

PRESCOTT CITY COUNCIL
REGULAR VOTING MEETING
TUESDAY, OCTOBER 25, 2011
PRESCOTT, ARIZONA

MINUTES OF THE REGULAR VOTING MEETING OF THE PRESCOTT CITY COUNCIL held on OCTOBER 25, 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**

None

◆ **INVOCATION:** Melissa Fryrear, Women's Shepherd, Heights Church

Director of Prayer Ministry, Rick Wooten, gave the invocation.

◆ **PLEDGE OF ALLEGIANCE:** Councilwoman Suttles

Councilwoman Suttles led the Council and audience in the Pledge of Allegiance.

◆ **ROLL CALL:**

Present:

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

Absent:

Councilwoman Lopas

◆ **SUMMARY OF CURRENT OR RECENT EVENTS**

I. CONSENT AGENDA

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

City Manager McConnell removed Item 2D from the Consent Agenda. He noted that there was a contractual issue that needed to be resolved before it was ready

for the Council to take action. He said any deferral should not affect the time frame of the implementation.

- A. Adoption of Resolution No. 4104-1214 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the City of Prescott Police Department to enter into a Memorandum of Understanding with the Department of Veterans Affairs (“VA”) establishing jurisdictional, enforcement and reporting protocols regarding incidents occurring on lands, structures or spaces controlled by the VA within the City of Prescott and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.
- B. Adoption of Ordinance No. 4816-1216 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, granting an underground electric utility easement to Arizona Public Service Company to provide service to the Shops at Gateway Mall; and declaring an emergency.
- C. Adoption of Ordinance No. 4817-1217 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, granting an underground electric utility easement to Arizona Public Service Company to provide service to Prescott Honda located on Willow Creek Road; and declaring an emergency.
- D. Approval of Audit Services for the Airport Water Reclamation Facility Phase I to Currie & Brown in an amount not to exceed \$20,000.00.
- E. Authorization of payment to Elections Operations Services in the amount of \$19,991.80 for preparation/printing/mailing of publicity pamphlets and printing of the ballots for the November 8, 2011, General/Special Election.
- F. Approval to purchase software maintenance for GIS Mapping Systems from ESRI in the amount of \$16,853.95.
- G. Approval to purchase and install two snow plow attachments for Field Operations from Flagstaff Equipment Co. in the amount of \$12,039.06.
- H. Approval of minutes of the Prescott City Council Workshop of October 4, 2011, and the Regular Voting Meeting of October 11, 2011.

Councilwoman Suttles asked if the emergency clauses could be bundled with the Consent Agenda, or if they needed to be voted on separately. Mr. Lloyd said they could be voted on in the Consent Agenda. Councilwoman Suttles noted they had previously done emergency clauses individually. Mr. Lloyd said that it may have been a practice in the past, but he was not sure it was required.

Councilman Blair said he wanted them removed. He said the public should understand what the emergency clause was.

Mayor Kuykendall asked to remove Items I-B and I-C.

COUNCILWOMAN SUTTLES MOVED TO APPROVE CONSENT AGENDA ITEMS I-A, I- D – I-H; SECONDED BY COUNCILMAN BLAIR; PASSED UNANIMOUSLY.

Councilman Blair questioned the emergency clause on Item I-B and why it was not going through the regular process. Mr. McConnell said that the use of the clause did not imply that there was a public emergency. It would make the ordinance immediately effective after adoption. He said the City was the property owner and there was an underground electrical utility easement. It was in the City's best interest to not cause the work to be delayed.

COUNCILMAN BLAIR MOVED TO ADOPT ORDINANCE NO. 4816-1216 WITH THE EMERGENCY CLAUSE; SECONDED BY COUNCILMAN HANNA; PASSED UNANIMOUSLY.

Mr. McConnell said the explanation for the emergency clause was the same for Item I-C as for Item I-B. He noted that Arizona Public Service would be paying an amount for the easement to the City.

Councilman Blair asked if the easement would provide electricity for a stop light. Mr. Nietupski said that the traffic signal was fed off an independent circuit in the right of way of Willow Creek Road.

COUNCILMAN LAMERSON MOVED TO ADOPT ORDINANCE NO. 4817-1217 WITH THE EMERGENCY CLAUSE; SECONDED BY COUNCILMAN HANNA; PASSED UNANIMOUSLY.

II. REGULAR AGENDA

- A. Public Hearing and consideration of liquor license application from Eric Christopher Marichal applicant for Wicked Bad LLC, for a Series 7, *Beer & Wine Bar*, license for Hotel Vendome located at 230 South Cortez Street

Ms. Webb reviewed the application, noting that the property had been posted and no public comments had been received.

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

COUNCILMAN SCAMARDO MOVED TO APPROVE THE LIQUOR LICENSE APPLICATION FROM ERIC CHRISTOPHER MARICHAL APPLICANT FOR WICKED BAD LLC, FOR A SERIES 7, BEER & WINE BAR, LICENSE FOR HOTEL VENDOME LOCATED AT 230 SOUTH CORTEZ STREET; SECONDED BY COUNCILMAN BLAIR; PASSED UNANIMOUSLY.

- B. Public Hearing and consideration of a liquor license application from William Gregory Tracy, applicant for Bill's Grill #1, LLC for a Series 12, *Restaurant*, license for Bill's Grill located at 333 South Montezuma Street.

Ms. Webb reviewed the application, noting that the property had been posted and no public comments had been received.

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

COUNCILMAN LAMERSON MOVED TO APPROVE LIQUOR LICENSE APPLICATION FROM WILLIAM GREGORY TRACY, APPLICANT FOR BILL'S GRILL #1, LLC FOR A SERIES 12, RESTAURANT, LICENSE FOR BILL'S GRILL LOCATED AT 333 SOUTH MONTEZUMA STREET; SECONDED BY COUNCILWOMAN SUTTLES; PASSED UNANIMOUSLY.

- C. Approval of FY12 Transient Occupancy (Bed Tax) allocations.

Mr. Prince noted that Bed Tax Funds were generated with lodging establishments. He noted that the levy was increased to 3 percent in 2009 with funding specified for tourism promotion and recreation development purposes. He said that in January 2011 the Tourism Advisory Committee (TAC) was formed with representatives from tourism stakeholders. He noted that they jointly addressed the Fiscal Year 12 Budget. He said they reviewed and advised on funding proposals from the Office of Tourism. He said the office devised a process to address funding requests from potential signature event sponsors as well as from small events seeking some level of support. He noted that the Whiskey Off-Road had a multi-year event approved by the City Council on September 27, 2011.

He began his PowerPoint presentation which showed:

- FY 12 PROPOSED BED TAX EXPENDITURES
- BED TAX CHART FIGURES
- LODGING COMMUNITY METRICS

- CITY OF PRESCOTT GROWTH INDICATORS
- CIRCULATION AND VALUES OF PUBLICITY
- TRADE SHOWS AND FAMILIARIZATION TOURS

Councilwoman Suttles asked what was spent on the Centennial Celebration. Mr. McConnell said the cost to the City was \$51,000. He said the Arizona Centennial Commission agreed to reimburse the City \$25,000, which had not yet been received. After the remaining BestFests had been held in Tucson and Phoenix, Prescott may receive some remaining money.

He noted that it may leave \$8,637 available for other Centennial activities, until they received additional reimbursement from the state. Councilwoman Suttles asked if that would be in February. Mr. McConnell said that it would probably be after February.

Councilwoman Suttles noted that Open Space dropped \$5,000. She said that Prescott continued to purchase Open Space and maintain trails and asked if there was enough money in the budget to cover the management for Open Space.

Mr. McConnell noted that the list was a hybrid list. He said that some were hard recommendations from staff and some were additional recommendations from the TAC. He did not think the recommended amount of \$10,000 by the TAC would cover the management cost for Open Space. He said it was an allocation of a portion of the Bed Tax being recommended in an overall package.

Councilwoman Suttles asked about the Fourth of July celebration. Mr. McConnell said the \$60,000 was close to the actual expenditures.

Councilwoman Suttles asked if the \$30,000 would hold for the funding of the Courthouse Lighting with the Chamber and asked if there was any other place that funding could go. Mr. Prince said that Christmas related activities were major draws for Prescott in the off-season and he thought it was appropriate that it came from the Bed Tax Budget.

Councilwoman Suttles asked about the signature events – Rodeo, Whiskey Off-Road, Jazz and Prescott Film Festival, and asked if they would be the only signature events to be held in 2012. Mr. Prince said they would be the only events funded from the 2012 Budget. He noted they would have to reapply for next year.

Mr. McConnell noted that the Whiskey Off-Road was an exception, as they entered into a three year agreement with the City.

Mr. McConnell said that upon approval of an allocation, the City would provide the amount for that purpose for that project, a second category involved City expenditures, like the Rodeo Grounds Master Plan. If the action was to proceed with a master plan and the cost was \$22,000 it would be brought to Council since it was over \$10,000.

Councilman Lamerson said there was no specific definition for promotion or development of recreation. He said that the Councilmembers were the policy makers and they chose to allocate monies as they wished. He noted that they were not obligated to spend the money. Mr. Lloyd said he was correct. Councilman Lamerson said they may have intentions for doing something, but things may change.

Mr. McConnell said if there was an allocation for the Rodeo Grounds Master Plan, as an example, if there was any proposal for an expenditure that exceeded \$10,000 it would come to the Council. If the Council thought it was premature, the expenditure could defer to the next year. He said approving the allocation did not approve the expenditure.

Councilman Scamardo said there was a carryover of \$128,000 for the Fiscal Year 2012 Tourism Budget. He asked if the total expenditure included the carry over. Mr. Prince said that it did. Councilman Scamardo said that the money may not be available for the future of 2013. Mr. Prince said that was a concern.

Councilman Scamardo asked if the increased revenue for the current year was up due to the BestFest Revenues. Mr. Prince said they would not have those numbers until November.

Councilman Blair asked if there was a cost benefit analysis for the appropriation of money. Mr. Prince said he was glad to share the information they requested from people who applied for funding. Councilman Blair noted that the people may not receive the money that had been approved for them.

He also noted that \$10,000 was not near enough money to maintain the trails. Mr. McConnell said it was a good topic to bring up in the budget presentation.

Mayor Kuykendall said that when the City of Prescott was contracting the tourism services, there was a budget item for that. He noted that he compared it to the Tourism Promotion and Marketing number he saw. He said all of the other items had always been spent, but were in a different

format. He noted that with the Bed Tax dedicated to tourism and parks, there was a Parks/Tourism venue dedicated to amenities and athletic tournaments. He said that money would have been spent in past years, but would not have shown up in the Tourism Budget. He said the \$60,000 could be attributed to the parks portion of the Bed Tax revenue.

Councilman Lamerson said that sometimes there was concern over certain things that had to do with things they had acquired as far as infrastructure for the community. He said one thing that came to mind was the lakes. He said they were not only purchased to bolster the assured water supply, but also to use them for recreation. He said in order to use the lakes for recreation, things needed to be done to ensure public safety, like possible algae removal.

Mr. Mattson, Prescott, said that the City should fund the Parking Garage so people would not have to pay to park there.

Mr. Marichal, Hotel Vendome, said it was a great idea to move the registration of the Whiskey Off-Road to Friday, as it gave them another night of full rooms. He said that his September had an increase of about 30 percent. He thought the events were working and reminded everyone that it took a few years to build them up.

Councilman Scamardo thanked the TAC committee for their hard work.

COUNCILMAN SCAMARDO MOVED TO APPROVE THE TRANSIENT OCCUPANCY TAX ALLOCATIONS FOR FY2012; SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY.

- D. Approval of Agreement with Prescott Mountain Bike Alliance for a Pump Track at Granite Creek Park.

Item removed from the agenda.

- E. Adoption of Resolution No. 4105-1215 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, allowing acceptance of \$677,304 in grant funds from the U.S. Department of Justice, COPS Hiring Program, for the hiring of three (3) entry level police officers and authorizing the execution of any and all documents to implement same.

Lieutenant Reinhardt noted that the grant application had been approved by the Council on May 24, 2011. He noted that the grant would offer funding for salaries and benefits for three years. The grant required that the City maintained funding for 12 months beyond that. Prescott was one

of four agencies in the State of Arizona that got approval for the grant. He said he was looking for formal acceptance to move forward.

Councilman Lamerson said the contingency the Chief had mentioned that was desired by the department was 77 officers and the City had 71 currently. Mr. McConnell noted that the City had 68 officers currently. Lieutenant Reinhardt said that was correct. Councilman Lamerson thanked him for bringing the grant to the City.

Councilman Hanna said that the national standard for officers would be 77 per Prescott's capita, which was 2.2 officers per 1000 people. Mr. McConnell said that he heard that at 77 it would be 1.9 percent, the standard would be 2.2 percent.

Mayor Kuykendall said that the grant called for entry level policemen. He asked how long it would take to fill the positions. Lieutenant Reinhardt said an Academy started in January. Mayor Kuykendall asked if they could hire someone who was already certified. Lieutenant Reinhardt said that they would be able to hire them. He said the City could hire someone at a higher wage, but would have to pay the difference. Mayor Kuykendall said they would need to anticipate the fourth year.

COUNCILMAN LAMERSON MOVED TO ADOPT RESOLUTION NO. 4105-1215; SECONDED BY COUNCILMAN HANNA; PASSED UNANIMOUSLY.

- F. Approval of Proposed Comprehensive Sign Plan (CC11-002) for Prescott Honda at 3291 Willow Creek Road.

Mr. Guice showed an overhead map of the Prescott Honda dealership. He said that due to the speed limit of 45 miles per hour, the sign qualified for Highway/Commercial which established the maximum building signage along the west face as a function of the overall frontage of the property along the right of way. He said the monument signage would be a function of the set back distance from the right of way. He said it was proposed to be 100 square feet and would need to be set back 50 feet from the right of way. He noted that there were eight signs proposed for the building. He said that five of the signs related to the service center.

Councilman Lamerson said the City had a standard that they were going away from because the market said something different than what the Code said. He said the Code should be re addressed to enhance sale tax for the City.

Mr. Guice said there would be a meeting at the beginning of next year with the Unified Development Code Committee.

Councilman Hanna asked if there were going to be signs on either end of the building. Mr. Guice said no.

Councilman Scamardo said that car dealerships came up when the Unified Development Code was done five to six years ago. He said there were fewer auto dealers then there were other retail highway commercial users. He said they were unique because they had a smaller building for the amount of acreage they had. He noted the committee decided to write a code for Highway/Commercial sign packages and grant an exception for the auto dealers.

Councilman Blair asked if Honda indicated if they wanted a sign at the north and south facings of that building. He said the main traffic was north and south. Dale Johnson, Signs Plus, Prescott Valley, said that Honda set a standard for a building. He said there was nothing in Honda's package that would provide for signage on the side of the building.

Councilman Blair said that he was wondering if it was undersigned because the City made money from the number of cars that were sold. Mr. Johnson said their company prepared the sign plans. He noted that other dealerships were more liberal as to the type of signage they could put on their buildings. He said the Honda package was more standard.

Councilman Lamerson said that things changed in the economy and one of the things that had become apparent in that area were certain constraints on the City, such as water. He said they had to look to things like auto sales and hotels and see if the Code was appropriate for the prevailing conditions.

COUNCILMAN BLAIR MOVED TO APPROVE THE COMPREHENSIVE SIGN PLAN CC11-002 AS SUBMITTED FOR PRESCOTT HONDA; SECONDED BY COUNCILMAN SCAMARDO; PASSED UNANIMOUSLY.

- G. Approval of Preliminary Plat (PP10-002) and Water Service Agreement (WSA10-005) for the Terrace View South Subdivision comprising 40 single-family homes on 18.62 acres located on Terrace View Drive south of Rosser.

Mr. Guice showed a map of the proposed subdivision. He said the subdivision had a single ingress/egress. He noted that the subdivision was proposed to be gated with private streets meeting the 28 foot pavement standards with no parking on one side. He said because the subdivision had no secondary means of emergency access, each home needed a sprinkler system. He noted that adjoining neighbors had

comments and concerns regarding the standards of which South Terrace View was constructed. The paved streets were 20 feet wide, within 50 feet of City right of way, with a two foot shoulder.

He said, regarding the Water Service Agreement, it was a total of 14 acre feet with two wells on the property that would be abandoned. Upon approval of the plat, it would reserve 14 acre feet for five years. If the Final Plat was not recorded within the five year period, the agreement would terminate. He said the agreement was valid for the First Phase only. The Second Phase would have to come back for an amendment to the Water Service Agreement. He said that Phase I was to be 12 lots. He said the Planning and Zoning Commission voted unanimously 4-0, with two members absent, to recommend approval of the Preliminary Plat with one condition of approval. The condition would be that the Final Plat be brought back to them for their review and recommendation for Council.

Councilman Lamerson said that there were a couple of red flags when he was at the Planning and Zoning meeting. They were drainage and street width. He said that he understood that it was a gated community with private streets, but the City had the obligation to public safety. He noted that in the past the City ended up with the responsibility of maintaining private streets and the street did not meet City Code when they were approved.

Mr. Guice said that it boiled down to the applicability to the off-site improvement ordinance and whether a particular project met the requirements in that the developer would be required to make off-site improvements.

Mr. Nietupski said the Code related to instances where a property was developed and there was a frontage that existed that was subject to off-site provisions. He said in the Terrace View Drive case, it did not provide frontage to the property.

Councilman Scamardo said that he understood the developer would construct his private streets according to City Code, which was 28 feet with rolled curbs and a four foot side walk. He said the off-site was sub standard. Mr. Nietupski said he was correct. Councilman Scamardo said they were not asking the developer to improve the previous road from Rosser to the entrance to his land.

Councilman Blair asked if the water line easement had been procured. Mr. Nietupski said that he understood that it had not been secured. Councilman Blair asked if it would have to be secured before Final Plat. Mr. Nietupski said yes.

Councilman Blair said the 20 foot road on Terrace View would have to be signed as no parking on either side, because it did not meet standards. Mr. Nietupski said the street could be signed for no parking. He said the right of way width of 50 feet provided some shoulder area that could be utilized for off street parking. Councilman Blair asked if it would come back in the Final Plat design. He said that it should be suggested to the developer that it needed to be addressed.

Mr. Nietupski said the traffic engineer would have the option to review those circumstances. He said if restrictions needed to be made, with respect to parking, they could be done even after final plat removal.

Councilman Blair asked if they were certain that the drainage issues had been addressed so the City did not have to go back and correct something the developer should have done. Mr. Nietupski said the drainage design details had not been developed, but it would be a requirement prior to the Final Plat.

Councilman Lamerson asked what would happen if the easement was not or could not be obtained. He said that if a preliminary plat was approved and the final plat was not in substantial conformance they could deny it. He asked what would happen if, in general, it was in compliance, but there were some outstanding issues. He felt that the hands of the Council were tied.

Mr. Nietupski said that if it was in substantial compliance it had to be approved.

Councilman Blair asked if City Council could send something back to the Planning and Zoning Commission if they were unhappy with it, for further consideration. Mr. Guice said he was correct. He said that in this particular situation, when the Final Plat came forward, they would place it on the agenda. He said that it was Council's decision as to whether the Final Plat was in conformance.

Councilman Lamerson asked if it was common practice to approve a preliminary plat without easements. Mr. Guice said the preliminary plat was the opportunity to identify those needs and the final plat was to ensure that they were in place. He said it was common practice that all of the easements would not have been secured at the time of preliminary plat consideration and approval. Councilman Lamerson said that this was not the opportunity for the Council to say to go back to the drawing board and come up with the easements that they needed.

Mr. Guice said if they had concerns with the Preliminary Plat, they should go back to Planning and Zoning Commission for further consideration.

Councilman Blair said the water issue was a huge issue. He said that he would not want to go further if he were the developer, unless he had water assurances through the easement. He also understood that if they did not give the developer the opportunity to have the City's graces given to them, they would not want to go any further either. It was a time for them to get their work done before they came back to Final Plat.

Scott Lyon, Lyon Engineering, said there was a preliminary agreement with the land owner, regarding the water easement. He said it was not solidified until there was actually going to be a subdivision.

Councilman Blair said it would have to be in place before Final Plat could be submitted.

Councilman Hanna said he did not want to end up with the same issue that they had dealt with before, concerning the drainage issue. He asked if there was any way to get another exit and entrance that was feasible.

Mr. Guice said it was a topic at the Planning and Zoning Commission meeting. He said they did not include it as part of their recommendation, but did encourage the developer to continue to pursue a secondary access. He said that it may be possible but it was probably not practical due to the difficulties of the terrain.

He noted that there was a different property owner and there was an electrical transmission easement that ran the length of the property. He said the use of the property was severely constrained. He noted that the Land Development Code, Article 7 addressed local streets and connectivity of local streets and indicated that it was a requirement unless it was deemed to be impractical.

Councilman Hanna said that he had looked at it before and was concerned that they said they could bypass the secondary entrance by sprinkling the houses. He said it was a farce and he said they did more damage by sprinkling a house than by letting the house burn. He said they would be adding a cost to the homeowner and regulating people out of homes they desired. He said he would like to see the developer of the property pursue an emergency entrance and exit and he hoped the drainage was right before the Final Plat.

Councilwoman Suttles said she was confused because Councilman Lamerson went to the Planning and Zoning meeting and Councilman Scamardo served on the Planning and Zoning Commission and they supported it with a positive recommendation. She asked if the easements and drainage were discussed at the meetings.

Councilman Scamardo said that on a routine subdivision, with a preliminary plat, it would not have to go back to the Planning and Zoning Commission for final approval. He said that in that approval process, the Commission requested that the Preliminary Plat come back to make sure the drainage and utility easement would all be reviewed, when they reviewed the Final Plat.

Councilwoman Suttles asked if the Council agreed that they could vote on the Preliminary Plat as long as it came back through the process for an additional review. Councilman Scamardo noted that the Plat had a contingency that it came back for approval.

Councilman Lamerson said that Planning and Zoning would not be sending the Plat back to Council for vote on the Final Plat unless they were satisfied that they had met all the concerns that had been addressed. He said that he wanted to make sure the Council was not boxed in and that it would come back without addressing the issues that Planning and Zoning had to begin with.

Mr. McConnell noted that conforming to City's requirements concerning drainage and retention could be resolved with the demonstration with the developers engineer, having been reviewed by Public Works drainage engineer and having a discussion before the Planning Commission. He said it was a matter that could be resolved as a matter of design. He said a matter that would not be resolved as a matter of design was whether there was a second means of access or a requirement to improve the existing means of access. He said if the Council approved the Preliminary Plat without any contingency regarding a second means of access or the existing means of access, the Planning Commission would not withhold any approval in that event.

Mr. Guice said that he would like to defer the question to the Legal Department as to whether the Council had the ability to require, as part of a preliminary plat approval, for the improvement of the existing access.

Mayor Kuykendall said that he lived on a 20 foot street and it was difficult to have traffic move back and forth. The subdivision started off as gated and was later accepted by the City for maintenance of the streets. He said they started with a second emergency access, but did not have it anymore, due to lack of maintenance and obstacles in the path. He asked if they were requiring sprinkling because they were not assured of a secondary access, as a trade off. He said that even though they did not allow parking on their streets, most mornings someone was parked in the street. He said Planning and Zoning should look at what 20 feet really looked like. He said when a fire truck was parked in the street for an

emergency, it was nearly impossible to get by. He noted that 20 feet was not much and unless they could assure that there was off the street parking, he thought there was a real potential problem.

He said he would rather see a secondary access and it was more important than sprinklers. He asked if they were giving up more than they were getting. He said the sprinkling of the houses could be passed on to the property owner and it saved the developer from having to comply with normal street widths that the City would require. He said he could understand the financial trade off and that it was a good deal for the developer to move any of the costs that he had over to the property owner. He said that he had some real problems with it.

Mr. Guice said the developer, within the subdivision, would be building streets to City standards. Mayor Kuykendall asked if the streets in the subdivision would be 28 feet wide. Mr. Guice said yes. Mr. Guice said that the trade offs were a function of the Fire Code.

Eric Kriwer said that off of Rosser Drive, Terrace View Drive was 20 feet wide with two feet of ribbon curbing on each side. He said along the east side of the roadway, the homes had a great deal of set backs, 50 to 100 feet with a large shoulder area. He said that they had done the 24 foot street widths before. He noted that with the ribbon curbing on each side, it was a 24 foot side street with no parking on both sides. He said that they had done that with some sub divisions. Councilman Blair asked if it had been successful. Mr. Kriwer said the enforcement part of no parking for a fire lane was a problem.

Councilman Hanna asked if there was a 50 foot easement when they came in, off of Rosser. Mr. Nietupski said there was a 50 foot right of way. He said the roadway could be widened. Councilman Hanna asked who would pay for the widening. Mr. Nietupski said that was a good question. He said if it were to be widened, the 90 degree turn would require additional property to facilitate a curb that would comply with the current standard.

Councilman Scamardo said that off-site did not meet the standards, but the new site would meet requirements.

Mr. McConnell asked if there was a parking restriction currently on the street. Mr. Nietupski said there was not.

Councilman Lamerson said it reminded him of Copper Basin where there was a historically constructed neighborhood with standard narrow streets and then subdivisions built above it and built to a different standard. The

cars then funneled into the older neighborhood and created a problem. He asked how many times they were going to do that.

Councilman Scamardo said that the older subdivisions were built to a different standard. He said the standards were corrected with the new Land Development Code. He said to look at a developer who was developing 40 lots and say that they had to improve an existing City or Private Street was an unreasonable request on a developer who was willing to provide the City with the specifications within his development. He noted that the developer would ask why it was his problem.

Councilman Lamerson said he understood his point, but the problem kept happening. He asked when they would stop and ask if there was something they could do differently. He said that he was not quite sure what the answer was.

Councilman Blair said they could relax their Code a little if they said there was room to park on both sides of the curb. He noted that they could allow the developer to do a decomposed granite parking area on each side of the curb and post it as allowed off-street parking. He noted that there were not many houses in that area.

Mayor Kuykendall asked if they were asking for sprinkling of the houses because there was not secondary access. Mr. Guice said yes. Mayor Kuykendall asked if they had done that in the past. Mr. Kriwer said yes and that he was a proponent of sprinklers. He said they were 96% effective. He said the International Fire Code stated that if there were 30 units or more, with one egress, residential sprinklers were required.

Mayor Kuykendall asked if the sprinklers would take the place of an apparatus getting there in a reasonable period of time. He asked if the apparatus could make the 90 degree turn with relative ease. Mr. Kriwer said it was a 28/48 turning radius and he had driven it a couple of times. Mayor Kuykendall asked if they could say no parking on the 20 foot section.

Mr. Nietupski said the City could implement restrictions at any time in an existing neighborhood.

COUNCILMAN SCAMARDO MOVED TO APPROVE THE PRELIMINARY PLAT FOR TERRACE VIEW SOUTH SUBDIVISION WITH A CONDITION THAT THE FINAL PLAT BE BROUGHT BEFORE THE PLANNING AND ZONING COMMISSION PRIOR TO BEING HEARD BY COUNCIL; SECONDED BY COUNCILWOMAN SUTTLES; PASSED UNANIMOUSLY.

COUNCILMAN SCAMARDO MOVED TO APPROVE THE WATER SERVICE AGREEMENT NO. 10-005; SECONDED BY COUNCILWOMAN SUTTLES; PASSED UNANIMOUSLY.

Councilman Lamerson asked how much water was left in the portfolio. Ms. Graser said the remaining water for 2011 was 175.9 acre feet and 396.91 acre feet in the total portfolio.

III. ADJOURNMENT

There being no further business to be discussed, the Regular Meeting of October 25, 2011, adjourned at 4:51 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 25th 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