

PRESCOTT CITY COUNCIL
WORKSHOP
TUESDAY, APRIL 3, 2012
PRESCOTT, ARIZONA

MINUTES OF THE PRESCOTT CITY COUNCIL WORKSHOP held on April 3, 2012, in the CITY HALL COUNCIL CHAMBERS located at 201 SOUTH CORTEZ STREET, Prescott, Arizona.

◆ **CALL TO ORDER**

Mayor Kuykendall called the Workshop to order at 3:00 p.m.

◆ **INVOCATION** Major Kyle Trimmer, Salvation Army in Prescott

Major Trimmer gave the invocation.

◆ **PLEDGE OF ALLEGIANCE** Councilman Blair

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

◆ **ROLL CALL:**

Present:

Mayor Kuykendall
Councilman Arnold
Councilman Blair
Councilman Carlow
Councilman Kuknyo
Councilman Lamerson

Absent:

None

WORKSHOP

I. PRESENTATION

A. Presentation by Judge Arthur Markham re Community Work Program.

Judge Markham said he had been the City of Prescott Judge for nine years and had been using community service as part of the sentencing options. He said he believed in restorative justice and community service was one of the ways that someone could restore part of the community. He noted that there were certain people who could not pay fines and community service was the only way that they could help out. He noted that doing community service was sometimes a deterrent to others.

He said some years ago, the police commissioner in New York noted that as soon as a window was broken in a building, people would then throw rocks to break more of the windows. He noted that there would be the broken window syndrome here if the people were not cleaning up the streets and cleaning graffiti as quickly as they did.

He noted that some people would adopt streets after they had put the time into cleaning them up, because they had pride in what they had done. He said in a case where someone threw out a cigarette, they would pay a \$303.00 fine and do four days of community service. He noted that if there was a project that the City wanted done, it added to the workforce to use the community service people.

He said that he would hope that they could save the community service program for the benefits it gave the City. He noted that he assigned 1800 people community service hours, doing 19,000 hours. He said not all of the hours were done through the City of Prescott.

Mayor Kuykendall said they would probably be talking to him about it again to get specific information.

II. PUBLIC COMMENTS

A. Introduction of new businesses

Dave Maurer, Chief Executive Officer of the Prescott Chamber of Commerce, introduced two new business and introduced Erin Cornwell, their new Membership Director.

Ron Campbell, Director, Blankets for Kids, noted that they began their business in 2008 and donated 1000 blankets in 2009, which jumped to 3000 blankets in 2011.

Councilman Kuknyo asked what type of blankets he was looking for. Mr. Campbell said new or used were fine. He noted that Village and Moore's Cleaners, cleaned them at no charge for them.

Connie Havens, Safe Havens Roofing, started the company with her husband in 2005. They specialized in residential and commercial, emergency service and repairs. She noted that her husband had been roofing for over 22 years.

B. Presentation by Occupy Prescott re 'Corporations Should Not Equal People' Resolution

Karen Carlisle, Prescott, noted that it was a nonpartisan movement led by principals, not personalities. She asked the City Council to adopt the Occupy Prescott resolution that affirmed that people were flesh and blood human beings with thoughts and feelings, corporations were not people.

She noted that super PACS were flooding campaigns with money to influence elections. She said they would promote the resolution with outreach to local groups and businesses. They asked for the Council's leadership to call upon the state and national legislators to call for an amendment to the United States Constitution to abolish corporate personhood.

She noted that the full resolution could be read on www.occupyprescott.org

She said preserving democracy would come from the leadership of the people.

Councilman Kuknyo asked if all of it would be taken care of by legislation. Ms. Carlisle said it would if the legislation were passed. She said that this was to show that people across the country wanted this to happen and they would not let it go. Councilman Kuknyo said that the purpose needed to be refined as to what she was actually asking for.

C. Presentation by Rob Israel re Disc Golf

Rob Israel introduced Jason Fann and Greg Payne, who represented the Prescott Disc Golf Club. They showed a video and PowerPoint presentation which showed :

- BENEFITS
- WHY GOLDWATER LAKE?
- PDGA GROWTH CHART
- FOR ALL AGES
- WHY DISC GOLF?
- COMMUNITY SUPPORT
- TOURNAMENTS AND EVENTS

- ESTIMATED COST
- PROJECTED REVENUES & RETURN ON INVESTMENT
- BENEFITS OF DISC GOLF IN PRESCOTT

Councilman Kuknyo asked who would oversee the access to the course for a tournament and who would control tee times.

Mr. Israel said they would work in conjunction with Arizona Disc Golf Club (ADGD) to prepare in advance for that. He noted that the ADGC ran the Southwest Cactus Series. A past president said that he lived in the valley and there were currently a lot of people who drove to Flagstaff to escape the heat and find some nice courses in the trees.

Councilman Kuknyo asked what the life expectancy on the baskets was. Mr. Israel said they basically had a lifetime expectancy unless someone ran them over with a truck. He noted that the tee pad expectancy was about 14 years.

Councilman Arnold encouraged them to take any opportunity to find funding from the community. He said that he would like to see it work through the system with the staff and said it would be a nice addition. Mr. Israel said they had thought about that approach and since the payback was in a year and the rest would be pure profit to the City, he said that it would be a burden for people to contribute from their personal funds to benefit the coffers of the City.

Mayor Kuykendall said that any two members of the Council could bring it back as an action item.

III. PROCLAMATIONS

A. April 2012 as *Fair Housing Month*

Councilman Carlow read the proclamation and presented it to Miriam Haubrich and Kathy Dudek.

Ms. Dudek noted that there would be a seminar in the Council Chambers on April 6, 2012, from 8 :30 to 9 :30 a.m. to go over landlord and tenant rights.

B. April as *Water Awareness Month*

Councilman Blair presented the proclamation to Shaun Rydell and the WaterSmart partners.

The members introduced themselves as: John Zambrano of the Citizens Water Advocacy Group, James Pittman, the Director of Sustainability at Prescott College, Ann Marie with Prescott Creeks, Mack McCarley, Golf Pro and Manager at Antelope Hills.

C. April 14 – May 18, 2012, as *Prescott's Bike Month*

Councilman Arnold read and presented the proclamation to Jim Knaup.

Mr. Knaup noted that there events could be found on prescottbikeped.org.

D. April 16, 2012, as *National Healthcare Decisions Day*

Councilman Kuknyo read the proclamation.

IV. REPORTS

A. Board/Commission liaison reports

Councilman Blair noted that there were a lot of water meetings going on and they had moved forward with water projects in the Big Chino and continued gathering support. He said they had been busy with the General Plan committee.

Councilman Arnold said the Preservation Commission met and their next meeting would be April 13th at 8:00 a.m. He said the Advisory and Appeals Committee was working on recommendations to adopt the building codes for the following year. He noted that there were still two vacancies. He said the Access Channel was moving along and the Kiwanis auction was currently taking place. He noted that the Board of Adjustments just had a meeting and he did a ride along with Meals on Wheels and the Prescott Fire Department.

Councilman Lamerson said he went to a Chamber Board meeting and said that Mr. McConnell discussed the budget workshop series, State mandated public safety retirement, legislature taking a lot of their local control, new obligations that the State was mandating against municipalities and not offering opportunities on how to deal with those. He discussed grants, taxes, and precarious positions that municipalities were in with the State sweeping revenues and State shared revenue,

He mention the Unified Development Code (UDC) and said they discussed issues that were forwarded to Planning and Zoning regarding mobile homes and the ability to use your private property differently than what it said in the code. He noted that Planning and Zoning also

discussed the rezoning of the Heights Church that would be coming to Council sometime in April.

Councilman Kuknyo said Prescott Downtown Partnership (PDP) was deploying flower baskets and they were adding five more pots to be placed on North Cortez Street. They gave the results of the downtown business survey to the Geographic Information Systems Department. He said there were over 450 businesses in the area surveyed with 75 vacancies, which was mostly office space. He said they spent time on the Summer Concert Series and published their newsletter listing street closures for the events. He noted they handed out fliers regarding Epic Rides and 20 merchants chose to participate in the free advertising.

He said that Parks and Recreation won the cohosting of the 2014 Junior College Athletic Association College Soccer Championships. They would start developing the Horsley Trail in three to four weeks and they would begin work on the pump track on April 14th. He noted that there was a lot of positive feedback from the public about the Ken Lindley wall.

He noted that Central Yavapai Metropolitan Planning Organization (CYMPO) had a meeting the prior week with 45 people in attendance. He said they had projected that by 2030 there would be a 435,000 people in the MPO, but that had been changed to 205,000 due to the market conditions.

Councilman Carlow noted that they all heard the Community Development Block Grant presentation the previous week. He said they had \$220,000 in grants to award between public service and fair housing. He noted that April 6th would be the last date for public comment and May 8th would be the last day for comment at the Council meeting.

Northern Arizona Council of Governments (NACOG) submitted a proposal for \$120,000 in grants to the Arizona Commerce Commission for Stage 2 companies. The Local Work Board Investment Group was still looking at sector strategies. He said that NACOG sent out 40 letters regarding a summer youth program to non profits and schools to set up a six week program where they would pay for employment by youth.

V. ADJOURNMENT

The Workshop of the Prescott City Council adjourned at 4:07 p.m.

SPECIAL MEETING

A. Call to Order

Mayor Kuykendall called the Special Meeting to order 4:15 p.m.

B. Discussion/Direction re Downer Trail Gate

Mr. McConnell noted that during the Special Meeting of March 20, the Council voted to table consideration of the Downer Trail gate to the current meeting. He said the Council could discuss and take action that day. However, Mr. Musgrove asked the Council not to address the item that day, due to his absence caused by medical conditions, but continue it to the first regular meeting in May.

Councilman Blair said he would like to talk to a traffic engineer to see what the cost of an automatic gate would be. He said he would like the Police and Fire Department, as well as Lifeline to be able to open the gate from afar. He noted that he would like to have that number at the May 8th meeting.

COUNCILMAN ARNOLD MOVED TO CONTINUE COUNCIL DISCUSSION OF THE DOWNER TRAIL GATE, AND ANY RELATED ACTION WHICH MAY BE DIRECTED, TO THE REGULAR MEETING OF MAY 8, 2012; SECONDED BY COUNCILMAN KUKNYO; PASSED UNANIMOUSLY.

C. Discussion of FY2013 General Fund Revenue Projection

Mr. Woodfill said that he was bringing the preliminary projections for the following year's revenue to the Council earlier in the process than normal. He showed a presentation which covered:

- GENERAL FUND REVENUE

He noted that tax collections were up 5.83 percent over the prior year, although they were down from the highs of 2007. He noted that they wanted to keep the property tax rate level. He said the State shared revenues were projected to be up 10 percent from what they projected that year.

Mayor Kuykendall asked if the increase for dispatch would be coming from the City funds. Mr. Woodfill said the increase would be coming from the City funds. He said the City paid for over 50 percent of the costs.

Councilman Blair asked why the library would be 14 percent down. Mr. Woodfill said it had to do with the past years projection of \$688,000.00. He said it was higher than what they received. He noted that what they received last year would be similar to the following year.

Mr. Woodfill said that the revenues were up six percent overall. He said the City was still 16 percent below where it was in 2007.

- GENERAL FUND OPERATING EXPENDITURES

Councilman Kuknyo asked what would make joint dispatch go up. Mr. Woodfill said their costs in the center were going up. He noted that there had been a consumer price index increase of 12 percent since 2007.

- ACTION PLAN

Mr. McConnell said the revenue projection set the stage for the departments. He spoke of the Community Service Program, the review of present and other models for providing public safety services, focusing on the services provided by the Fire Department. He said there was a possibility in decreasing costs without decreasing service.

Mayor Kuykendall said they gave management a dictate that there were no sacred cows. He said that Mr. McConnell could come back with any recommendations the staff had. Councilman Blair said that he appreciated that staff was looking outside of the box and sharing costs with the Court system and Yavapai County. Councilman Lamerson concurred

Mr. McConnell also spoke of the secondary property tax levy. He said that Senate Bill 1226 of the previous legislative session in 2011, provided a tool to levy a tax for two to seven years, requiring voter approval. He said it would have to go on the ballot of November of 2012.

In order for that to happen there would need to be a clear purpose for revenue to be generated. He said they had indicated that they had facilities needs and equipment replacement needs which were more general than specific. He said the first question regarding the secondary tax levy would be what the purpose was and the second point was that the public would have to understand and support it.

He noted that another aspect of the tool was that very little time remained between then and June when the ballot question would have to be formulated. He said without a clear purpose and with a short window that remained, unless the Council felt otherwise; the tax did not look feasible.

Councilman Arnold said that he concurred with Mr. McConnell. Councilman Lamerson said raising taxes was not the right way to do business. He said that he would caution against putting it on the ballot. Councilman Carlow agreed.

Mr. McConnell said the City had long term needs. He noted that the funding level in the General Fund was not sustainable.

Councilman Blair said the secondary property tax had to do with the purchasing of Watson and Willow Lakes and that taxing authority would be going away because the lakes would be paid off. Mr. McConnell said that fiscal year 2013 would be the last year for the major debt service for the acquisition of the lakes.

Councilman Lamerson said that with the loss of a secondary property tax, he would not want the public to anticipate the City would be able to tap the General Fund for developing projects on the lakes, because the revenue was not there.

- D. Approval of Authorization of Services No. 3 to Dibble Engineering for construction administration/management services in an amount not to exceed \$648,414.21 for the Runway 21L-3R Safety Area Improvement project.

Councilman Arnold asked Mr. Kidd if his conflict of interest, as it pertained to the award of the bid, had come to an end. Mr. Kidd said yes it had, since he had no financial interest in the contract.

Mr. Vardiman said the City's share of the cost of the project was 2.5 percent. He noted that approximately 37.5 percent of the contract was going to be completed by local Prescott area firms.

Councilman Carlow asked if it was a fixed price contract. Mr. Vardiman said yes. Councilman Carlow asked if Dibble Engineering would be responsible for Federal Aviation Administration inspections along the way. Mr. Vardiman said yes they would, but that they would ultimately report to the City.

Councilman Arnold said that he did not think that \$25,000 for out of town engineering firms and subcontractors was appropriate. He noted that the meals were for 34 days and the lodging was for 6 nights and it did not add up. Mr. Vardiman said inspectors would be coming up from Phoenix and would not be staying overnight. He said it was a significant amount, but there was a significant amount of time and people traveling to Prescott. He noted that reimbursement rates for lodging were set by the State and could not be reimbursed above what State set.

Mayor Kuykendall asked if the numbers were looked at when they looked at the bid. Mr. Vardiman said they negotiated the three year contract with Dibble based on qualifications and price. Then each authorization of service was negotiated by the price in terms of services. Mayor Kuykendall asked if they considered the added cost of using an out of town engineering firm.

Mr. McConnell said the contract and project was for airport engineering and was a realm unto itself. He said they encouraged, in the work authorizations, the use of local firms to reduce that expense.

COUNCILMAN ARNOLD MOVED TO APPROVE AUTHORIZATION OF SERVICES NO. 3 TO DIBBLE ENGINEERING FOR CONSTRUCTION ADMINISTRATION/MANAGEMENT SERVICES IN AN AMOUNT NOT TO EXCEED \$648,414.21 FOR THE RUNWAY 21L-3R SAFETY AREA IMPROVEMENT PROJECT; SECONDED BY COUNCILMAN BLAIR; PASSED UNANIMOUSLY.

E. Recess into Executive Session

COUNCILMAN LAMERSON MOVED TO RECESS INTO EXECUTIVE SESSION; SECONDED BY COUNCILMAN ARNOLD; PASSED UNANIMOUSLY.

The Prescott City Council recessed into Executive Session at 4:50 p.m.

F. EXECUTIVE SESSION

1. Discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation, pursuant to ARS §38-431.03(A)(4).

a. Centerpointe East v. City of Prescott

2. Discussion or consultation for legal advice with the attorney or attorneys of the public body, pursuant to ARS §38-431.03(A)(3).

a. Employee Benefits

b. Solid Waste Issues

G. Adjournment

The Prescott City Council reconvened into Open Session at 7:21 p.m. at which time the Special Meeting of April 3, 2012, was adjourned.

MARLIN D. KUYKENDALL, Mayor

ATTEST:

ELIZABETH A. BURKE, City Clerk