Suttles said that E- Z Links has to make some money too. Councilman Hanna said that the guys who get on the website in Phoenix will find out that they can play in Prescott. E-Z Links will make money from the bookings.

Mayor Kuykendall asked if they priced their rounds the same as the City did. Kurt Albertson if E-Z Links said that they do discount their tee times so that people will buy from them. They do care about rate integrity and will not do deep discounts. They care about partnering with their clients. He has seen the tee times discounted up to 50% if the City is discounting as well. One key thing that was not brought up was that they will never come into the City's market and advertise. They will bring new golfers to this market. They pass their data to the City's data base for email marketing purposes.

- B. Adoption of Ordinance No. 4731-1028 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona granting an electric utility easement to Arizona Public Service (adjacent to Fire Station No. 1 located at 333 White Spar Road).

Mr. Nietupski reviewed the memo.

- C. Approval of Preliminary Plat for Granite Dells Estates Commercial Planned Area Development, including 206 acres located South of State Rte. 89A, (File No. PP09-001). Owner, Mike Fann. (APN's 103-04-001L, 001M, 001Q, 002A, 003B, 009B, 009C)

Mr. Guice noted that the plat was for 206 acres and was consistent with the Master Plan approved as part of the Development Agreement in 2007. He oriented Council to the project site.

Regarding the Peavine Trail, he noted that the workshop was scheduled for 1:00 p.m. on February 23, 2010 in the Council Chambers. The grading permit was issued for 150 acres of the property, but it did not include the area where Road 39 crossed the Peavine Trail. The portion just west of Peavine Trail had to be approved by the County.

Approval of the plat did not have a direct bearing on the Road 39 crossing. Planning & Zoning recommended approval by a 4-1 vote. Included in the recommendation was that the Council adopt an overall trail policy.

He announced that Mike Fann, the owner of the property, was there to answer any questions they may have had.

Councilman Blair asked if drainage was taken into consideration for the overall plat. Mr. Guice said that it was taken into consideration at the time

of the preliminary plat. The commission discussed if the Tract should be mass graded or individually graded. The vast majority felt there was benefit to having it mass graded.

Councilman Blair said that he only noticed two areas for detention ponds and it seemed that all of the drainage would be underground going to Granite Creek.

Mr. Guice said that some of that had yet to be determined. He felt that there would be some onsite detention developments at the time of project development, in addition to overall site grading.

Council Blair asked if each individual property owner would have to do their own drainage plan. Mr. Guice said that post development flows cannot exceed pre development flows in velocity or volume.

Councilman Blair asked how that was determined. Mr. Guice said that it was part of the initial analysis as part of the grading permit. There was a drainage report that was a requirement of Final Plat approval.

Councilman Blair said that the drainage plan would have to assume maximum drainage from all of the lots. Mr. Guice said that it did not forgo the requirement for onsite detention.

Councilman Blair asked how that was called out in the City Code. Mr. Guice said that it was included within the subdivision regulations as to the drainage report requirements and the Public Works department had specific requirements in what needed to be included within those specific reports.

Councilman Blair said that the City was asking Mr. Fann to pay for a drainage report for all of the properties combined and then asking the individual property owner to do the same thing. Mr. Guice said that some of the info was not known until the development begins. They did not know the percentage of lot coverage and potential off flows.

Councilman Lamerson wanted to thank Mr. Fann for the jobs and sales tax and for moving a project forward.

Councilman Hanna asked if Mr. Fann had received approval to build the road yet. Mr. Kevin Horton of Lyon Engineering said that it was County property. The easements had been drafted and provided to Granite Dells Ranch Holdings' attorneys for review. They had provided a letter of agreement for access and there were some slope easements that encroached into their property. The County provided the City and Mr. Fann with a letter of permission.

Councilman Blair said that the City knows based on size of plats of commercial lots, how much coverage each lot can handle. The City should know that when Mr. Fann spends his money to provide a drainage plan, that it should be the maximum drainage plan for the overall volumes of water moving off of those properties. He wondered why the City would ask individual property owners to go to an engineering company to provide engineering for drainage on those lots. He wondered if an overall engineering plan would suffice.

Mr. Horton answered that as a requirement for Primary Platt submittal, they analyzed the predevelopment and post development flows. In the post development analysis, they assumed the worst case condition based on the zoning, which was an industrial type impervious area. The drainage channels and detention ponds seen account for full build out condition. The need for individual reports depended on individual site plans regarding building locations, structures, etc. There will need to be plans to convey water from the buildings and roof drains on site to the channels that were provided in the overall mass grading design. The majority of water was routed to the ponds and the other drainage basins were reduced in size, reducing the flow.

Councilman Blair said that Prescott View North got away from the City, where the areas were not determined to be correct in their drainage.

Mr. Horton said that the main routing sizes and detention basins will not change regardless of what is built on the property.

Councilman Hanna asked how big the tank was in Zone 12 and if it was an above ground or under ground tank.

Mr. Horton said that he was not familiar with the latest volume. The dimension of the tank site is a one acre. The booster station and potential well site is a quarter acre. A 24' foot high tank was proposed. It was an above ground tank.

Councilwoman Suttles asked that it be pulled from the Consent Agenda. She asked Mr. Guice if it was the exact same plat that they looked at last March. Mr. Guice said that it was consistent with the Master Plan exhibit.

Councilwoman Suttles said that they were looking at a map with a lot of different codes and numbers. She asked which piece he planned on starting with.

Mr. Fann said that there was an at risk grading permit and they had started grading initial Phase IA, where Granite Dells Parkway comes in from the Cavan property and down to the open space. Everything to the west will be phase 1A.

Councilwoman Suttles asked if the infrastructure would go in as well. Mr. Fann said that it would. They had a few months to get the drainage and grading done.

Councilwoman Suttles asked if that would be the first one. Mr. Fann replied yes.

Bob Luzius, Prescott, said that he realized they had a certain routine with Preliminary Plats and Final Plats. He would like to see a decision made on how 39 will cross the Peavine Trail earlier rather than later. They must preserve the integrity of the Peavine Trail. The further they go on this without addressing it, the worse it becomes.

Councilwoman Suttles asked Mr. Guice if there was a workshop on this the following Wednesday. Mr. Guice said that it would be next Tuesday at 1:00 p.m. in Council Chambers.

Mayor Kuykendall said that it would probably require a second meeting for the Peavine Trail.

Glen Gooding, Prescott, was concerned with the cost to the City. He thought that it would be a good idea for the City to net out the costs for the taxpayer, otherwise there was a perception that something is being hidden. He would suggest that in the future, the costs should be identified up front and what the benefit was for the tax payer and identify which pot of money it would be coming out of.

Mr. Guice said that there was a Cost Benefit Feasibility study done as part of the year long process when the City annexed the property. They could provide that detailed information to the Council if they would like that. The Council said that they would like the information.

- D. Approval of the Downtown Management Agreement with the Prescott Downtown Partnership for 2010, authorizing payment of \$14,880.00.

Ms. Bristol noted that this was an annual agreement. In exchange for the City funding a portion of their operations, the Prescott Downtown Partnership runs the Arizona Main Street Program for Prescott and just recently earned National Main Street designation, and it was their responsibility to maintain that status. They have also applied for and received, numerous grants to benefit downtown Prescott businesses.

Part of the agreement requirement is an Annual Report to the City Council. Mr. Cliff Petrovsky, local businessman and property owner and President of the Prescott Downtown Partnership Board of Directors then gave a PowerPoint presentation which covered the following topics:

- ▶ PRESCOTT DOWNTOWN PARTNERSHIP ACCOMPLISHMENTS
- ▶ SUCCESSFUL RODEO DAYS – ARTS AND CRAFTS SHOW
- ▶ ELVES WEEKEND DOWNTOWN
- ▶ CONTRACT WITH THE COUNTY
- ▶ MAIN STREET ACTIVITIES
- ▶ COURTHOUSE LIGHTING
- ▶ MOUNTAIN ARTISTS GUILD
- ▶ HOLIDAY LIGHT PARADE
- ▶ OLD WEST OKTOBERFEST
- ▶ SIDEWALK BUTTLERS
- ▶ SHOP HISTORIC DOWNTOWN – TV COMMERCIALS
- ▶ FRIDAY EVENING ENTERTAINMENT ON THE PLAZA
- ▶ CHRISTMAS IN SEPTEMBER
- ▶ PLAN OF WORK

Councilwoman Suttles asked about parking and what it has to do with downtown. She does not think that the garage parking was being used as it should. She thought the employees should park there. She asked if they could incentivize employees to park in the garage.

Mr. Petrovsky said that it was a big issue. He said that they would be happy to continue the parking meetings. There was a big parking conference coming up in a couple of months that he thinks the City and Prescott Downtown Partnership should get involved in.

Councilwoman Suttles asked if there was a way for them to have an event in the garage. She suggested a dinner or a garage sale.

Councilwoman Linn said that Prescott Downtown Partnership had been derived from 60% of the vendor fees collected from events held on the Courthouse Plaza. She wanted to make sure that the vendor fees were just from the Plaza and not from church events. Mr. Woodfill confirmed that the fees were just from the Plaza.

Councilman Lamerson asked Ms. Bristol if she could do the same job that Prescott downtown Partnership does for less than \$15,000.

Ms. Bristol said that they originally made the contract with Prescott Downtown Partnership so that they did not have to use City staff to do that work. The second biggest reason was that the better liaison between City Hall and the business community was someone who was not in City Hall.

Councilman Lamerson said that it clearly demonstrated a positive public, private partnership between the downtown business community and the City. He felt that the contract was a no brainer.

Councilwoman Linn asked if they were reconsidering having square dancing on Saturdays. Mr. Petrovsky asked Jane if that was something the City was looking into.

Mr. Norwood said that it was the City's responsibility. They did change it and it was very successful last year with the highest attended numbers since they began the summer series.

Mr. Petrovsky said that there was some shuffling and he did not feel that anything was lost. Prescott Downtown Partnership picked up the Friday nights.

Mayor Kuykendall noticed that they were using a calendar year and the City was on a fiscal year. He asked if that created any problem with the money. Mr. Woodfill said that it was not a problem.

Mayor Kuykendall asked if they had been receiving a \$25 vendor fee for several years and was everyone comfortable with that. Ms. Bristol said that was the fee that they charge. \$15 of the \$25 comes back to the Prescott Downtown Partnership.

Mayor Kuykendall asked if that covered all of the expenses. Mr. Norwood said yes.

Ms. Bristol noted a slight wording change from the agreement that Council received.

Paragraph 1 – although payment occurs in early 2010, the management agreement is for calendar year 2010. Prescott Downtown Partnership is the recognized Main Street Organization for the entire calendar year. The payment the Council is approving is based on 2009 events. The events on the plaza do not coincide with the fiscal year.

Councilman Blair said thanks for leading this group as well as the others involved. As long as they continue that way he is sure they will get the bar owners to agree they need to take care of their butts as well.

Councilwoman Suttles said that she wanted to make sure that the public realized the dollars are being paid by those events. They go into the General Fund because of how it goes out.

Bob Luzius, Prescott, asked if the square dancers were coming back on Saturday. Mr. Norwood said that they will not be back on Saturday. The City had great success last year and got more compliments from the downtown merchants than they had ever received. They will look at it again in the summer to see if anything needs to be tweaked, but they will keep the same schedule as they had last year.

Mr. Luzius noted that it was difficult for the square dancers to get a caller to Prescott during the week. Mr. Hanna said that he thought the square dancers were still on Saturdays. Mr. Norwood said that they can get a list of how it was done last year.

Mayor Kuykendall said that the topic was not on the agenda.

Councilwoman Suttles asked Councilman Hanna and Councilwoman Linn to look at both sides of why things were changed around the Courthouse. It was not done willy nilly. The City knows exactly what needs to be done and if there is a possibility that it has to be moved to somewhere else, at least look at both sides as to why the City did this.

Councilman Hanna said that he was not questioning it; he was just unclear on what was stated.

John Zambrano, Prescott, said that he was a Lynx Creek Clogger. He hoped that the City would consult with them when picking a date for the summer.

- E. Adoption of Resolution No. 4001-1031 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, repealing Resolution Number 3927-0933 and adopting new Rules of Procedure for the Prescott City Council.

Councilwoman Suttles asked if there was a way to get the laundry list up on the screen. She wanted to turn it over to the Mayor to tell how it got started and what the plans were. She said that she was not his issue; she was a buy in on it. She was not going to be a problem but it seemed to have rubbed some people wrong out in the community. It needs to be accepted as a trial for the next three months.

Councilman Blair said that he liked the format of being able to have workshops so that, collectively, they can talk to each other as a group without violating the Open Meeting Law. He said that after he thought about it over the last week, he would like opening comments to be at the beginning of the meeting. He would hate to see someone who wanted to address the City Council have to sit in the audience for two to three hours.

Councilwoman Lopas said that citizens feared that they would not be meeting as much and that there would not be much time for public comment. She looked at 50 different cities/town rules and procedures and found one that made a lot of sense, the City of Grisham, Oregon has Council business meetings on the first and third Tuesdays of the month. On the first Tuesday, they do their proclamations, recognitions and voting sessions.

On the second Tuesday, they do a policy development meeting, to review programs and receive progress reports from staff. The last Tuesday of month is a roundtable meeting, which was her favorite. It was an informal meeting and gives the Mayor and Council time to candidly discuss matters relating to council operations, program or policy ideas of individual members, personnel issues relating to the managing attorney and other topics of mutual interest. It was open to the public, although they may not join the discussion.

Mayor Kuykendall noted that after being a part of the meetings there for about a month and being on the inside and the amount of time it entailed to put together a weekly meeting, it was time consuming. Now that they were trying to do more with less people, he, the City Manager and City Clerk started visiting about it. He tried to get some good information on staff time. When they had identical meetings, many times they had 8-12 department heads sitting there for 1-3 hours. It looked like an opportunity

to keep them working in their departments. That was the intent, to see if they could be more efficient. Many times, it was difficult to hammer out the facts of different items. He thought they need more workshops with the public involved to get to the nitty-gritty of some of the issues that they were facing. It was not the intent to save the Council's time; he thought that they would actually be spending more time in meetings. They are getting out into the neighborhoods and spending time with the HOA's and other folks. They are also looking forward to having a Council person available at City Hall every day from 8:00 a.m. – 5:00 p.m. He hated to think that anyone thought they were trying to take something away from the public. In his opinion they were adding something to the public. He would like to look at it for 90 days. He said that sometimes it was difficult to accept change.

Councilman Lamerson said that he was in concert with Mr. Blair in trying to keep all of the public up front, so they do not burden people from having to take time out of their day. He commented to Mr. Kidd that no where had he heard of any attempt to restrict the freedom of people to speak. They had a right to telephone call, e-mail and do anything necessary to get in touch. He had not heard anyone say that people do not have the right to speak on issues. Nowhere in the constitution has it said that it was the obligation of the civic body to create a public forum during the course of business of the incorporation when they are sitting there trying to conduct corporate business.

Mr. Kidd agreed. In the way it was proposed, they are changing the meeting schedules, emphasizing the abilities to have a workshop and the public forum for citizen comments was five minutes, which is what it was before. It was clarified, because it was an inconsistency in the other rules and procedures. The other changes allowed someone to talk on the same item every three months instead of every six months. It was more liberal allowing for public comment.

Councilwoman Suttles said that if Councilman Blair and Councilman Lamerson look at Rule 11, discussing the public comment, it said that a deviation may be made by the Mayor without changing the Rules of Procedure. She believes that it stays as it is. Councilman Blair said that he would like to have it left in the front.

Mayor Kuykendall said that they would leave the public comment period at the start of the agenda.

Bill Kindig, Prescott, said that he had one issue with a suggested solution. He and John Danforth work together on things for the City. Mr. Danforth could not be there, but had authorized Mr. Kindig to speak for him.

In Rule 4, Section A it said that a member of the public may not speak on the same topic more frequently than three-month intervals. Because they do extensive research, they may have something to discuss, continue researching the subject and need to come back to speak. He suggested adding A) unless approved in advance by the Presiding Officer or his appointee, or B) unless invited to do so by the Presiding Officer.

Councilwoman Linn said that it was her understanding that they would ask a Council person or Mayor to recommend them to do a presentation.

Mayor Kuykendall said that the Mayor or two Council people can put items on the agenda.

Mr. Luzius said that he assumed that they could discuss the entire packet. The citizens were allowed 20 minutes out of a whole year to speak. He thinks that it is shorting the citizens.

Rule 1 – Section A – scared him. He would rather see the changes come before citizens through a referendum or initiative.

He did agree with changing treasurer to finance director.

Page 8 – Section C – should hold true to citizens stating their City of residence as opposed to their place of business.

He was interested in what Councilwoman “Hanna” (Lopas) had to say about the city in Oregon.

Sometimes when people come to a meeting they want to go on the record. Making a call or sending an e-mail does not get publicity.

Mayor Kuykendall said that he did not think that Mr. Luzius had any problems with these items when he was on the Council. There was a Council committee of three that was working on the Charter. That would require a public vote.

The Rules and Procedure were changed on Mr. Luzius' watch to put a red light in. He did not hear any objections to those issues at the time. He said that they want to do what is right.

Mr. Luzius recommended that there be a citizen on that committee.

Councilman Hanna said that no one is trying to take anything away from the public because that is who they work for.

- F. Notice of Public Hearing (February 23, 2010) and consideration of a liquor license application submitted by Andrea Lewkowitz for a new Series 07, Beer & Wine Bar, license for Cost Plus World Market located at 3320 Gateway Boulevard.

Ms. Burke reviewed the application, noting that the applicant was requested to be at next week's public hearing.

- G. Approval of the Minutes of the Prescott City Council Special Meeting of February 8, 2010 (in their capacity as members of the Regional Association of Local Governments); the Regular Voting Meeting of February 9, 2010; the Joint Special Meeting with Prescott Valley Town Council on February 11, 2010; the Workshop of February 12, 2010; and the Study Session of February 16, 2010.

No discussion.

- H. Selection of items for placement on the agenda of the Regular Voting Meeting of February 23, 2010.

Councilman Lamerson said that the following items would be on the Consent Agenda: A, B, D, G.

Councilwoman Suttles asked if they were going to pull adopting new Rules of Procedure. Councilman Lamerson said that was correct. They would discuss it again next week and vote on it next week.

III. ADJOURNMENT

There being no further business to be discussed, the Study Session of the Prescott City Council held on February 16, 2010 adjourned at 4:49 p.m.

MARLIN D. KUYKENDALL, Mayor

ATTEST:

ELIZABETH A. BURKE, City Clerk