

PRESCOTT CITY COUNCIL
JOINT WORKSHOP/SPECIAL MEETING
TUESDAY, JUNE 5, 2012
PRESCOTT, ARIZONA

MINUTES OF THE PRESCOTT CITY COUNCIL JOINT WORKSHOP/SPECIAL MEETING held on June 5, 2012, in the CITY HALL COUNCIL CHAMBERS located at 201 SOUTH CORTEZ, Prescott, Arizona.

◆ **CALL TO ORDER**

Mayor Kuykendall called the Joint Workshop/Special Meeting to order at 3:02 p.m.

◆ **INVOCATION** Pastor Jesse Liles, Senior Pastor
Willow Hills Baptist Church

No invocation was given as Pastor Liles was not present.

◆ **PLEDGE OF ALLEGIANCE** Mayor Kuykendall

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

◆ **ROLL CALL:**

PRESENT

Mayor Kuykendall
Councilman Arnold
Councilman Blair
Councilman Carlow
Councilman Kuknyo
Councilman Scamardo

ABSENT

Councilman Lamerson

WORKSHOP

I. SPECIAL PRESENTATIONS

A. Review of City Court operations by Magistrate Arthur Markham

Judge Markham gave a brief PowerPoint on what the City Court does.

He said that he has been asked in the past about parking tickets, so he had provided a graph which indicates where the monies go that were collected for parking tickets.

He said that he has been asked previously if the monies collected could be kept locally versus going to different pieces of the pie in Phoenix. He said that the answer was no, based on an opinion of the Arizona Supreme court as well as a lawsuit filed against the City of Phoenix.

He said that any fine imposed has to have mandatory surcharges on top of it, which total 86% of the fine. He said that as a charter city the City of Prescott could charge an administrative fee for services, such as if someone had to make payment arrangements.

Judge Markham said that there was an existing Intergovernmental Agreement between the City and County, and the first five-year period terminates at the end of June. He said that both sides have to say yes to continue the contract for another year and he has just been told that the County was looking at not continuing it, but in his mind it would be advantageous to continue with one court for the Justice and the City. He said that it was more efficient for the taxpayers, and there would need to be many changes made to eliminate the consolidated court, such as with records and databases.

Councilman Blair asked if what Judge Markham was saying was that the City could drop the “ticket” and just charge an “administrative fee.” Judge Markham said that they could not; in reading the Supreme Court opinion if there is a fine or sanction for someone it is considered a ticket, regardless of what it is called. However, if the City was providing a separate service, they could charge a fee for that.

Councilman Blair asked if they could lower the ticket amount and increase the administrative fee. Judge Markham said that they could not.

Councilman Kuknyo asked Judge Markham what his experience was in someone not being able to pay on time being able to pay more to cover the fee. Judge Markham said that sometimes they may be able to pay through a payment program when they cannot pay the full amount up front.

Councilman Scamardo asked for clarification of the agreement with the County. Judge Markham said that it was a ten-year agreement, and by its terms the first five-year period was agreed to, after which years six through ten would be agreed to by each party on an annual basis. He said that they were completing the first five-year period and at that next step now. Councilman Scamardo said that he would hope that the City and County could talk together and get it worked out. He asked Judge Markham if it was his recommendation to continue with the agreement; Judge Markham replied that it was.

Councilman Scamardo said that in another year they would then have five members on the Board of Supervisors.

Councilman Arnold asked what the prior justification was for the weekday parking enforcement. Judge Markham said that it was a political decision of the Council. He believed that the merchants wanted to have empty spots in front of their stores so the parking structure was built and enforcement began.

Councilman Arnold asked Mr. McConnell what some examples were of the revenues generated. Mr. McConnell referred to the prior chart and said that there was \$4 that came out of the previous legislative session that was earmarked for City public safety officer equipment and the other \$10.93 goes into the General Fund, which was that funding source that pays for public safety, parks and recreation, library, etc.

Mayor Kuykendall said that the courts have not mandated that the City issue parking tickets so if they decide not to write those tickets, the State gets none of the revenues. He said that they were all surprised with the extra \$13 added to the parking tickets.

Mayor Kuykendall asked if the court ever had an occasion to dismiss a parking ticket. Judge Markham said that he would sometimes not be convinced with the proof offered and in those cases the State gets nothing.

Mayor Kuykendall asked if the IGA had any notice requirement before either party could pull out of the agreement. He said that they were close to budget approval and were hearing for the first time that the County was considering whether to continue with the agreement.

Judge Markham said that it was up to the Board of Supervisors and Council to renew the agreement. He did not think there was any notice required to stop it, but an agreement was required by both parties to continue. Mr. Kidd said that he did not recall since it had been some time since he had reviewed the agreement.

Mayor Kuykendall said that his concern was that sometimes they forget that there were 39,800 Prescott residents that were also residents of Yavapai County. He would hope that the County would not unilaterally consider not continuing with the Agreement said the City had no budgeting in place for additional expenses. Mr. McConnell said that they have not budgeted, nor was it feasible to create or initiative and operate a separate City court system.

Mayor Kuykendall said that the City had nothing to indicate that there would be any type of change in the Agreement. Mr. McConnell said that he did not recall any correspondence from the County that they did not want to continue with the arrangement.

Judge Markham said that they have had a consolidated court for the past 25 to 30 years. It was so intertwined at this time financially, with the database, etc. and to pull them apart would not be easy to do on either side.

B. Presentation of plaque to the Susan J. Rheem Adult Day Center

Councilman Carlow read the Certificate of Excellence and presented it to representatives of the Susan J. Rheem Day Center. The representatives thanked the Mayor and Council and gave a brief review of the various services their organization provides.

C. Presentation re the Prescott Circle Trail by representatives of the Yavapai Trails Association and Open Space Alliance

Jan Alfano, founder and past President of Yavapai Trails Association, said that it has been a collaborative effort between the Yavapai Trails Association, the Open Space Alliance, various levels of government and private organizations. She then presented a video which gave some history and information about the Circle Trail.

Councilman Blair asked when they could have dialogue about this. Mr. McConnell said that today was viewed as an introduction to the “next step” resulting in the miles of trails. They were looking at probably around August to have something on the agenda. From the budget workshop last week there was a proposal for \$120,000 for acquisition of easements across state land. He said that the money was there but it would require the City to make application to the State Land Department.

Councilman Blair asked if the application was in process, or if they had to wait until August to get it started. Parks and Recreation Director Joe Baynes said that they met with the State Land Department in January and filled out the pre-application. He said that it is in the process at this time. Mr. McConnell said that the open space monies could be used for easements.

Councilman Blair asked if they were able to use the open space funds on private property. Mr. Kidd replied that they were. He said that one of the restrictions was “acquisitions” and leaseholds on private property were permitted.

Councilman Blair asked if the City had numbers back yet from Epic Rides on the amount of money the Whiskey Off-Road brought to the community. Mr. McConnell said that they have not, but Mr. Sadow was scheduled to report back to the Council at the first meeting in August.

Councilman Blair said that the public needs to understand that the completion of this trail is an economic benefit and adds to the quality of life. He said that it does pay for itself.

Mayor Kuykendall asked if they were moving on the survey. Mr. Baynes said that the City has done a pre-appraisal on their own and from there that is what would be deposited. At the appropriate time the State would do an appraisal of their own, but they were working well with the City.

II. PROCLAMATIONS

A. June 13-15, 2012, as *Arizona Historic Preservation Conference Days*

Councilman Scamardo read the proclamation and presented it to Elisabeth Ruffner, Cat Moody and Ralph Weiger.

Ms. Ruffner said that they were expecting more than 300 people to the City next week for the Historic Preservation Conference and they were extremely lucky to have this conference come to Prescott in a centennial year.

III. PUBLIC COMMENTS

A. Introduction of new businesses

Erin Cornwell, Membership Director of the Prescott Chamber of Commerce, thanked the Mayor for allowing one of the businesses to come to the meeting next week. She then introduced the following businesses, who each gave some information:

Prescott Sweet Spot, located in Marler Square on West Sheldon, presented cupcakes to the Mayor and Council.

Maria Fleury of Chapparal MusicFest (chapparalmusicfest.org) said this would be their sixth year of holding the MusicFest, held in June of every year.

Lesa West of New Life & AED Networks, LLC, said that they started their business in 1989 and built the largest training center in Phoenix where they train over 40,000 people a year.

B. Recap of Whiskey Row Marathon by representatives of the YMCA

David Olson, Executive Director of the YMCA, gave a PowerPoint recap of the recent Whiskey Row Marathon, which addressed the following:

- PRESCOTT YMCA OF YAVAPAI COUNTY
- MISSION IMPACT
- MOBILIZING RESOURCES TO MEET OUR COMMUNITY NEEDS
- RELIEVING BURDEN OF GOVERNMENT AND ENHANCING TOURISM
- 2012 MARATHON
- 2000 RUNNERS AND FAMILY
- STATISTICS
- LOCAL INVOLVEMENT
- FINANCIAL ASSISTANCE
- ECONOMIC IMPACT
- TOTAL IMPACT: \$1,086,385!
- HOTEL IMPACT
- IN SUMMARY
- LET'S MAKE IT BETTER

Mayor Kuykendall said that he was aware of the challenge the City gave them two years ago to take it from a one-day to two-day event and they stepped up. He thanked them for their work on this and in the community.

C. Jim Jensen re pullouts along Senator Highway

Mr. Jensen voiced concern with the improvements being made to Senator Highway. He provided a handout to Council members noting that the project called for a vertical curb versus a roll curb, and added that the pullouts had been eliminated.

Councilman Scamardo said it appeared that his concerns were 1) the elimination of the pullouts; and 2) the vertical curb versus the roll curb. He said that the roll curb is used on all new subdivisions and asked why they were going with the vertical curb.

Mr. McConnell said that this was the time for Mr. Jensen to voice his concerns. He said that Senator Highway was steep and twisting and there were issues with rights-of-way. He said that there were various criteria and they would provide that information to the Council.

Mayor Kuykendall thanked Mr. Jensen for his comments and said that these issues would be looked at internally.

D. Claire Louge re First Things First update

Claire Louge, Community Outreach Coordinator of First Things First, gave a PowerPoint presentation updating the Council and audience, which addressed the following:

- STATEWIDE ORGANIZATION
- RESEARCH
- BRAIN ARCHITECTURE
- EARLY EDUCATION MATTERS
- FIRST THINGS FIRST – Voted in by Arizonans in 2006 as a tobacco tax
- EACH REGION HAS A BOARD OF VOLUNTEERS

She noted that there was a vacancy on the Board, representing the business community, should anyone know of someone that may be interested.

- \$15 MILLION TO YAVAPAI COUNTY
- BIRTH TO 5 HELPLINE
- ARIZONA PARENT KIT
- PARENTING EDUCATION CLASSES
- RAISING A READER
- HOME VISITING

●LITTLE KIDS BOOK – RESOURCE GUIDE

Councilman Carlow asked if they worked with NACOG. Ms. Louge replied that NACOG is a federal program and First Things First is a state program, but they have collaborated in the past on various projects.

Councilman Scamardo said that he had a good candidate for their Board and would get with her.

Councilman Kuknyo asked where they were located. Ms. Louge said that they were located in Building 30 at Yavapai College, across from the old MVD building.

E. Dennis DuVall re campaign finance reform

Mr. Duvall said that he was a resident of Prescott and since there was a big election coming up he wanted to say a few words about campaign finance. He said that 40 years ago the Supreme Court gave corporations First Amendment protections similar to Freedom of the Press. He said that it wasn't until last December that the Supreme Court was so brazen as to suggest that corporations have a First Amendment right to spend from their treasuries to influence candidate election outcomes.

He said that corporations now have the right to buy elections. They would like to see a legislative solution to this. He said that because the Supreme Court decision was a First Amendment issue, Congress cannot do anything about it; it would have to be an amendment to the Constitution.

Mr. Duvall said that a Constitutional amendment would reverse the Citizens United vs. FEC decision establishing that corporations have the same rights as human flesh and blood. A lot of people do not think that is right and they would like a resolution put on a future agenda for the Council to take action on.

He said that they were really counting on the Council's progressive leadership to join hundreds of other councils across the country to overturn this decision. He said that if the Council passed the resolution it would have no legislative impact other than their symbolic, persuasive support for Congress to start working on an amendment.

Mayor Kuykendall said that the Council has heard them and there is a process in place. Mr. Duvall said that he encouraged them to do that.

F. Monte Crooks re Community Appreciation Event – *June Swoon Sock Hop and Car Show*

Monte Crooks and Gary Long addressed the Council to invite them and the public to the first annual June Swoon Sock Hop and Car Show on June 9, 2012, beginning at 9:00 a.m. He said that parking would be available at the old Honda dealership.

IV. REPORTS

A. Board/Commission liaison reports

Councilman Blair reported that the water committees met this past month and were continuing to work toward water conservation goals, and long and short-term water delivery systems and ideas. He said they were also continuing to work on macro and micro water harvesting programs.

Councilman Scamardo reported that the Planning and Zoning Commission voted unanimously to turn down a rezone request submitted by the Heights Church.

He also reported this month that the Unified Development Code Committee met and discussed the items mandated by the State regarding campaign signs. He said that it seemed like the direction given to staff was to use the one loophole that if they were in a historic area or tourism area they could prohibit them within the public right-of-way. He said that they directed staff to take the whole City and put restrictions on all of the major arteries—White Spar, Iron Springs, Willow Creek, Sheldon and Gurley. He said that staff was compiling the new language which would be sent to Planning and Zoning Commission and then on to the Council.

Councilman Arnold reported that the Advisory and Appeals Board was working on the administrative portion of the new IBC (International Building Code) for recommendation to the Planning and Zoning Commission and Council. He said that there were three vacancies on the Advisory and Appeals Board and anyone interested should contact the City Clerk's office.

He also reported that the Historic Preservation Conference was coming to the City next week and he was looking forward to attending it.

Councilman Arnold reported that he and the Mayor were laying the groundwork to actively address the issues facing the downtown region of Prescott. He said that they have been reading a lot about issues taking place as well as the cleanliness of the area. He said that each week they have made progress. He said that it was not something they will have a

knee-jerk reaction to. As they work through the issues of downtown and work with the stakeholders, they can bring back recommendations to improve the downtown area.

Councilman Kuknyo, representing the Prescott Downtown Partnership (PDP), reported that the flower baskets were up and they were still soliciting donations as they were trying to defray about half of the program.

He said that they were preparing for the Prescott Rodeo Days June 29 through July 1 and art show. He said that they need to clean the sidewalks and the overall area and the PDP was willing to help with it.

Councilman Kuknyo said that, with regard to the Parks and Recreation Board, it was tournament season and they had some good ones coming up. Additionally, the Centennial Trail was now open and the Horsley Trail signage should be up next week to complete the trail around the lake.

He said that the Parks Department built a five foot wide sidewalk at Pioneer Park that goes down one side of the trail and the hope was that in the future they could put in pavers to help with wheelchair accessibility.

He said that they were done with the public input for the Regional Transportation Plan with CYMPO and would be getting the final draft to the Board on June 29. In July and August they would not be doing much.

He also reported that the General Plan Committee was trudging through, page by page.

Councilman Carlow, representing CDBG Advisory Committee, said that they have drafted and approved the allocations for next year. In addition to the \$45,000 rollover they have identified an additional \$261,000 of unspent money that they had to pull forward. He said that everything was being verified, but they were looking at the Dexter area as they need to have something that is shovel-ready. He also said that they were looking at amendments to the Consolidated Plan. In November they would be holding a public workshop.

Councilman Carlow said that the Fire Board of Appeals was looking at Code adoptions for the 2012 IFC (International Fire Code) changes as well as local amendments.

He said that the NACOG Head Start program served 105 children in the area and they were looking to help more in the next few years. He said that they were working on sector strategies with the State for economic development to see how they could move clusters of businesses forward.

He said that 19 states were following this concept for economic development.

Mayor Kuykendall reported that the downtown merchants were trying to get together to purchase a power washer and they were looking for volunteers to help with the cleaning.

V. ADJOURNMENT

There being no further business to be discussed, the Prescott City Council Workshop of June 5, 2012, adjourned at 4:58 p.m.

SPECIAL MEETING

I. Call to Order

Mayor Kuykendall called the Special Meeting to order at 4:58 p.m.

II. Recess into Executive Session

**MAYOR KUYKENDALL MOVED TO RECESS INTO EXECUTIVE SESSION;
SECONDED BY COUNCILMAN BLAIR; PASSED UNANIMOUSLY.**

The Prescott City Council recessed into Executive Session at 4:58 p.m.

III. EXECUTIVE SESSION

A. Discussion or consultation for legal advice with the attorney or attorneys of the public body, and 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)(3) and (4), respectively.

1. Hassayampa Golf Club Bankruptcy
2. ADA Complaint

IV. Adjournment

The Prescott City Council reconvened into Open Session at 6:30 p.m. at which time the Special Meeting adjourned.

MARLIN D. KUYKENDALL, Mayor

ATTEST:

ELIZABETH A. BURKE, City Clerk