

**TOWN OF PRESCOTT VALLEY
REGULAR COUNCIL MEETING
MINUTES
JULY 26, 2007**

*Magistrate Court/Council Chambers
Civic Center
7501 E. Civic Circle
Prescott Valley, Arizona 86314*

1. *CALL TO ORDER*
2. *INVOCATION*
3. *PLEDGE OF ALLEGIANCE*
4. *ROLL CALL*

The meeting was called to order by Vice-Mayor Wise at 5:30 p.m. in the Magistrate Courtroom/Council Chambers. Pastor Kurt J Eikenbery, Faith Baptist Church, gave the invocation after which the Pledge of Allegiance was said in unison as led by Ben Harper. The following council members were present for roll call:

<i>Harold Wise</i>	<i>Vice-Mayor</i>
<i>Mike Flannery</i>	<i>Council member</i>
<i>Fran Schumacher</i>	<i>Council member</i>
<i>Mary Baker</i>	<i>Council member</i>
<i>Lora Lee Nye</i>	<i>Council member</i>
<i>Bob Edwards</i>	<i>Council member</i>

Absent: Harvey Skoog Mayor

5. *ANNOUNCEMENTS & PRESENTATIONS*

*MAYOR'S RECOGNITION AWARD
- Global Entertainment & Sundogs*

Town Clerk, Diane Russell, read the Mayor Recognition Award for the Tim's Toyota Center and The Arizona Sundogs. Vice-Mayor Wise gave out each of the awards to Brent Thiessen, Eric Lacroix, Steve Conrad, and David Sacchetti. It was announced that opening night for the first Sundogs game will be October 19, 2007. There should be some pre-season activities this year.

- MVP Concession Workers

The Mountain Valley Park/Concession Stand/Restroom Remodel Mayor's Recognition Award was presented to Ernie Ortega who spearheaded a volunteer group to complete this project. Ryan Judy showed some pictures of the before and after of this project. Certificates were given to the honorees.

Council member Schumacher stated that Prescott Valley is so fortunate to have citizens and companies that will step up and do something like this project. The Town was crushed when they received the bids for this project and could not make it work. Council member Edwards said this has gone beyond teamwork in the community. This is a family that works together. This group of people has dedicated their hours and time on behalf of the youth of the community. What a plus it is to have a family like this. Council member Nye said thank you to all of the people who participated in this project. These people are the heart and soul of the community. Council member Flannery says it is important that everyone know that Ernie Ortega is not a one-project volunteer. He has volunteered on a number of things and serves on the Parks and Recreation Commission. Ernie rolls up his sleeves often and is a valuable community asset.

6. CONSENT AGENDA

- a. *Liquor Licenses & Permits*
Approving a new Series 12 (restaurant) liquor license application for Puerto Vallarta, located at 11901 E. Highway 69, Gilbert Garcia, applicant
- b. *Accepting a utility easement for the Walhalla Enterprises Commercial Project*
- c. *Approving a new consulting services agreement with IK Consulting to provide additional support services for the Community Development Department Permits Plus and Selectron Interactive Voice Response Systems*
- d. *Authorizing the Mayor to co-sign the retainer letters with Perkins Coie Brown & Bain and Squire Sanders & Dempsey (as well as the arrangement through AMRRP to retain the firm of Moyes Storey) to provide legal services to the Town in the matter of Fulkerson v. Prescott Valley*
- e. *Consideration of authorizing the Mayor to sign the Gila River Indian Community Grant Application on behalf of the Volante Academy for the Arts*
- f. *Approving Departmental Monthly Statistical Reports:*
 - *Community Development*
 - *Library*
 - *Parks and Recreation*
 - *Police Department*
 - *Public Works*
 - *Town Clerk*
- g. *Approving the Management Services Monthly Financial Report*
- h. *Council Investment Report*
- i. *Approving Accounts Payable for July 6 thru July 19, 2007*

Council member Schumacher made the MOTION, seconded by Council member Nye, to approve the consent agenda, by roll call vote. MOTION carried with 6 ayes and 0 nays.

7. UNFINISHED BUSINESS

- a. *Consideration of approving the second reading and possible passage of Ordinance No. 693 approving Zoning Map Change ZMC07-003 on approximately 15.5 acres as requested by W. Ray Hill*

Planner, Joe Scott, said there were concerns and questions that came up from Northridge Park due to mention of "landfill" at the last council meeting. Staff met with residents at a scheduled

neighborhood meeting on Tuesday and explained that the old landfill was not involved and all the uses of this property would be in an enclosed or screened building. There were no further questions.

Town Clerk, Diane Russell, was instructed to read Ordinance No. 693 by title only. Mayor Skoog then asked "shall the Ordinance pass?" Ordinance No. 693 passed with 6 ayes and 0 nays.

- b. Consideration of approving the second reading and possible passage of Ordinance No. 694 approving Zoning Map Change ZMC07-006 on approximately 60 acres as requested by Fain Signature Group*

Council member Baker announced that she would need to abstain from this item due to a possible conflict of interest.

Council member Schumacher wanted to let everyone know that these second readings are PAD's (Planned Area Developments). They will come back to the Council on the Final Development Plan. The staff had no further comments as this was a second reading.

Town Clerk, Diane Russell, was instructed to read Ordinance No. 694 by title only. Mayor Skoog then asked "shall the Ordinance pass?" Ordinance No. 694 passed with 5 ayes, 0 nays and 1 abstain (Council member Baker).

- c. Consideration of approving the second reading and possible passage of Ordinance No. 691 approving Zoning Ordinance Amendment ZOA07-008 amending Section 13-24-020 – Off Street Parking, of the Town Code*

Council member Flannery stated that there was correspondence in the form of an email that was sent out to all of the Mayor and Council members. The concern was that if we open this up to a smaller camper, we are opening it up to trailers, boats and other use vehicles. Town Attorney, Ivan Legler, responded that this is a very narrow exception that relates to a driveable vehicle that is a certain size and those vehicles are used as their primary mode of transportation. It would not be opening the door to boats and other vehicles that are not driveable.

Council member Edwards has an issue with this Ordinance. After doing some homework in different neighborhoods, there appears to be a safety concern in some areas where the streets are narrow. If this happens, the people will be parking these vehicles in their driveways, forcing visitors to park out on the street. This is going to cause more of a problem for the young people and their safety. Eventually he feels that there may be no parking signs on the streets. Town Attorney, Ivan Legler, responded that he did not think this would significantly increase off-premise parking. Council member Nye repeats that she continues to object to this Ordinance because of the safety of children playing in the area. Council member Baker is not in favor of this Ordinance as well. She went down several streets and there were motorhomes and vehicles parked there now. She feels it is unnecessary. Council member Schumacher reiterated that the only vehicle that will be parked in the driveway would be a vehicle that is the same size as a regular sized vehicle.

The staff had no further comments as this was a second reading. Town Clerk, Diane Russell, was instructed to read Ordinance No. 691 by title only. Mayor Skoog then asked "shall the Ordinance pass?" Ordinance No. 691 did not pass with 3 ayes and 3 nays (Council members Nye, Edwards and Baker).

8. NEW BUSINESS

a. *Consideration of approving the purchase of Lot 5765 in Unit 15 for required drainage improvements in an amount of \$76,483.98 including escrow fees*

Public Works Director, Norm Davis, reported that this item is for the purchase of a stormwater management lot that Town staff has been reviewing for several years. This particular lot is at the intersection of Long Mesa and Robert Rd. The lot is at the confluence of a drainage project that is in the current 5-year capital plan. This lot became available for sale in the last few months and Town staff employed the services of Bob Babcock and Assoc. to pursue purchase of this lot. An agreement has been brought forward and a settlement for a purchase price with the owner. It is staff's recommendation that this particular lot be purchased in anticipation of the Western Blvd. drainage stormwater management project in the current 5-year plan. It is currently two years out in the 5-year capital plan. What the purchase of this lot would do is allow for all kinds of advantages, not only for detention but also for installation of structures that would be required to get the stormwater underneath the Long Mesa and Robert Rd. intersection to existing drainage on the northeast corner. There is money in the current fiscal year budget specifically earmarked for purchase of stormwater management lots in anticipation of stormwater improvement projects. Council member Baker questioned the cost of the lot. Public Works Director said the cost is reasonable as this is a buildable lot.

Council member Nye made the MOTION, seconded by Council member Baker, to approve the purchase of Lot 5765 for required drainage improvements in an amount of \$76,483.98 including escrow fees, by roll call vote. MOTION carried with 6 ayes and 0 nays.

b. *Consideration of approving an Amendment to the Town Engineer Agreement with Dava & Associates, Inc. for construction period services in a total amount up to \$204,620.00, AND approving award of a construction contract to Fann Contracting, Inc. in an amount not to exceed \$1,704,261 for the Highway 69 widening project, Stoneridge Drive to Prescott East Highway, (CIP#S261)*

Public Works Director, Norm Davis, reported that this action is for the construction contract for the widening of SR 69 between StoneRidge Drive and Prescott East Highway. In accordance with earlier Town commitments to ADOT, the widening and improvement of State Route 69 between StoneRidge Drive and Prescott East Highway is progressing as part of the recent agreements for the Crossroads development. This work will include additional lanes, drainage improvements, and signal improvements.

Partnering with ADOT, these projects will be built concurrently. There are two separate projects but will be built concurrently to minimize any particular impact to the traveling public. There will be minimal impact to the people traveling on SR 69 because they will be adding to the outside lanes. This project will also require that the Prescott East Highway traffic signal will be relocated out further to accommodate the widening. The StoneRidge Dr. signal has already been placed in its ultimate location for the widening.

The Project Engineer, Dava & Associates, has completed the design for this project. Dava & Associates has reviewed the bids and prepared a bid tabulation, and recommends award to the lowest responsive bidder, Fann Contracting, Inc., in an amount up to \$1,704,261.00.

This action is also for consideration of an Amendment to the Town Engineer Agreement with Dava & Associates, Inc. to provide construction period services for this project in an amount up to \$204,620.00.

Council member Nye wanted to repeat what was said at the work study. She supports this project wholeheartedly but would like for the Town to continue to negotiate with ADOT and have this project taken the extra 800' to Victorian Estates. We need to be very conscious of the needs of that community. The safety issues were discussed. We have additional funding for that additional 800'. ADOT has not allowed us to make that discussion. Council member Flannery asked if the Crossroads portion gone out to bid yet. Public Works Director, Norm Davis, responded that yes it was bid at the same time. Kitchell has awarded this project to a contractor. It is Kitchell's own private contract. Council member Edwards concurs with Council member Nye that it is necessary to try to negotiate for the extra 800'. Council member Schumacher is also in agreement with Council members Nye and Edwards.

Council member Schumacher made the MOTION, seconded by Council member Baker, to approve an Amendment to the Town Engineer Agreement with Dava & Associates, Inc. for construction period services in a total amount up to \$204,620.00, and award a construction contract to the lowest responsive bidder, Fann Contracting, Inc., in an amount up to \$1,704,261.00 for this project, by roll call vote. MOTION carried with 6 ayes and 0 nays.

c. Consideration of approving Change Order #1 with Micon Construction for \$30,535.70 for Pebbleflexing of the Mountain Valley Splash Pad (CIP#P184)

Parks and Recreation Director, Brian Witty, reported that the Approved Budget for Fiscal Year 2007/2008 includes the Mountain Valley Splash – Splash Pad, CIP #P184 which is funded by Parks & Recreation Development Impact Fees. This project will provide a wet-play area with various water jets, sprays, and buckets. It was also designed with concrete surfacing, shade structures, artificial turf, an underground 2,000 gallon recirculation tank, and a masonry building to protect the pump and water treatment system.

This project was awarded to Micon Construction on March 8, 2007. At the time of award, an option for inclusion in the award was a soft, rubbery material called Pebbleflex that would be applied directly to the concrete. At the time, due to budget constraints, staff recommended deletion of this option and to proceed with a slip-resistant broom-finish concrete. During construction of the splash pad, the contractor has urged the Town to purchase this option due to their experience on construction of similar facilities around Arizona.

Staff believes that inclusion of the Pebbleflex material will reduce potential injuries from slips and falls on the splash pad and provide increased safety for users of the facility.

Council member Baker asked about the money that is being transferred out of the Mountain Valley Park. Is that going to reduce any improvements to the park? Witty responded that it would not affect any improvements to the park.

Council member Schumacher thinks that if this is a safety issue and it is going to protect small children, she is all for this project.

Council member Baker made the MOTION, seconded by Council member Schumacher, to approve Change Order #1 with Micon Construction for \$30,535.70 for a revised contract amount of \$456,565.43, and approve a budget transfer as outlined in the Fiscal Analysis, by roll call vote. MOTION carried with 6 ayes and 0 nays.

9. COMMENTS FROM THE PUBLIC

Marni Uhl, Executive Director of the Prescott Valley Chamber of Commerce, reported that the Chamber finally received the shipment of the new community profile and business directory. She would like to get them out to everyone. She is thrilled with the publication. One of the things the Chamber wanted to do was update their marketing materials. This is the last piece to complete. The publishers think that a very beautiful publication has been turned out, showcasing the Prescott Valley area. All but five photographs in this directory are from the local area. Anyone who wants a copy can contact the Chamber. It is free because the advertisers paid for the publication.

10. ADJOURNMENT

Council member Nye made the MOTION, seconded by Council member Schumacher, to adjourn the meeting, by roll call vote. MOTION carried with 6 ayes and 0 nays. Vice-Mayor Wise adjourned the meeting at approximately 6:24 pm.

ATTEST:

APPROVED:

Diane Russell, Town Clerk

Harvey Skoog, Mayor

STATE OF ARIZONA)
COUNTY OF YAVAPAI) ss:
TOWN OF PRESCOTT VALLEY)

CERTIFICATE OF COUNCIL MINUTES

I, Candice McElhaney, Deputy Town Clerk of the Town of Prescott Valley, Arizona, hereby certify that the foregoing minutes are a true and correct copy of the Minutes of the Regular Meeting of the Town Council of the Town of Prescott Valley, held on Thursday, July 26, 2007.

I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 2nd day of August, 2007

Candice McElhaney, Deputy Town Clerk