

PRESCOTT CITY COUNCIL  
REGULAR MEETING  
TUESDAY, NOVEMBER 23, 2010  
PRESCOTT, ARIZONA

MINUTES OF THE REGULAR MEETING OF THE PRESCOTT CITY COUNCIL held on November 23, 2010 in the COUNCIL CHAMBERS located at CITY HALL, 201 SOUTH CORTEZ STREET, Prescott, Arizona.

◆ **CALL TO ORDER**

Mayor Pro Tem Lamerson called the meeting to order at 3:00 p.m.

◆ **INTRODUCTIONS**

Mayor Pro Tem Lamerson noted that he would be sitting in his own chair while the Mayor was out.

◆ **INVOCATION:** Pastor Cyndi Snowden, Church of Nazarene

Pastor Chris Conrad of the Church of Nazarene gave the invocation.

◆ **PLEDGE OF ALLEGIANCE:** Councilman Hanna

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

◆ **ROLL CALL:**

Present:

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

Absent:

Mayor Kuykendall

◆ **SUMMARY OF CURRENT OR RECENT EVENTS**

I. **PROCLAMATION**

A. November 23, 2010 – *Tom Pettit Appreciation Day*

Councilwoman Lopas read the proclamation and presented it to the group that was present for Tom Pettit appreciation Day. Johanna Hawley thanked the Mayor Pro Tem and Council and read a statement which

asked that the Council consider comments made to Mr. Pettit and herself regarding alternate transportation within the City.

## II. PRESENTATION

### A. Summary of upcoming Christmas season activities.

Ms. Hadley noted that there was no place busier than the Elks Theater during the holiday season. She showed a calendar of events and talked about Acker Night, Courthouse Lighting, Electric Light Parade, Regular Holiday Parade, Library events, Zoo events.

She showed the audience how to get to the City's web page, [www.prescott-az.gov](http://www.prescott-az.gov), and go to the events page or go to the tourism website.

Councilwoman Suttles asked how City Hall would be decorated. Ms. Hadley said that due to budget constraints, there would just be lights and a wreath.

Councilwoman Suttles said that some people were under the assumption that the City had the "Merry Christmas" decorations. Ms. Hadley said that they had been rented and were professionally installed. Councilwoman Suttles asked how much it would cost to decorate the building like they used to.

Ms. Hadley said that it cost about \$2,200 for basic lights. They did get an estimate for a nice lit sign that would say "Merry Christmas" on top of the building for \$13,000.

## III. CONSENT AGENDA

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

- A. Approval to apply for the 2010 Western Bark Beetle Grant Program.
- B. Acceptance of a grant from the Arizona Department of Transportation – Multimodal Planning Division – Aeronautics Group, in the amount of \$4,906.00 for the Taxiway Charlie Pavement Preservation and Markings project at Ernest A. Love Field.
- C. Award of bid to purchase chlorine tablets for Water Production from Hill Brothers Chemical Company in the amount of \$32,444.39.

- D. Approval of the minutes of the Prescott City Council Workshop of November 2, 2010, the Regular Voting Meeting of November 9, 2010, and the Special Meeting of November 16, 2010.

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

#### **IV. REGULAR AGENDA**

- A. Public Hearing and consideration of a liquor license application from Timothy Shawn Gray, applicant for Pine Cone Inn for a Series 06, All Spirituous Liquor Bar, license for Pine Cone Inn located at 1245 White Spar Road.

Ms. Burke reviewed the liquor license application, noting that the property had been posted as required by State law and no public comments had been received.

**COUNCILWOMAN SUTTLE MOVED TO CLOSE THE PUBLIC HEARING; SECONDED BY COUNCILWOMAN LINN; PASSED UNANIMOUSLY.**

**COUNCILWOMAN LINN MOVED TO APPROVE THE LIQUOR LICENSE APPLICATION FROM TIMOTHY SHAWN GRAY, APPLICANT FOR PINE CONE INN FOR A SERIES 06, ALL SPIRITUOUS LIQUOR BAR, LICENSE FOR PINE CONE INN LOCATED AT 1245 WHITE SPAR ROAD; SECONDED BY COUNCILWOMAN SUTTLES; PASSED UNANIMOUSLY.**

- B. Public Hearing and consideration of a liquor license application from Karen Ruth Hough, applicant for Hough Team LLC for a Series 12, Restaurant, license for Roman Ristorante located at 623 Miller Valley Road.

Ms. Burke reviewed the liquor license application, noting that the property had been posted as required by State law and no public comments had been received.

**COUNCILWOMAN SUTTLES MOVED TO CLOSE THE PUBLIC HEARING; SECONDED BY COUNCILWOMAN LINN; PASSED UNANIMOUSLY.**

**COUNCILWOMAN SUTTLES MOVED TO APPROVE THE LIQUOR LICENSE APPLICATION FROM KAREN RUTH HOUGH, APPLICANT FOR HOUGH TEAM LLC FOR A SERIES 12, RESTAURANT, LICENSE**

**FOR ROMAN RISTORANTE LOCATED AT 623 MILLER VALLEY ROAD, SECONDED BY COUNCILWOMAN LINN, PASSED UNANIMOUSLY.**

- C. Re-election of members to the City of Prescott Industrial Development Authority.

Mayor Pro Tem Lamerson asked Mr. Woodfill to explain what the Industrial Development Authority did.

Mr. Woodfill noted that the main purpose was to promote, stimulate and assist business around the city. They help them issue debt for projects, at a lower rate than they could get elsewhere. The businesses pay back the money. He added that it is not a debt of the City.

The past activity has been:

|      |   |                  |
|------|---|------------------|
| 1979 | The Evangelical Lutheran Good Samaritan Society | \$ 1,895,000     |
| 1983 | West Yavapai Guidance Center                    | 250,000          |
| 1984 | Prescott Convention Center, Inc.                | 8,500,000        |
| 1997 | Prescott College, Inc.                          | 1,150,523        |
| 2001 | The Evangelical Lutheran Good Samaritan Society | 3,685,000        |
| 2003 | Prescott College, Inc.                          | 4,305,000        |
| 2006 | West Yavapai Guidance Center                    | 4,960,000        |
| 2008 | Mingus Mountain Estate Residential Center, Inc. | <u>5,000,000</u> |
|      | <u>Total</u>                                    | \$29,745,523     |

**COUNCILMAN HANNA MOVED TO ACCEPT THE COUNCIL APPOINT-MENT COMMITTEE RECOMMENDATION TO RE-ELECT LON MCANALLY, JESSE THOMAS AND DAN TOKAR TO THE CITY OF PRESCOTT INDUSTRIAL DEVELOPMENT AUTHORITY, TERMS TO EXPIRE NOVEMBER 2016; SECONDED BY COUNCILWOMAN LINN, PASSED UNANIMOUSLY.**

- D. Courthouse Lighting:

1. Presentation by Friends of Jersey Lilly.

Mr. Edelbrock noted that he and Tom Meredith raised \$1340 to light one tree last year. One morning he was having coffee with the Mayor, who was going to host Councilman Blair's radio show and said that Mr. Edelbrock could call in and talk about lighting the trees. Councilwoman Suttles was the first to make a donation and all of the Council people had donated to the cause.

He noted that Rosie Romero was bringing his live broadcast to the balcony of Jersey Lilly's on December 4. He will inform his mailing list of 20,000 people as to where he will be broadcasting from. They hoped to be giving Dave Maurer a check for over \$5,000 for the tree lighting.

Mr. Meredith noted that Elisabeth Ruffner called the square Tommy's Black Forest. He thought that the lighting was the most appreciated event for the holidays because it ran from December 4 to Martin Luther King Day.

He thanked the Friends of Jersey Lilly and said that there were a lot of \$100 donations. He thanked the Council members for their help. He noted that Cindy Barks gave them prime space on the front page.

2. Consideration of contribution by the City of Prescott:

Mr. Norwood said that there was a reference of 5% of the Bed Tax to go toward the tree lighting. He noted that they were running behind and the money would not come out to the \$30,000 that they had hoped. However, the Bed Tax had been picking up and he recommended that they pay \$30,000, as budgeted, and take the money from other groups and associations. He hoped that the Bed Tax would continue to improve and that all of the groups would get the money they were expecting.

Councilwoman Suttles said that they could not leave the Chamber hanging out there, \$7,000 short. She also hoped that the Chamber realized that they committed monies based on what the City hoped they could provide, but bed tax came up short. She had no problem of going back to some of the organizations that the City funds and pull some money out to give to the lighting. She did not want to pull it out of the General Fund.

Mr. Maurer, Chamber of Commerce CEO, presented a print out of organizations and individuals who gave to the tree lighting. He thanked Mr. Meredith and Mr. Edelbrock for what they had done.

He noted that it would be the 56<sup>th</sup> Annual Courthouse Lighting. He said that the Chamber had been involved, off and on. Since 2005, the Chamber and Prescott Downtown Partnership had worked in partnership to do the lighting. They have used a professional lighting company to make it bigger and better. This year they were counting on pledges and obligations and were able to increase the

number of trees that were lit. They will do a sneak preview Tuesday, November 30 from 5:30 to 6:30 P.M.

Councilwoman Linn thanked everyone involved and said that it was a joy to see the community working together. She fully supported that the City give them the \$30,000 with hope that they would also be able to give the other organizations the full amount intended.

**COUNCILMAN HANNA MOVED TO APPROVE THE PAYMENT OF \$30,000, FROM BED TAX FUNDS, TO THE PRESCOTT CHAMBER OF COMMERCE TO BE USED FOR THE ANNUAL COURTHOUSE LIGHTING IN DECEMBER 2010; SECONDED BY COUNCILWOMAN LINN; PASSED UNANIMOUSLY.**

- E. Approval of purchase of five 2011 Ford Crown Victoria Police Interceptor vehicles from Five Star Ford and two Chevrolet Tahoe Special Service Vehicles from Lamb Chevrolet, and expenditure of funds regarding emergency vehicle equipment builds for the above vehicles.

Chief Kabbel broke down the funds as \$150,509.90 for the five Crown Victorias, \$60,470.70 for two Chevy Tahoes and \$132,486.96 for the emergency equipment and installation.

The emergency equipment was bid out for what they normally had in the police vehicles, but they hope to have some savings when they transition the front line vehicles that will go into a secondary position. They will take off some of the equipment that will be used on the new vehicles.

They had 19 front line vehicles that we worked with the fleet manager to assess which ones need to be replaced. They average about 3 years, or 80,000 to 90,000 miles before they turn them into a secondary vehicle. Right now they have 7 that are over 100,000 that need to be replaced. They will make the 7 vehicles secondary and use them at the airport, community services, or for City of Prescott vehicles.

Councilman Hanna asked if any local people bid on these. Chief Kabbel said no.

**COUNCILMAN HANNA MOVED TO APPROVE PURCHASE OF THE VEHICLES DESCRIBED ABOVE FROM FIVE STAR FORD, SCOTTSDALE, AND LAMB CHEVROLET, PRESCOTT, FOR A TOTAL AMOUNT OF \$210,980.60 AND MOVED TO APPROVE EXPENDITURE OF \$132,486.96 TO FIRST IN, INC., PHOENIX, FOR EMERGENCY VEHICLE EQUIPMENT BUILD RELATING TO THESE VEHICLES.; SECONDED BY COUNCILMAN BLAIR; PASSED UNANIMOUSLY.**

- F. Authorization to install a four-way stop at Robinson Drive @ Stetson Road.

Ian Mattingly presented the item and noted that it was due to a resident's concern over limited site distance created by existing landscaping and fencing on private property. The staff conducted a study and found that the location did not meet any of the traditional warrants for a four-way stop. While the MUTCD warrants were not met, there was an option to install a four-way stop when limited sight distance was present. Staff recommended the approval of the four way stop to mitigate the limited site distance.

Councilman Lamerson agreed that the intersection was not safe.

Councilwoman Suttles asked how the shrubbery would be handled.

Mr. Mattingly said that they would request that the landscaping be reduced to the 3' and 7' elevations to improve site line as much as they could. Even with the landscape improvements, it was still substandard. That was why they wanted to step it up to a four way stop. He said that they typically contact the resident and ask them to voluntary cut it. Most often they will do it voluntarily.

Duane Famas, 131 Robinson, said that he had been there 17 years. Problem was on the 1249 to the south. It was as blind an intersection. Four years ago the house changed hands and they put up a fence.

He noted that he would be willing to cut his tree. He would hate for his neighbors to have to stop there a thousand times a day because he wanted to have a bush in his front yard. The only stop sign that needs to be added would be the one on the curve. It would alleviate the problem; he did not know that the other one was needed. If they put in the new ones, they could take out the other two. He asked that the southbound traffic on Robinson not have to stop.

Mr. Mattingly said that there would still not be enough site distance if he removed his bush. The reason for four-way stop was because both corners exhibit limited sight distance.

Mr. Famas said that he was talking about a different property and asked him to take another look at it.

Mr. Mattingly said that he was correct. Both corners exhibited site distance problems. Once the City was notified of a problem, they had to take some action. He was willing to do some more review of the situation.

Councilwoman Suttles asked how the problem came to the City. Mayor Pro Tem Lamerson said that it came from two different neighbors. He said that it was like playing dodge car at that intersection. He agreed with traffic engineer. The issue was not about his tree or the other guy's fence. The City had been notified and they have taken a look and decided that it was less than standard. Now they had to respond.

Mr. Mattingly said that the Prescottonian opened the rear gate and encouraged customers to use that as an exit because it was so difficult to turn left. It came to the City through complaints of residents using it.

**COUNCILWOMAN LOPAS MOVED TO APPROVE INSTALLATION OF A FOUR-WAY STOP AT ROBINSON DRIVE AT STETSON ROAD; SECONDED BY COUNCILWOMAN LINN; PASSED UNANIMOUSLY.**

G. Assignment and Assumption of Rights – Prescott Lakes:

Mr. Kidd said that the first item was an assignment of the original development agreement that was recorded on the real property. When the property was sold it was then resold in May of 2010. It was an assignment of the existing rights and obligations under the development agreement. The second item was similar; it was an assignment of the water rights obtained by the Prescott Lakes group to the new owner.

He did not have a lot of details on the transactions. The Council had previously tabled that item and asked for representatives of the property owners to show up. There was an attorney, Greg Huber, present.

The Homeowners Association had an opportunity to comment on the other item and they have approved it.

Councilman Blair asked if the Water Service Agreement followed the property. Mr. Kidd said yes. By Code, the City usually does a new Water Service Agreement reflecting the assignment to the new owner.

Councilman Blair asked if there was any time that would change. Mr. Kidd said that if there was an intervening state regulatory or federal action, they may supersede the assignment of the rights.

Councilman Blair noted that when those are given to each phase of that development and the water is not used, it just goes back as a credit. He said that they could not increase the density. Mr. Kidd said that was correct. However, Prescott Lakes was unique in terms of the Development Agreement. It allowed some shifting of the existing allocation.

Councilman Blair said that when it was Prescott Lakes owning it, they had a maxed out density they could use. When they start penciling off different parts of Prescott Lakes to different entities, he asked how they continued to move those densities of water. Mr. Kidd noted that at some point they would reach their cap. As long as they had existing water rights, there was entitlement. How they were shifted around depended on when the plats were submitted.

Councilman Blair asked if it was determined that there was water left in the Prescott Lakes master development, that they had not used; if they decided to take the golf course out, could they build houses to take up the rest of the water values. Mr. Kidd said that they would have to look at the Development Agreement. There was a provision talking about the golf course. He did not think it could be done without a modification to the Development Agreement.

Mr. Huber, 3031 Dollar Mark Way, said that he represented the party that had acquired the property at issue. He said that he did not think that the overall water entitlements for the community were an issue. Those were potable water agreements that were entered into at the time that there was final platting on the subdivisions. Those densities had been set for a number of years. They were talking about the subdivisions that were SunCor developed. They did not involve Falcon Point or any other areas on the other side of Prescott Lakes Parkway.

1. Adoption of Resolution No. 4051-1121 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the City of Prescott to enter into an Assignment and Assumption of Rights and Obligations Pertaining to a Development Agreement, Contract No. 2004-157, with SDC Prescott, L.L.C. thereby assigning the rights and obligations under the existing agreement to EFO/PL Investors, L.L.C., and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.

**COUNCILWOMAN SUTTLES MOVED TO ADOPT RESOLUTION NO. 4051-1121; SECONDED BY COUNCILWOMAN LINN; PASSED UNANIMOUSLY.**

2. Adoption of Resolution No. 4052-1122 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the City of Prescott to enter into an Assignment of Rights Pertaining to the Agreement for Potable Water, Contract No. 2004-151, with SDC Prescott, L.L.C. thereby assigning the rights and obligations under the existing agreement to EFO/PL Investors,

L.L.C., and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.

**COUNCILWOMAN LOPAS MOVED TO ADOPT RESOLUTION NO. 4052-1122; SECONDED BY COUNCILWOMAN SUTTLES; PASSED UNANIMOUSLY.**

- H. Approval of a professional services agreement with Civiltec Engineering for engineering services to develop a Master Drainage Study for the Cliff Rose, Black Hawk and Prescott Lakes areas in an amount not to exceed \$93,921.00. (Funded through Yavapai County Flood Control District, YCFCD)

Mr. Nietupski reviewed the item and noted that there had been a number of drainage problems that had been identified in the locations. They will look at the inventory of the system, analyze the deficiencies, recommend improvements and do some public outreach. If awarded, the work would begin in November and the work would be completed by end of the fiscal year.

Councilman Hanna said that he understood that this would be funded through YCFCD. He asked if it was mandatory that they do this and why was this not done prior to development.

Mr. Nietupski noted that a number of subdivisions in this location have developed over recent years. The issues associated with drainage, although designed at the time with drainage reports, did not sufficiently address some of the problems that had become apparent. The terrain was extreme. When the City had extreme weather for short durations, the water generated in runoff had become a problem.

Councilman Hanna asked if the YCFCD put out the money for this if they would be back and doing this in another ten years. Mr. Nietupski said that would not be the intent of this project. The intent would be to mitigate it to the greatest extent possible. They may have a rain event that exceeds at 100 year or 200 year storm and the capacity of facilities would not be sufficient.

**COUNCILWOMAN LINN MOVED TO APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH CIVILTEC ENGINEERING FOR ENGINEERING SERVICES TO DEVELOP A MASTER DRAINAGE STUDY FOR THE CLIFF ROSE, BLACK HAWK AND PRESCOTT LAKES AREAS IN AN AMOUNT NOT TO EXCEED \$93,921.00; SECONDED BY COUNCILWOMAN SUTTLES; PASSED UNANIMOUSLY.**

- I. Approval of a professional services agreement with Shephard Wesnitzer for engineering services to develop a Master Drainage Study for the Yavapai Hills area in an amount not to exceed \$89,690.00. (Funded through Yavapai County Flood Control District)

Noted that Yavapai Hills was an older subdivision and had been in development since the 1980's. There had been changes in drainage criteria. The terrain encourages rapid runoff during storm events.

**COUNCILWOMAN LOPAS MOVED TO APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH SHEPHARD WESNITZER FOR ENGINEERING SERVICES TO DEVELOP A MASTER DRAINAGE STUDY FOR THE YAVAPAI HILLS AREA IN AN AMOUNT NOT TO EXCEED \$89,690.00; SECONDED BY COUNCILWOMAN SUTTLES; PASSED UNANIMOUSLY.**

#### V. ADJOURNMENT

There being no further business to be discussed, the Prescott City Council Regular Meeting of November 23, 2010 adjourned at 4:22 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 November, 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