

PRESCOTT CITY COUNCIL
REGULAR VOTING MEETING
TUESDAY, OCTOBER 11, 2011

MINUTES OF THE REGULAR VOTING MEETING OF THE PRESCOTT CITY COUNCIL held on OCTOBER 11, 2011, 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 3:02 p.m.

◆ **INTRODUCTIONS**

◆ **INVOCATION:** Reverend Julia McKenna Johnson

Reverend Julia McKenna Johnson gave the invocation.

◆ **PLEDGE OF ALLEGIANCE:** Mayor Kuykendall

Mayor Kuykendall led the Council and audience in the Pledge of Allegiance.

◆ **ROLL CALL:**

Present:

Absent:

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

None

◆ **SUMMARY OF CURRENT OR RECENT EVENTS**

None

I. CONSENT AGENDA

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

Mayor Kuykendall removed Item C from the Consent Agenda for further work.

- A. Adoption of Resolution No. 4101-1211 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona authorizing the City of Prescott to enter into a contract with Walker Fire Protection Agency for the purpose of providing consolidated dispatch services to both the City and Fire District and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.
- B. Adoption of Resolution No. 4102-1212 – 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 Town of Prescott Valley, Central Yavapai Fire District, Groom Creek Fire District, Williamson Valley Fire District, Yavapai Community College District and Chino Valley Fire District (“Participating Agencies”) for the purpose of providing continuing consolidated dispatch services to both the City and participating agencies and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.
- C. Approval of a Memorandum of Understanding associated with Resolution No. 4067-1137 and the intergovernmental agreement for the new Yavapai County Facilities Maintenance Building.
- D. Approval of minutes of the Prescott City Council Regular Voting Meeting of September 27, 2011.

Councilwoman Suttles asked if the Walker Fire Protection Agency had been part of the consortium before. City Manager McConnell said that they had been in the participant in the dispatch services since July 2009 and the item was a renewal. Chief Kabbel noted that they came on after the consortium began. He said that because they were a non profit organization, they needed to enter the agreement with a contract, as opposed to an Intergovernmental Agreement (IGA).

Councilman Blair noted that they had talked about ways to increase the General Fund. He asked if they had gone out and tried to entice anyone else to join Prescott in their Regional Dispatch Center. Chief Kabbel said they had looked at other options. He noted that Yavapai County Sheriffs Office was Prescott’s backup dispatch center and visa versa.

COUNCILMAN LAMERSON MOVED TO APPROVE COSENT AGENDA ITEMS I-A, I-B, AND I-D; SECONDED BY COUNCILMAN HANNA, PASSED UNANIMOUSLY.

II. REGULAR AGENDA

- A. Approval of expenditure allowing purchase and installation of two Automated License Plate Readers from PIPS Technology, Inc., for a total price of \$40,273.60.

Chief Kabbel noted that the system had proven itself invaluable since the purchase of a reader in May 2009.

Councilman Hanna asked him to explain how it worked. Chief Kabbel noted that it was a camera/computer system that read license plates as it drove down the road. He said that if they typed “sex offender” into their system, the computer would alert them when they passed the car of a sex offender. The same would work for a homicide suspect and others.

Councilman Hanna said that Amber Alerts could also be fed into the system.

COUNCILMAN HANNA MOVED TO APPROVE EXPENDITURE ALLOWING PURCHASE AND INSTALLATION OF TWO AUTOMATED LICENSE PLATE READERS FROM PIPS TECHNOLOGY, INC., FOR A TOTAL PRICE OF \$40,273.60; SECONDED BY COUNCILWOMAN LOPAS; PASSED UNANIMOUSLY.

- B. Adoption of Disadvantaged Business Enterprise (DBE) program for the Prescott Municipal Airport in accordance with regulations of the U.S. Department of Transportation (DOT), 49CFR Part 26 as required by the FAA.

Mr. Vardiman said the item would bring the current plan into compliance with the changes that had been made to the regulation.

Councilwoman Suttles asked for examples of what they had done with the program and what they were looking at for the future. Mr. Vardiman said when they receive a Federal Aviation Administration (FAA) Grant they had to document good faith efforts to show that minority owned businesses had an opportunity to participate in the project as a sub or prime contractor.

Councilman Lamerson noted that a person did not have to be hired for the job because they were from a particular class, if they did not fit the criteria. Mr. Vardiman said that they had to be qualified for the job.

Mayor Kuykendall asked if there were their financial incentives. Mr. Vardiman said he did not believe so. He noted that the state and

federal governments had established guidelines for DBE, which included women and minority owned businesses.

Councilman Hanna asked if they were given preference if they were minority or women owned. Mr. Vardiman said not in terms of the bidding process. Councilman Hanna asked what good it was. Mr. Vardiman said that he was not sure what the Federal Government was trying to accomplish.

COUNCILWOMAN SUTTLES MOVED TO ADOPT THE DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM FOR THE PRESCOTT MUNICIPAL AIRPORT IN ACCORDANCE WITH REGULATIONS OF THE U.S. DEPARTMENT OF TRANSPORTATION (DOT), 49CFR PART 26 AS REQUIRED BY THE FAA; SECONDED BY COUNCILMAN LAMERSON.

Mayor Kuykendall asked if it only applied to aviation. Mr. Nietupski said that if the City were to accept federal money for roadway projects, they would have the same obligation for DBE compliance.

MOTION PASSED UNANIMOUSLY.

- C. Adoption of Resolution No. 4103-1213 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the City of Prescott to enter into Intergovernmental Agreements with the Yavapai County Flood Control District (YCFCD) and accepting funding in FY12 for costs associated with various 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 said the item adopted three Intergovernmental Agreements with the Willow Creek and Tributary Drainage Improvements Feasibility Study for \$80,000, Yavapai Hills drainage improvements in the amount of \$200,000, and Cliff Rose/Black Hawk area drainage improvements for \$890,000.

Mayor Kuykendall asked who determined how the money was allocated. Mr. Nietupski said the money was allocated based on recommendation from the Flood Control section of Yavapai County which was administered by Mr. Charlie Cabe. He said that the Yavapai County Board of Supervisors in their capacity of the Flood Control District Board approved the IGA.

COUNCILMAN HANNA MOVED TO ADOPT RESOLUTION NO. 4103-1213; SECONDED BY COUNCILWOMAN SUTTLES; PASSED UNANIMOUSLY.

- D. Possible action regarding stop signs on Copper Basin Road at the Highland Avenue/Pine Knoll Drive Intersection.

Mayor Kuykendall asked for public comment and questions first and then anything new that pertained to the subject.

Dave Shriner said he had been provided copies of a study by the Urban Transportation Control Device Organization. He said it reviewed over 70 technical papers that all concluded the multi-way stops were not for the purpose of controlling speed.

He said that they knew the staff had concurred that the signs were not warranted. With that in mind it raised questions about confusion. He noted that there was increased congestion and pollution at the intersection. He said their main concern was safety, especially the ice in the winter. They asked the Council to remove the stop signs and let the traffic flow in a more safe and continuous manner through the intersection.

Dennis Stringer addressed the site distance issue, he also noted that stop signs assigned traffic and did not slow traffic.

He said that established the Neighborhood Traffic Management Program for the City of Phoenix and looked at national studies. He noted that studies indicated that the posted speed limit should be between 30-35 miles per hour on Copper Basin. He said they went with 30 miles per hour because of driveways and felt that the driving public would follow the rules. He noted that the Council would put the City in a position of getting sued if something happened at the intersection, because the staff could not support the stop signs because they met no warrants.

Councilman Scamardo asked what speed limit Mr. Stringer would recommend. Mr. Stringer said the posted speed limit should probably be 30 miles per hour. Councilman Scamardo asked Mr. Mattingly what speed he would recommend. Mr. Mattingly said that based on the many numerous studies they had done, he would recommend 30 miles per hour.

Mayor Kuykendall noted that there were no crosswalks on Copper Basin. He asked how people would decide where to safely cross the street.

Mr. Stringer said the City classified the street as a major collector, which meant there were about 4500 cars per day. He said the street was

designed to handle 8000 cars a day. He said the installation of crosswalks was based on the current situation in the field. Crosswalks had an advantage when there were certain conditions, like, enough pedestrian crossings. He said the pedestrian crossing were not high enough to warrant putting in crosswalks. He said that when they put paint on the street, people thought they were two barrier walls and felt safer than they should.

Jim Pullaro, Kopavi Trail (one block west of the intersection) said he did not come to the initial meeting about the stop signs because he was so convinced that there was no need for the stop sign and it was not going to get passed. He said he was shocked that it passed, especially when the staff recommended against it. He noted that those driving were overwhelmingly against it. He also recommended they change the speed limit to 30 miles per hour.

Councilman Lamerson noted the road was designed for speeds of 25 to 30 for a specific reason. He noted that the top and bottom of the street were not the same, regarding turns and number of driveways coming out to it. He asked if the road was engineered for 25 or 30 miles per hour. Mr. Mattingly said that it was his understanding that the entire roadway was designed at a 30 mile per hour design speed.

Councilman Lamerson said when a speed limit sign was posted for 30 miles per hour, 35 was not it.

Councilman Blair said he heard that regardless of what the speed was, people were going to do whatever they wanted, people would break the law. He asked if there was such a thing as a “no nonsense speed limit”, with no tolerance for anything over the speed limit. He asked if the City would enforce the law if they took the signs down and made the speed limit 30 miles per hour. He asked if they should take down all of the speed limit signs in the City and let everyone do what they would like. He said it sounded good to him.

Chief Kabbel noted that the signs were put up to try and enhance safety. He said they were to give drivers a sense of what the roadway could handle. He said the Police Department would do enforcement efforts. He noted that they usually centralized their enforcement efforts where there were a lot of complaints or a lot of accidents, because they could not be everywhere. He said they had been issuing citations on Copper Basin. He said it was the community’s responsibility to obey the laws and the Police Department would enforce the laws. He noted that if 80% of the public was speeding and they did a lot of enforcement efforts then 80% of that community would receive citations.

Councilman Blair said driving through Timber Ridge or Highland Pines with private roads, the neighbors screamed at people to slow down in their cars. He said that he found it strange that the police would not enforce the law to its extent on Copper Basin.

Councilman Lamerson said that it was not a Copper Basin issue. He said they got the same complaints from all over the City. He did not want to treat the people on Copper Basin differently than anyone else. He asked what they were prepared to do throughout the City.

Councilman Hanna said regarding whether someone would get a ticket for going 31 miles per hour in a 30 mile per hour zone, law enforcement officers needed to justify the difference between the letter of the law and the spirit of the law. He said an officer could arrest someone any time of day if they stuck to the letter of the law and that was not what law enforcement was about. He said they were there for the public safety. He said there was a difference between someone driving 35 miles per hour and someone driving 45 to 50 miles per hour in a 30 mile per hour zone. He agreed that they were all breaking the law, but there was a big difference. He said that common sense had to come into play to determine what was safe. He said that the Council needed to use common sense.

He said that he would like to make a motion, but he would like to direct the powers to be to look at what the speed limit should be. He said that everyone should know that enforcement would be done if they did something stupid.

Councilwoman Lopas said there were national standards that did not fit every community. She said based on the fact that they had no other options from engineering, the signs were the only choice she felt they had. She said it was an attempt at a solution. She noted that people on Pine Knoll thanked her for the stop signs and she felt the flow had been going well. She said the stop sign at Sherriff's Posse made no sense.

Councilwoman Suttles said that they started talking about a stop sign and they were now talking about speed limits. She asked for a clarification about the topic.

Councilman Lamerson said they discussed putting the stop signs up because of the speed limit. He said the City engineers and Police Chief said that it was not working. He asked what else they could do. He said that this was not the only neighborhood that was speeding. He said that they could not patrol one area for speeding; they would have to do it throughout the City.

Mayor Kuykendall said the road was rebuilt as a by product of replacing the water and sewer lines and some underground infrastructure. He said the road had to be improved after they increased the water capacity.

He said he had conversations with people from other parts of town who were watching to see what was going to happen with Copper Basin so they will know what tact to take to get their neighborhood changed. He said the people he heard from, who lived on Copper Basin, were concerned with the speed on the street. He said people who used Copper Basin as a connector street had a different opinion. He noted that if the consensus was that the stop signs were not enforcing the speed limit and they remove the signs, then the Council would have to adopt a policy that they do whatever was necessary to enforce the law everywhere. He noted that it would be their responsibility to give the Police Department the means to enforce the law. He said he did not agree with the discussion that the reason people did not stop at the sign was because they were confused.

Councilman Blair said the traffic calming on Rosser had not controlling the speed on that road. He asked if they were now going to take the traffic calming down. He said numerous people told him that the signs were working. He said they should look at their traffic calming policy and see how much they spent on traffic calming on Rosser. He said if they failed, they should take them out too. He said they should be prepared for the Rosser neighborhood to show up and ask that that they remove the calming.

Councilman Lamerson asked what criminal speed was in the state of Arizona. Chief Kabbel said 20 miles per hour over the speed limit. Councilman Lamerson asked what the penalty was. Mr. Kidd said it was a Class I misdemeanor, prosecutable by a fine of \$750 plus surcharges, which were about \$1,300. He said it was also punishable by up to six months in jail.

Councilman Lamerson asked if there was a policy that stipulated that if someone had three tickets or more in Prescott, they could lose their right to drive in the City. Mr. Kidd noted that the State regulated the right to drive.

Mayor Kuykendall asked if Mr. McConnell would like to develop language for a motion. He said it was obvious that the stop signs needed to be removed because they were not working. He said that if there was a speeding problem they were going to enforce the speed limit. He told Mr. McConnell that he should use whatever language he needed to make sure that he had the authority to do that.

Councilman Hanna asked if there was any need to have one. He said the law was already there and the speed limit would be enforced. He said that if the speed limit needed to be raised, based on a study, the Council did not have to set policy for that.

Mr. McConnell said that the way speed limit changes had been done before, as with Willow Creek Road, was that the City Traffic Engineer went out and did speed studies. He noted that the studies were then discussed with the Transportation Coordinating Committee and they then informed the City Council that a speed limit change was being proposed. He noted that they advised the Council that it could be placed on the agenda if they wished.

He said in the case of Copper Basin, if the Council provided any direction that the City Traffic Engineer should take another look at that and make any recommendations with respect to adjusting that speed, that would follow a similar process. He said the Traffic Engineer would send a memo to Council saying that unless they wanted to put the item on the agenda for a specific action, the current speed limit of 25 miles per hour would be changed to something else. He said that the Council could accept that or request that it be put on the agenda.

Mr. McConnell said the item on the agenda pertained to stop signs. He said it would be an appropriate question, if the Council wanted to include in the motions, something other than stop signs.

He said the target of speed limit were the flagrant violators. He said they were the ones going over the 85 percentile. He said it was wise to inform the public, through press releases, of the need to observe the speed limit law.

Councilman Blair asked at what speed the limit was enforced. Mr. Kidd said they did misdemeanor prosecutions on Driving While under the Influence citations. He said that the reason for the traffic stop was usually speeding. He said that officers could use their discretion for what was reasonable at the time.

Councilman Blair said that he tried that defense that did not work in Prescott Valley. He said that they would cite a driver at 11 miles above the speed limit, no matter what. He asked if Prescott was leaving it up to the police officer.

Chief Kabbel said that it was left up to the police officer as far as a ticket versus a warning. He said the speed limit was what it was. He said they had to prove what was reasonable and prudent for the conditions. Driving

under a speed limit could be a citation. He said because photo enforcement did not enforce the speed unless it was ten miles per hour above the limit; people would drive nine miles per hour faster and think that they would not get a ticket. He said someone could not prove that it was reasonable and prudent to go ten miles per hour over the speed limit.

Mr. McConnell said it was a policy decision of whether Prescott was going to charge their police department to enforce as professionals. They were the best trained, or whether it opted for machines to do the enforcement. He noted that everything he had heard up to that point, they would prefer to rely on those professionals, using their judgment that had been developed, which embraced that body of items that the City Attorney talked about, which allowed for certain mitigating factors, instead of having a machine take a picture.

Councilwoman Suttles asked if the City had enough officers to enforce the speed limits.

Mr. McConnell said that they would discuss the Police Department in the next week's workshop. He said it was an appropriate question which precipitated a discussion of resources. He said the Police Department would enforce the law to the best of their ability within the resources that the City was able to provide to them. He said they were not talking about changing out Police Officers that were doing criminal investigations to put speed units throughout the City. He said there needed to be a balance between speed enforcement and the overall services of the Police Department.

Mayor Kuykendall said if law enforcement was the solution to tracking speed and they knew they did not have the ability for law enforcement to do their job, then it was an exercise in futility. He noted that if they made the motion to remove the stop sign, the intent had to be that they would enforce the law.

Mr. McConnell said the end result was to change driver behavior. He noted that it was a matter of striking the balance between the outcome and what it took to achieve it. He said that he did not think that it was necessarily the best expenditure of City money to double or triple speed enforcement efforts at the expense of other things.

Councilman Lamerson said he appreciated the comments and they would prioritize expenditures during the budget process.

COUNCILMAN HANNA MOVED TO RESCIND RESOLUTION 4076 - 1146 AND DIRECT THE PUBLIC WORKS DEPARTMENT TO REMOVE THE STOP SIGNS ON COPPER BASIN ROAD AT HIGHLAND

AVENUE/PINE KNOLL DRIVE INTERSECTION TO INCLUDE MODIFICATION OF PAVEMENT MARKINGS AS NECESSARY; SECONDED BY COUNCILWOMAN SUTTLES; PASSED 5-2 WITH COUNCILMAN BLAIR AND COUNCILWOMAN LOPAS CASTING THE DISSENTING VOTES.

III. ADJOURNMENT

There being no further business to be discussed, the Regular Voting Meeting of the Prescott City Council held on October 11, 2011, adjourned at 4:35 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 11th day of October, 2011. I further certify the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____, 2011.

AFFIX
CITY SEAL

ELIZABETH A. BURKE, City Clerk