

PRESCOTT CITY COUNCIL
REGULAR VOTING MEETING
TUESDAY, AUGUST 31, 2010
PRESCOTT, ARIZONA

MINUTES OF THE REGULAR VOTING MEETING OF THE PRESCOTT CITY COUNCIL held on August 31, 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 3:00 p.m.

◆ **INTRODUCTIONS**

◆ **INVOCATION:** Pastor Lloyd Teeter, Church of Nazarene

Pastor Lloyd Teeter was not present. Councilman Hanna gave the invocation.

◆ **PLEDGE OF ALLEGIANCE:** Councilman Lamerson

Councilman Lamerson 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 Norwood noted that it was Jane Bristol's final day. He said that her 21 year career with the City had been stellar. He presented her with a gift and introduced her husband and mother.

Ms. Bristol said that it had been a pleasure to serve the City.

I. CONSENT AGENDA

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

Councilwoman Suttles pulled Item B for a quick presentation from Tom Guice. She thought that it was an exceptional presentation and wanted the viewers at home to see what could be done.

COUNCILMAN LAMERSON MOVED TO APPROVE CONSENT AGENDA ITEMS A & C; SECONDED BY COUNCILWOMAN LINN; PASSED UNANIMOUSLY.

- A. Adoption of Ordinance No. 4758-1109 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, abandoning a portion of an existing easement, Exhibit “B” and accepting a grant of a new corrected water line easement from the Bennett’s with the right of ingress and egress to and from the same across the property as shown and described on Exhibit “A” water line easement and authorizing the Mayor and City staff to take all necessary steps to effectuate such abandonment and acceptance of the new easement.
- C. Approval of the minutes of the Prescott City Council Workshop of July 13, 2010; the Workshop of July 20, 2010; the Special Meeting (Executive Session) of August 3, 2010; the Workshop of August 3, 2010; the Regular Voting Meeting of August 10, 2010, and the Workshop of August 17, 2010.
- B. Approval of Comprehensive Sign Package for Centerpointe Professional Suites, located at 2001 Excellence Way, subject to the conditions outlined in the Council Agenda Memo dated 08/24/2010. (CC10-002)

Mr. Guice noted that it was a straightforward request with a trade-off of not having building signage for a slight increase in the monument signage. Under the Land Development Code, projects which were multi-tenant, multi-building, each tenant got 40 - 80 square feet of building signage in addition to the directory signage. They proposed that there would not be any building signage, in exchange for monument signage and two directory signs.

With the Council’s approval of this, the other three to four signs would be approved administratively. They would also put an item in the Unified Development Code (UDC) that would permanently amend the Code to allow for more flexibility. He noted that there was a representative from A&B Sign Company to answer questions.

Councilman Lamerson said that he appreciated Mr. Guice bringing up the overview of UDC. He said that the item showed that one shoe did not fit all. Just because it was in the code did not mean that it was set in stone.

Mayor Kuykendall said that he thought that it was a reasonable accommodation.

COUNCILWOMAN SUTTLES MOVED TO APPROVE THE COMPREHENSIVE SIGN PACKAGE OF CENTERPOINTE PROFESSIONAL SUITES, LOCATED AT 2001 EXCELLENCE WAY SUBJECT TO THE CONDITIONS OUTLINED IN THE COUNCIL AGENDA MEMO DATE AUGUST 24, 2010; SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY.

(Conditions from Memo: 1) Any additional freestanding signage for future construction, including minor changes or modifications allowed under the sign code may be approved administratively. All other requests, including wall signage shall require an approved amendment to the Comprehensive Sign Plan; and 2) All future signage must be of similar type and function with consistent size, lettering, color & material.)

II. REGULAR AGENDA

- A. Public Hearing and approval of the Analysis of Impediments to Fair Housing as associated with the City's Community Development Block Grant (CDBG) Program.

Ms. Hartmann said that the Analysis of Impediments (A&I) was a requirement of Housing and Urban Development (HUD). The City was an entitlement community. There were two major requirements to fulfill in order to remain such: 1) do a five year consolidated plan followed by an action plan every year. Because the City was on a five year plan they had to update the A&I every five years. Southwest Fair Housing Consultant did that in 2005. Because the City no longer had the funds for the consultant, it was accomplished by city staff member, Mike Bacon.

Ms. Hartmann noted that discrimination was prohibited by the Fair Housing Act. The following subjects provided the A&I framework:

- ◆ FAIR HOUSING EDUCATION AND OUTREACH
- ◆ AFFORDABLE HOUSING
- ◆ SUBSIDIZED HOUSING

- ◆ PREDATORY LENDING
- ◆ ZONING ISSUES
- ◆ NOT IN MY BACKYARD

The City conducted a survey of citizens. The City of Prescott had improved it's impediments since the last A&I.

They had set aside \$3,000 in grant money to do more public service announcements on CableOne.

Councilwoman Suttles said that she was impressed that the staff was able to write the AI.

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

COUNCILWOMAN LINN MOVED TO APPROVE THE ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING AS ASSOCIATED WITH THE CITY'S COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM AND AUTHORIZE STAFF TO SUBMIT THE ANALYSIS TO HUD; SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY.

- B. Approval of agreement with Mountain Bike America, dba Epic Rides, in an amount not to exceed \$30,000.00 cash and in-kind services.

Ms. Bristol noted that the event had grown every year over the past seven years. Over 1000 people registered for the event in 2010 and 53% of the participants stayed in hotels, 42% of those stayed two nights. For an event that lasted 1.5 days, 27% of those brought 2 guests; 80% were from Arizona and 60% were from Phoenix with 20% from Tucson and the Southern Arizona area; 46% of those tourists ate 3-5 meals in Prescott; 58% of them made an additional visit, just to ride the course.

In assessing how the participants enjoyed the event, 92% said they would return to Prescott on a trip not related to mountain biking; 83% were very satisfied with their experience Prescott; 94% would recommend the Whiskey Off Road Event and the City to their friends and colleagues.

She said that it was a signature event for the City. Starting in 2011 the event would be held April 29 to May 1. It would be three days of riding and other activities all centered in the downtown area. The event would include live music, an industry expo with wares marketed, a restaurant tour and pub crawl. They were expecting 1400 participants in 2011; 200 of those were

expected to be the most talented mountain bicyclists in the world, which would bring international acclaim to the City.

The contract guaranteed that a cash purse would be offered to the top riders. That purse would be split equally between men and women, which had not been done in the history of mountain biking. The three day event would be more expensive and more complex than any event the City had participated in. The contract reflected a payment of \$20,000 to Epic Rides to market and promote the event, and an additional, up to, \$10,000 in City equipment and services to support the event. In return the cash payout was guaranteed. The City would be the major sponsor. The City would also receive survey results from the participants within 60 days. The money to be paid would come from bed tax funds.

Councilwoman Suttles asked if the event would always be a three day event. Ms. Bristol said that the growth was in the number of participants. Professional mountain bikers had a circuit they rode every year. She wanted Prescott to be one of those stops. It had to fit in with their calendar. She would be surprised if it would go to two weekends. It was also early in the year and last year there was snow one day before the event.

Councilwoman Suttles asked if the event would move from bed tax dollars to tourism. Mr. Norwood said that the event would continue to come from bed tax. He noted that they were conservative with the in-kind services. He wanted to make sure that the City could provide the proper coverage. He did not expect it to be \$10,000.

Mayor Kuykendall noted that they paid \$15,000 in cash last year.

Councilman Lamerson noted that it was a good investment of the dollars they had to spend and a well founded use for bed tax dollars. Mr. Norwood said that this was the first time that there was ever an agreement this early. It gave Epic Rides more opportunities to market on a national scale.

Mayor Kuykendall said that the City received a full page story which turned out to be an advertisement for Prescott in the leading off-road bike magazine.

Mr. Feldmeier noted that Mr. Sadow had a prior commitment and could not make the meeting. He said that this was a good family event and a benchmark event for Prescott.

Councilman Blair said that he did have some calls asking why the City would give more money to the event when the financial conditions were so bad. He explained to them that the money was generated from those staying in beds.

There was a cash benefit that came out of it. He thought that it was a very good program.

Councilwoman Linn concurred. She said that if the City increased the number of people to Prescott to 60%, it would bring \$201,600 into the community. She also estimated that three days of eating and drinking for 3,000 people would bring in about \$450,000, totaling roughly \$651,000. She thought it was well worth the investment.

Mr. Gordon Maddox said that he had traveled the world for two decades covering sporting events, even though he was not familiar with mountain biking events. He got involved with this because his son was competing and felt that it was one of the most well organized events he had attended. He felt that it was a tremendous event for Prescott and wished the City good luck. Mayor Kuykendall asked if his son came in second place. Mr. Maddox said yes.

Mayor Kuykendall noted the \$20,000 the City was putting in would all go out in prizes.

COUNCILMAN BLAIR MOVED TO APPROVE THE AGREEMENT WITH MOUNTAIN BIKE AMERICA, DBA EPIC RIDES, IN AN AMOUNT NOT TO EXCEED \$30,000.00 CASH AND IN-KIND SERVICES; SECONDED BY COUNCILMAN HANNA; PASSED UNANIMOUSLY.

- C. Approval of Special Use Permit to Sell Automobiles and Scooters with Outdoor Display, located 613 Miller Valley Rd., APN 113-97-012, Zoning: Business General, Owner: Orville and Helen Heuer Trust, Applicant: Mark Tereau, SUP10-001.

Mr. Guice noted that the Zoning Committee voted 5-0 to approve the permit with four conditions of approval suggested. Two conditions related to landscaping, a third condition related to designation of 4 of the 33 parking spaces to be used for display and the final condition was that a prior business on the opposite side of the street involved U-Hauls and U-Haul rental could not occur in the new location.

Councilman Lamerson noted that being the liaison for the Planning and Zoning Commission, he attended several meetings when the project was discussed. He felt that it made common sense. He thanked the applicant for investing in the City of Prescott.

COUNCILMAN HANNA MOVED TO APPROVE SUP10-001 SUBJECT TO THE STIPULATIONS OUTLINED IN THE COUNCIL AGENDA MEMO DATED AUGUST 24, 2010; SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY.

(Conditions from Memo: 1) The required setback of 10' from all right-of-ways and 5' from all other property lines for parking areas shall be waived; 2) Provisions for landscaping along the parking lot perimeter for landscape strips 10 feet wide along the street and 5 feet wide along other property lines shall be waived; and 3) Up to 4 parking spaces may be used to display scooters and/or autos. The display area shall be located on the Southwest portion of the parking lot near to Miller Valley Road and shall be clearly signed as reserved parking for the display of vehicles; 4) U-haul display and similar rentals are prohibited.)

- D. Adoption of Ordinance No. 4759-1110 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona amending Title III, Chapter 10, Section 8, *Water Conservation Code: Incentive Program*, of the Prescott City Code.

Ms. Rydell, Water Conservation Coordinator, presented revisions for 2011 incentive credit program. The program was just one element of conservation education. It offered consumers credit back on their water bill if they invested in certain items. The budget was reduced from \$85,000 to \$50,000 this fiscal year. She gave the Council an incentive award comparison chart and said that they were recommending reducing the landscape irrigation to \$75 from \$150, landscape irrigation audits to \$75 from \$100. They had nine citizens apply for the rain water cistern credit. They want to maintain the ten cents per gallon but maximize the credit at \$300, instead of \$500. Turf removal would be reduced to \$400 for residential and \$800 for commercial. All toilets would be reduced to a \$50 credit.

She introduced a new credit for rotary style spray heads that were replacing old technology at \$2 each and they had to replace 12 heads with a maximum credit. People could also get a credit for leak repairs and low tech water smart devices.

Charlie Hildebrandt, Yavapai County Nursery and Landscape Association, said that the audit program that was now in its third full year was the single most effective tool that any town could take on. Rainwater harvesting was neat but did not apply to everyone, audits did. Irrigation auditing, 3 years ago, was provided on a volunteer basis and averaged 60,000 gallons of water for each house visited. Commercial sites increased that to 20 acre feet of water. The audit program was strong elsewhere and weak in Prescott. Last year they partnered with Arizona Department Water Resources and audited the Cottonwood middle schools, Prescott Valley Coyote Springs Elementary School and the Glassford Hill Middle School. Ms. Rydell was coming to the table to increase audit action in Prescott. They intend to step up advertising to promote audits. Mr. Hildebrandt was concerned that when they stepped back from \$100 and went to \$75 it was a mistake. They did the

audits as an organization because they felt they owed it to this town to “maintain” self policing of the industry. It took a certified individual to give an audit. For \$100 they could part with an employee for about two hours, when they drop to \$75 they could not. He asked that they leave the credit at \$100. He felt that they should give up the drip and rotating head incentives.

Mayor Kuykendall asked if the \$85,000 from last year was used up. Ms. Rydell noted that they ran out of money around April 20 of the year.

Councilman Lamerson said that it was rare to see government employees come forward with decreases. He thought it was a good suggestion. He also extended compliments to YCCA and landscapers and private sector folks that had stepped up to the plate. He said that they understood the severity of not having enough flow through the sewer system. Ms Rydell said that they hoped to serve more citizens by lowering the credit.

Councilwoman Suttles asked Ms. Rydell what she did after she ran out of money last year. Ms. Rydell said that they posted a notice on the web site to say how successful the program had been and encouraged citizens to check back for the new incentive program.

Councilwoman Suttles asked if Ms. Rydell would lose her program if she ran out of funds. Ms. Rydell said that it was the first year that she had run out of money. It showed that it was a successfully marketed program. People were interested and applying for credit. When she crunched the numbers, she thought that the City should be able to serve 583 numbers. Ms. Rydell said that they could talk to the clients who are high water customers and inform them of the audit program.

Council Blair said that he appreciated Mr. Hildebrandt giving his sense about the program and how the incentives were changed. They may want to revisit the \$100 number. He asked why they would want to cut the money back if it had been fruitful. He agreed with Mr. Hildebrandt that some of the other things should come down to give that \$100 back.

Councilman Lamerson asked what the 60,000 gallons of water related to in dollars and cents. Ms. Rydell said that the City 140,000 gallons of water which was about one third of an acre foot for \$700.00, which was a one-time expenditure. Councilman Lamerson said that they should try to keep the audit program.

Mayor Kuykendall acknowledged Ms. Rydell's two hours on the radio the past Saturday at no cost to the City.

Ms. Griffis, Yavapai County Contractors Association, said that incentives were an important part to water conservation. Conserved water was a

safeguard to reach safe yield. On the ordinance, it said that the total incentives granted for a property shall be limited to \$2500. She ran a quick survey of possible incentives that a property owner might consider and the maximum was about \$1500. Maybe the City should consider reducing that down to \$1,500.

The rainwater harvesting unit was not a productive item. To do a Rain Water Harvesting System a citizen would have to do an active system and they started at \$10,000. She recommended eliminating that item altogether. She thought that they should take that \$300 and increase the cost of toilets which was a proactive item for saving water. She felt that the incentive for toilets needed to be back up at \$150.

Councilman Blair asked if it was a first come, first serve program. Ms. Rydell said that it was. Councilman Blair said that he did not see a reason to change the program. Ms. Rydell said that it was a broad outreach to all of the different vendors. Handymen could market the program with flyers.

She recently supported a retrofit program that involved 160 toilet units at the Prescott Resort. That was \$16,000 that would have been part of the program, she did want a cap on the incentives.

Mayor Kuykendall said that he did not think they were going to buy their way into safe yield. He would hope it will be achieved because it was the right thing to do. He said that the water rate increase would also have an effect on conservation.

COUNCILWOMAN SUTTLES MOVED TO ADOPT ORDINANCE NO. 4759-1110, WITH THE CHANGE TO INCREASE THE AUDIT TO \$100; SECONDED BY COUNCILMAN BLAIR; PASSED UNANIMOUSLY.

E. Alarm Ordinance.

1. Adoption of Resolution No. 4045-1115 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, declaring as a public record that certain document filed with the City Clerk and entitled “*Chapter 5-6, Alarm Systems, of the Prescott City Code.*”
2. Adoption of Ordinance No. 4760-1111 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona amending the Prescott City Code by deleting Chapter 5-6, *Installation of Police Alarm Equipment and Prohibition of Telephone Alarm Systems*, and replacing it by adopting by reference that certain document entitled “*Chapter 5-6, Alarm Systems, of the Prescott City*

Code,” made a public record by Resolution No. 4045-1115; and setting penalties therefore.

Lieutenant Reinhardt noted that the last time he presented information on the alarm system, he was asked to come back with a resolution for the alarm program. He covered the various items:

◆ BACKGROUND

In 2009, they had 2,940 false alarms, which was \$71,741 in lost wage productivity. Law enforcement response alone was seldom effective in reducing or solving the problem. False alarms accounted for 40.7% of all priority one calls to the Prescott Police Department. Nationally, fee assessed ordinances generally resulted in a 40-60% reduction in false alarms. The following items were covered:

- ◆ PURPOSE
- ◆ EXEMPTIONS
- ◆ ALARM BUSINESS RESPONSIBILITIES
- ◆ ALARM USER PERMITS REQUIRED
- ◆ RESPONSIBLE PARTIES
- ◆ FALSE ALARMS
- ◆ CONFIDENTIALITY
- ◆ INTENTIONAL MISUSE
- ◆ ASSESSMENTS AND PENALTIES
- ◆ FISCAL IMPACT
- ◆ CONCURRENCE

Councilwoman Suttles asked him how much the coordinator for the program would cost. Lt. Reinhardt said that it would cost \$34,000 for the first year. He said that there would be a \$900 support and maintenance fee thereafter. The purpose of the high dollar amount was because of the Public Service Announcements and printing they would be doing.

Councilwoman Suttles asked what the chances were of using volunteers to enter the information into the computer. Lt. Reinhardt said that volunteers would then have access to the criminal justice system. He had a hard time believing that it would be a position that could be filled by a volunteer although they used many volunteers in the department. With regards to the number of security systems involved, he felt confident that the system would be self-sufficient. They were looking at responding to 1,000 addresses currently which would be \$15,000 in permit fees.

Councilwoman Suttles thought it was a great plan if it worked out that way. She asked if he required all businesses and residences to register. Lt. Reinhardt said yes.

Maria Mealice, Arizona Alarm Association President, said that the City of Phoenix told her they made too much money on false alarms and would never go to verified response. It was a money maker. The alarm coordinator position would pay for itself. It required the alarm business to give information for any new installations. Many cities requested the alarm companies to give them a list of their clients.

Over 23 cities in Arizona had an ordinance. The To Call Verify program reduced false alarms up to 40-60%. They would call someone on their cell phone to see if an officer should be dispatched as well as calling the location. That second call stops a lot of calls to the Police Department.

Councilwoman Suttles asked her to explain how it was a money maker for the City. Ms. Mealice answered that the City would be charging for the false alarms. Most were caused by the customers. If it was something that was caused by the alarm system, the alarm company would be responsible. The fine would stop them from causing the false alarms. For those who cannot stop, it just put money back in the fund, which was usually the General Fund. Mr. Norwood confirmed.

Councilman Lamerson said that it was another type of tax. He thought the offenders should be fined, not everyone.

Chief Kabbel said that they were trying to impose a nominal fee to permit all of the alarm users in the City of Prescott. Councilman Lamerson asked why someone would have to pay to use an alarm in the City if they were not doing anything wrong. Chief Kabbel said that even though 2,000 people had two or more false alarms, 1000 people did have one alarm. They would now be able to contact

those people to let them know what happened to their home. He did not think that a nominal fee of \$15 was too much to get the information and keep it updated.

Councilman Lamerson said that it was not the money; it was the principle.

Councilman Hanna said that he did not have a problem with it. He noted that if they wanted water to come to the house, they had to get a water meter, because they would be using a service provided by the City. He felt it was the same with an alarm. If they wanted the City to respond to an alarm, they had to pay a fee to have a permit. He did not see it as a tax.

Councilwoman Linn said that she also hated to charge people. When her husband's office was burglarized, the police department did not know who to contact and she knew the need for the information. If they could make the money through the fines, she would rather require that they register but have it cost nothing.

Ms. Mealice said that Goodyear and Avondale, did that and because they were not required, and there was no fee, most people did not do it.

Councilwoman Linn asked if they made it up with fines. Ms. Mealice said that they did, but the information on the alarm permit was crucial to the police department. She thought that the City should consider a \$15 permit the first year and if there were no false alarms, there would be no renewal fee. Councilwoman Linn thought that was a good idea.

Councilman Blair said that he looked at it as a fiscal thing for the police department. Not knowing who to call to secure a building was a huge drain on the manpower of the police and fire departments. He was not against having an ordinance to charge a one time fee, but not every year. If a new owner took over the alarm, they would have to pay the fee to be registered.

Councilman Lamerson said that he was in a business where he needed the police. He noted that they did not charge people to drive a car in the City and a lot of police time was spent with drivers. He felt that the City was trying to nail everyone who had an alarm. He did think that the police department should be compensated for false alarms.

Councilwoman Lopas said that she was okay with it. She had been a business owner that had an alarm. She thought that the ordinance was needed. She did not think \$15 was a problem. Maybe the real estate board could let new owners know that they had to register the alarm.

Councilman Hanna liked the idea of waiving the registration fee if there were no false alarms. He also disagreed with Councilman Lamerson equating it to people not being taxed for driving cars. He said that drivers were taxed through registration and licensing. Councilman Lamerson said that the City did not charge citizens to drive a car in the City.

Mayor Kuykendall said that their intent was to be revenue neutral. He said that if there was an opportunity to make money with the fees that they were charging, they should scale back the fees.

Chief Kabbel said that they had looked at many ordinances and tried to model with successful programs. He felt that in the first year they should be able to cover the cost of the fiscal impact to operate the program. If they found that the City was generating money, they could look at the fees again. He wanted to be able to get the officers back on the streets and was concerned for the officer's safety. If the Council wanted to do a one-time fee and keep the fee going for violators, they could do that. They needed a starting point. He wanted to look at this in a one-year period of time.

Mayor Kuykendall asked if they were trying to look to a fiscal or calendar year billing period. Chief Kabbel said that they wanted to start the program in January. This would give them time to hire a coordinator and start the public service announcements and to get with the alarm companies. Mayor Kuykendall noted that it was not a budgeted item. Chief Kabbel said that they would have the revenue for that.

Councilman Blair asked if they could require the alarm system company to provide a list of all of their clients. That way, they could get the information that the police department needed and only fine the offenders to recoup the cost of the part time person.

Mr. Kidd said that they could require a listing of that information. That was contemplated in the existing ordinance. He noted that looking at individual users was a better way to obtain information.

Councilwoman Suttles said that she would like to get something like that on board. She would like the part time person to be a

temporary employee. She would like it to be a one year trial program.

Councilman Lamerson did not have a problem registering his alarm with the Police Department or whoever the contact people were. He had a problem with people having to pay for their safety mechanisms.

Ms. Mealice said that they could get a third party administrator, instead of a part time person and pay them with a percent of the fines. They should really have someone who would be focused on the project.

Dan Morris said that he would propose to keep it simple. The City should address false alarms by assessing fines. He noted that if he had a false alarm and knew he was going to be fined, he would 1) get it fixed or 2) shut it off. As far as the information went, he felt that the City should get it from the alarm companies. He had problems with permits and felt that it was another form of government coming down on the public.

Mayor Kuykendall said that they should remove the item and have three of the Council members work with the police department and bring it back to the next Council meeting.

Councilwoman Linn said that getting the information was important. She had a problem with the fee. She said that there were privacy laws that may not allow the City to get the information from the alarm companies. The Police Department should call around to see if the companies would give the City the information it needed. Mr. Kidd said that it was set out in the obligations of the licensor.

Councilwoman Linn said that when she lived in a larger city, she had signed a contract that said that the alarm company could not give out her information.

COUNCILWOMAN SUTTLES MOVED TO TABLE THE ITEM FOR TWO WEEKS; SECONDED BY COUNCILWOMAN LINN; PASSED UNANIMOUSLY WITH COUNCILWOMAN LOPAS NOT IN ATTENDANCE DURING THIS PORTION OF THE MEETING.

- F. Authorization to staff to publish necessary Notice to Exchange Real Property, and work with Arizona Public Service Company on necessary steps to complete exchange of property.

Mr. Smith noted that the Master Plan they had done with Arizona Public Service Company (APS) ten years ago coincided with an environmental clean up in the downtown area of approximately six acres. At that time since APS was doing the cleanup, much on City property, it gave the City an opportunity to do a Master Plan for the area. APS assisted with trail construction, tree planting and street lights. The land exchange had taken so long because the boundaries needed to be worked out and there were some encroachment issues.

As a result, APS would get 1/3 of an acre of City property that they already occupied. It had been occupied for close to 100 years, dating back to the original power company. APS would also gain two ingress/egress easements to get into the yard at north end of Granite Street and also to get into their yard from Lincoln Avenue. These were already access points where APS had gates.

The City would gain 2.8 acres that the City already occupied as part of natural park land. Ten years ago the City built a trail through there. Park rangers patrolled the area and the City received assistance from court offenders for litter clean up. There was also a historic dam that dated back over 100 years. He noted that there was quite a bit of history in the area.

Ed Tucker and Bert Sommer of APS were there to answer questions. They paid for appraisals, survey work, and they would pay for all of escrow work. They would like to build a new substation to the east of the existing station to better serve the area. That would not be located on the parcel they currently occupied.

He noted that there was a discrepancy of values, but APS did not wish to be compensated for the increased value of their property.

Councilwoman Suttles asked what the values were. Mr. Smith said that the APS parcel, 2.8 acres, that the City would acquire was worth \$70,000. The City parcel, 1/3 acre that APS would acquire, was valued of \$22,500. There are also values attached to easements. The North end of Granite Street was valued at \$8,500 and the easement on Lincoln Street had a value of \$3,200.

Councilwoman Linn thanked APS for putting the money into the project and Eric for bringing the item forward.

Mr. Sommers noted that it had been a long, convoluted process because of ownership of the properties. Councilman Lamerson also thanked them.

COUNCILWOMAN SUTTLES MOVED TO AUTHORIZE STAFF TO PUBLISH NECESSARY NOTICE TO EXCHANGE REAL PROPERTY

AND WORK WITH ARIZONA PUBLIC SERVICE COMPANY ON THE NECESSARY STEPS TO COMPLETE THE EXCHANGE OF THE PROPERTY; SECONDED BY COUNCILWOMAN LINN; PASSED UNANIMOUSLY.

- G. Approval for the Prescott Fire Department to apply for a \$210,000.00 supplemental fund Arizona Fuel Hazard Grant.

Chief Martinez noted that the grant opportunity came to them in early August and they needed to move fast. The Arizona Fuel Hazard Grant would allow them to do three months of work for their fuels crew and allow two other projects that would adjoin that to create a nice buffer for a fire that would come in from the south of the City. The work would be done in the spring or fall of 2011. They wanted to make sure they do not interrupt any of the park services. The City's match would be \$21,000.

Mayor Kuykendall asked which fiscal year the \$21,000 would come from. Chief Martinez said that it would be the next fiscal year, when the work was done.

COUNCILWOMAN LINN MOVED TO APPROVE THE PRESCOTT FIRE DEPARTMENT APPLYING FOR A \$210,000.00 SUPPLEMENTAL FUND ARIZONA FUEL HAZARD GRANT; SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY.

- H. Adoption of Resolution No. 4044-1114 – 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 Yavapai County Flood Control District (YCFCD) and accepting funding in FY11 for costs associated with drainage improvement projects located in the Yavapai County portion of the City and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.

Mr. Nietupski introduced the item and said the amount would be for \$728,796.00 for various projects located in areas such as Yavapai Hills, Prescott Heights and Cliff Rose. A more extensive list was included in the Council packets.

Councilwoman Suttles asked if they were going to work in the Yavapai Hills and Cliff Rose area. Mr. Toth said that all of the projects would be going at the same time and completed within the fiscal year. They submitted a list of what they anticipated as projects and the costs associated with them to the County. There had been some adjustments made.

Mr. Norwood complimented Mr. Toth for the work that he had done. He noted that they had not always been getting that type of money. It was with

Mr. Toth's knowledge and persistence that they got the grants. Mr. Norwood said that he was proud to have him on the team.

Mayor Kuykendall asked how fast they could get started on the projects. Mr. Toth said that they may be able to push some of the projects into this year's budget. He noted that the Cliff Rose area had been hit hard. He was going to meet with the homeowners in the later part of September.

Mayor Kuykendall asked if they could do some of the design work in house. Mr. Toth said that they would get local engineers who were familiar with the area. They might have four to six different firms under contract to get the work done concurrently. At the beginning of the year they would package them into construction bid documents, and go out to bid. Construction would be done in January to the end of fiscal year.

Mayor Kuykendall asked if they would come back to Council with the bids and Mr. Toth said that they would.

COUNCILMAN LAMERSON MOVED TO ADOPT RESOLUTION NO. 4044-1114; SECONDED BY COUNCILWOMAN LINN; PASSED UNANIMOUSLY.

- I. Debt Issuance through the Water Infrastructure Finance Authority (WIFA):
 1. Adoption of Resolution No. 4040-1110 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, to authorize the application for a Clean Water State Revolving Fund Loan from the Water Infrastructure Finance Authority of Arizona (WIFA). (Virginia Street/Penn Alley)

Ms. Fischer said that there were some critical projects in utilities that they could only go forward with debt issuance. By receiving the debt authorization it allowed them to go to the next step where WIFA would rank the projects at their next meeting. They would then go to an October meeting to give final approval for the loan. This debt authorization would not obligate the City to the funds. They would have a chance at a future meeting to accept the funding.

Mayor Kuykendall asked if the amounts were coming from Mr. Nietupski's estimates. Mr. Nietupski said yes. He noted that the Virginia Sewer Main project had been bid and was subject to Council review and approval. The denitrification and filter project at the airport had not even gone to design yet. The airport improvements at the Waste Water Treatment Facility were just now completing that Master Plan. The design and construction would follow in two to three years. That will need a change in the rate structure.

The Small water mains project had been designed and constructed. If it was approved through WIFA, they would recoup the costs for that project.

Mayor Kuykendall asked if the projects would move forward in the current fiscal year. Mr. Nietupski said that two of the four, Virginia Street and the small water mains would move forward. He hoped to move the design for the airport forward in the current fiscal year as well as the design for Sundog.

Tom Slaback, 715 East Goodwin Street, commented on how the media presented the item. It was in addition to bringing up to snuff the City's horrible condition of infrastructure for water and sewer. It was also referred to as expansion. He was in favor of bringing up their system. He did have a problem if he was being asked to pay for expansion similar to the airport sewer treatment plant, if it will go to future potential growth. He believed that growth should pay for growth. It should not be the current rate payers to subsidize any growth.

Mayor Kuykendall said that he and Mr. McConnell talked with John Danforth and Bill Kindig the previous day. He said that they would be discussing that topic more as they moved forward with it.

COUNCILWOMAN SUTTLES MOVED TO ADOPT RESOLUTION NO. 4040-1110; SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY.

2. Adoption of Resolution No. 4041-1111 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, to authorize the application for a Clean Water State Revolving Fund Loan from the Water Infrastructure Finance Authority of Arizona (WIFA). (Airport Wastewater Treatment Plant Upgrades)

COUNCILWOMAN SUTTLES MOVED TO ADOPT RESOLUTION NO. 4041-1111; SECONDED BY COUNCILWOMAN LINN; PASSED UNANIMOUSLY.

3. Adoption of Resolution No. 4042-1112 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, to authorize the application for a Drinking Water State Revolving Fund Loan from the Water Infrastructure Finance Authority of Arizona (WIFA). (Small Water Mains Projects)

COUNCILWOMAN SUTTLES MOVED TO ADOPT RESOLUTION NO. 4042-1112; SECONDED BY COUNCILWOMAN LINN; PASSED UNANIMOUSLY.

3. Adoption of Resolution No. 4043-1113 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, to authorize the application for a Clean Water State Revolving Fund Loan from the Water Infrastructure Finance Authority of Arizona (WIFA). (Sundog Filter Replacement & Denitrification Project)

COUNCILWOMAN SUTTLES MOVED TO ADOPT RESOLUTION NO. 4043-1113; SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY.

- J. Approval to Suspend portions of Rule 4, Council Meetings, of the Rules of Procedure of the Prescott City Council adopted by Resolution No. 4001-1031, regarding Public Comment items.

Ms. Burke noted that the Council recently decided to continue the trial period, holding the Voting Meetings on the second and fourth Tuesdays of each month. It was also decided that the first Tuesday of each month would be a workshop that would handle items like Proclamations, Public Comment, Presentations, Introduction of New Businesses and Board Commission Liaison reports. The reason for the suspension was because the rules of Procedure spelled out the date that citizens needed to get their information to the Clerk's Office to be placed on the agenda for Public Comment. Because the time had been changed in the trial period, the item would allow them to suspend that portion of Rule 4. The suspension was the last rule in the Rules of Procedure. At the end of the trial period, staff would recommend that all of the changes would come back in the Rules of Procedure and a final resolution be adopted.

Councilman Lamerson asked what the first meeting of the month was set aside for. Ms. Burke said that it was for Proclamations, Public Comment, Presentations, Introduction of New Businesses, Board Commission Liaison Reports and any discussion of Policy Items. Councilman Lamerson wanted to clarify that meeting two and four would not serve the same purpose. Ms. Burke said that he was correct unless there were last minute proclamations.

COUNCILWOMAN LINN MOVED TO SUSPEND PORTIONS OF RULE 4, COUNCIL MEETINGS, OF THE RULE OR PROCEDURE OF THE PRESCOTT CITY COUNCIL ADOPTED BY RESOLUTION NO. 4001-1031, REGARDING PUBLIC COMMENT ITEMS; SECONDED BY COUNCILWOMAN SUTTLES; PASSED UNANIMOUSLY.

III. ADJOURNMENT

There being no further business to be discussed, the Regular Voting Meeting of the Prescott City Council held on August 31, 2010, adjourned at 5:23 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 31st day of August, 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