

PRESCOTT CITY COUNCIL
REGULAR VOTING MEETING
TUESDAY, FEBRUARY 23, 2010
PRESCOTT, ARIZONA

MINUTES OF THE REGULAR VOTING MEETING OF THE PRESCOTT CITY COUNCIL held on TUESDAY, FEBRUARY 23, 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 3:03 p.m.

◆ **INTRODUCTIONS**

◆ **INVOCATION:** Pastor Wil Ryland, Church of Nazarene

Pastor Amy Ryland gave the invocation.

◆ **PLEDGE OF ALLEGIANCE:** Mayor Kuykendall

Mayor Kuykendall 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 followed up on the last Council meeting and said that they had received several Federal Transportation Enhancement Grants, which purchased the right of way from the Yavapai Block to the Old 89A and made improvements. He will get information about what can and cannot be done. Mr. McConnell had called the Federal government to find out if there were any limitations on the Peavine Trail. There was a letter sent several months ago, with no response. It was sent after the City received no response to their verbal inquiries.

Mayor Kuykendall said that Gary Worob brought something they needed to follow up on. When the trail was accepted into the federal system, he was told there might have been restrictions included with the acceptance.

Councilwoman Suttles appreciated the City Manager finding that out. She did not think that the Council knew they had applied and received the grants.

Councilman Blair congratulated Tammy Linn for winning The Woman of the Year designation by the Prescott Area Leadership.

Councilman Hanna thanked Kevin Horton for the Peavine presentation (at the prior meeting).

Councilwoman Linn invited everyone to join her in the Greenways Trail clean up, beginning at the Mile Hi Middle School on Saturday, February 27.

I. PUBLIC COMMENTS

A. Kevin Greif re damage to driveway by Granite Creek.

Kevin Greif, 1140 North Opal Drive, Prescott, owner of the property at Granite Creek on Joseph Street said that he had owned the property for over 35 years and is now building a house on the property. There was a cable barrier on the street that was built illegally by the City that does not meet the Flood Plain Ordinance, the State Flood Plain Code or the FEMA regulations. He handed out a packet for the Council to review concerning the property. Mr. Norwood said that he would have Mark Nietupski meet with him the next day.

B. Frank Creelman re video/audio officers' "blue-tooth" head phone set.

He suggested that the police cameras also contain audio to keep everyone honest.

C. Melissa Jackson re invitation to Community Workshop for Recreational Planning.

Melissa Jackson invited everyone to a Community Stewardship Forum on March 10, 2010 in the Chino Valley Activity Center, or the Prescott Valley Library, and March 11 in the Yavapai County Community Room at Yavapai College and at the Stoneridge Golf Course.

II. PRESENTATIONS

A. Introduction of new businesses.

Susan Cohen, Prescott Chamber of Commerce introduced the following businesses:

- ▶ Cracker Barrel, Broc Carter, Senior Associate Manager
- ▶ Antidote Creative Design, Michael Tickle, Owner
- ▶ Ripple Training, Steve Martin, Owner
- ▶ Arizona Home Inspections, Chris Shockless, Owner
- ▶ Laser Gifts, John Rogers, V.P. Human Resources

B. Fire Chief Bruce Martinez re 125th Anniversary of the Prescott Fire Department.

Chief Martinez gave a brief history of the fire department and introduced Kristi Gagnon and thanked her for doing a great job organizing the anniversary celebration. Ms. Gagnon talked about the celebration activities, scheduled for Saturday, March 6, 2010.

Councilman Hanna thanked her for the t-shirt and encouraged everyone to buy one.

Councilman Blair noted that he got approval to donate buns instead of charge for them.

III. CONSENT AGENDA

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

COUNCILMAN BLAIR MOVED TO APPROVE CONSENT AGENDA ITEMS III-A THROUGH III-D; SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY.

- ### A. Approve 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.

- B. Adopt 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).
- C. Approve the Downtown Management Agreement with the Prescott Downtown Partnership for 2010, authorizing payment of \$14,880.00.
- D. Approve 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.

IV. REGULAR AGENDA

- A. Public Hearing 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.

Councilwoman Suttles asked if this was something they were doing with all of their stores. Ms. Lewkowitz answered yes. They have applied for a Series 7 so that the employees can conduct samplings on site. There will specific times for tasting, managed through the store with identification procedures.

Councilwoman Suttles said that if it was just sampling and not a bar she thought it was a great idea.

COUNCILMAN LAMERSON MOVED TO CLOSE THE PUBLIC HEARING; SECONDED BY COUNCILWOMAN SUTTLES; PASSED UNANIMOUSLY.

COUNCILMAN LAMERSON MOVED TO APPROVE 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; SECONDED BY TAMMY LINN; PASSED UNANIMOUSLY.

- B. Temporary Reappointments to Board of Adjustment and Prescott Preservation Commission.

Councilwoman Linn noted that they had established an ad hoc committee for reviewing boards, committees and commissions run by the City of Prescott and they were in their last phase. There will be a Council review of the application and an overview of State Statutes.

Councilwoman Suttles asked if the reappointment of the two gentlemen was permanent. Councilwoman Linn said that it was until April of 2010.

COUNCILWOMAN LINN MOVED TO REAPPOINT MIKE KLEIN TO THE BOARD OF ADJUSTMENT AND REAPPOINT MICHAEL TODD AND RUSS BUCHANAN TO THE PRESCOTT PRESERVATION COMMISSION, ALL WITH TEMPORARY TERMS TO EXPIRE THE END OF APRIL 2010; SECONDED BY COUNCILWOMAN SUTTLES; PASSED UNANIMOUSLY.

- 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 said that there was no new information to add. The Planning and Zoning Commission did consider it in March of 2009 and made a recommendation of 4-1 to approve.

Councilwoman Suttles asked Mr. Kidd if going through the preliminary the City was requested or had to meet a date specific on any of the information from the Development Agreement for the particular property.

Mr. Kidd said no. When the original Development Agreement was done there were time frames which related to the construction of the interchange. Part of the settlement was that all parties agreed that time frames were no longer a concern. The City had agreed to process the submittals in accordance with the Land Development Code and use reasonable best efforts to complete it in a timely manner. It was also in the settlement agreement that both parties agree to proceed in a timely manner.

Councilman Blair said that he talked to Mr. Nietupski and Mr. Tkach to resolve his issues on drainage. He asked Mr. Kidd if the City required financial assurances from the development and when were they relinquished.

Mr. Kidd said that they did require them and they do not expire. There are three different types of assurances - irrevocable letter of trust, funds deposited, and a bonding process.

Councilman Blair asked if the City had something fiscally to hold onto. He asked if that was given back to the developer once the project was complete. Mr. Kidd noted that it had to be signed off and that it was given back to the developer or to the bank that posted them.

Councilman Hanna asked who sets the percentage of that. Mr. Kidd said that engineering does, based on construction estimate plus 10%. He and Mr. Nietupski had talked about that. Depending on cost factors, they may be increased to 20%, but with costs down he does not think they were proceeding with that. Mr. Guice noted that it was typically done at the time of the Final Plat.

Bob Luzius, 237 South Arizona, noted that rain water retention might be a condition of annexation to recharge the aquifer.

Mayor Kuykendall asked if he saw that as a code change and Mr. Luzius said yes. Mr. Guice said that they could put it on the list for the Code Committee's consideration.

COUNCILMAN BLAIR MOVED TO APPROVE THE PRELIMINARY PLAT FOR THE GRANITE DELLS ESTATES COMMERCIAL PAD SUBJECT TO THE CONDITION THAT ALL DEPARTMENT AND AGENCY COMMENTS BE ADDRESSED PRIOR TO THE SUBMITTAL OF A FINAL PLAT FOR ANY PHASE OR UNIT OF DEVELOPMENT; SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY.

- D. 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.

Councilman Lamerson noted that he kept this off the Consent Agenda to give the Council members time to have questions answered and give the public ample time to address the issue.

Councilman Blair asked for the motion to be read again. Ms. Burke said that there had been no change since the prior week. Councilwoman Linn asked if he wanted it to be read page by page. Councilman Blair said that he just wanted the operations of the meeting verbalized; how many meetings there will be, how many times someone can speak on one subject and when they will have workshops.

Ms. Burke said that City Treasurer was changed to Finance Director, the meeting will be the second and fourth Tuesdays of each month, and other meetings would be scheduled as needed. Items have to be submitted to the City Clerk prior to the second Friday preceding the meeting. If someone had spoken during public comment, they could not speak on the same issue within a three month period.

Mr. Luzius, Prescott, made note that the addition of the red light when he served was not a Council decision, but a Mayoral directive.

He noted that the only change made to the Rules of Procedure when he was serving was done by the Mayor which said that only the Mayor or the City Manager could make a comment about the good of the order. He commended Mayor Kuykendall for letting Council members make comments. He still opposed going to two meetings.

Jerry Blackhawk, Prescott, said that he thought that people should be able to speak more often than every three months on the same subject. He also wanted to continue four meetings a month.

Mayor Kuykendall said that they had to limit the Peavine Trail workshop to 1-3/4 hours to accommodate the Council meeting. Any member of the Council can ask for an item to be moved forward. They would like to see how this works for a 90-day trial.

COUNCILWOMAN SUTTLES MOVED TO ADOPT RESOLUTION 4001-1031; SECONDED BY COUNCILWOMAN LINN; PASSED UNANIMOUSLY

V. ADJOURNMENT

There being no further business to be discussed, the Regular Voting Meeting of the Prescott City Council adjourned at 4:20 p.m.

MARLIN D. KUYKENDALL, 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 23rd day of February, 2010. I further certify the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____, 2010.

AFFIX
CITY SEAL

ELIZABETH A. BURKE, City Clerk