

**TOWN OF PRESCOTT VALLEY
REGULAR COUNCIL MEETING
MINUTES
October 25, 2012**

Library Auditorium
7401 E. Civic Circle
Prescott Valley, Arizona 86314

1. CALL TO ORDER

Mayor Skoog called the meeting to order at 6:22 p.m.

2. INVOCATION

Pastor Kurt Eikenberry of Faith Baptist Church gave the invocation.

3. PLEDGE OF ALLEGIANCE

Council member Anderson led in the recitation of the Pledge of Allegiance which said in unison.

4. ROLL CALL

Present: Vice Mayor Tjiema, Mayor Skoog, Council Member Mallory, Council Member Lasker,
Council Member Nye, Council Member Anderson, and Council Member Whiting.

5. CERTIFICATES

a. Certificate of Appreciation to Lyn Newton for 30 years of service

Town Clerk Diane Russell read the accolades submitted about Lyn Newton. Com Dev Director Richard Parker, Town Manager Larry Tarkowski and co-workers Joe Scott and Julia Bower added to those accolades. Lyn's daughter Meegan and grandson Gavin came forward to celebrate Lyn's 30 year anniversary. Council members expressed appreciation for Lyn's 30 years of quality of service, professionalism, her flexibility and the joy that she brings to the town. The population was just under 5,000 people and she has served under seven Town Managers. Mayor Skoog presented Lyn with a 30-year pin (2 emeralds and a diamond), a \$600 check and plaque. Lyn expressed how grateful she is for everything. Mayor Skoog commented that Lyn exemplifies the town staff.

6. PROCLAMATIONS

a. Native American Indian Heritage Month

Town Clerk Diane Russell read the proclamation after which it was presented by Mayor Skoog to Daughters of the American Revolution members Elaine Myers and Linda Shebek.

7. COMMENTS/COMMUNICATIONS

Council member Mallory reminded everyone that the Arizona Sundogs Hockey season starts this Friday night. Let's support them at 7:05 p.m. at Tim's Toyota Center.

Council member Mallory also announced that a special Veterans program will be held on November 9th at 3:00 p.m. at the Prescott Valley Library. Library Director Stuart Mattson and Elaine Jordon pulled this program together about a soldier's journey as a WWII prisoner of war. Readings will be presented from Mallory's father's journal from that war period and VA veterans will be in attendance.

Council member Nye congratulated and thanked Yavapai Advocacy Center, PVPD and the special unit team who pulled together the preventing domestic violence program last night. They hope for bigger and better next year.

Mayor Skoog stated that the Veterans at the Prescott VA will be having a parade and a ceremony at 10:00 or 11:00 a.m. in the morning for Veterans Day.

8. CONSENT AGENDA

- a. *Approval of Minutes February 11, 2010 and September 19, 2012 Joint Mtg. with City of Prescott; September 20 Special Mtg., October 4 WS, October 11 Reg. Mtg. & October 11 Executive Session*
- b. *Approving a Series 10 Beer & Wine Store Liquor License for Carniceria Latina located at 8147 East Spouse Drive; Jesus Sanchez Llovera, applicant*
- c. *Approving a Series 9 Liquor Store Liquor License application for Maverik Inc, located at 1344 North Prescott Country Club Boulevard in Dewey; Lauren Kay Merrett, applicant*
- d. *Approving Reversionary Plat (RP12-002) - Merrill Revocable Trust combining three (3) parcels (APNs; 103-35-118A, 103-35-119A & 103-35-122), comprising portions of Lots 5320, 5321 and 5322 along with Lots 5323-5326 of Prescott Valley Unit 17, into one new larger Lot 5320A*
- e. *Approving a Library Support Agreement with the Yavapai Library Network*
- f. *Approving the transfer/reallocation of \$9,000 from line item 101-4560-653-6020 to 4500-700-7220 for the purchase of a display case in the library*
- g. *Accepting the Temporary Construction Easement for the Western Blvd. Stormwater Management Project Phase III, CIP # E328.3 for Lot 5626, in PV Unit 15*

- h. *Approving purchase of smart irrigation controllers and appurtenances from Horizon Water Management in the amount of \$24,980.39, to be reimbursed from Bureau of Reclamation Grant*
- i. *Awarding the contract for the installation of Hot Melt Crack Seal Materials for the Fiscal Year 2012/2013 to D & O Contractors, for the contract amount of \$27,675.00*
- j. *Financial Report*
- k. *Investment Report*
- l. *Approving Accounts Payable for October 1 thru 17, 2012*

Council Member Mallory made the MOTION, seconded by Council Member Lasker, to approve all items on the consent agenda, by electronic vote. MOTION carried with 7 ayes and 0 nays.

9. *OLD BUSINESS (FOR ACTION)*

- A. *Consideration of approving the second reading, by title only, and passage of Ordinance No. 770 adopting the proposed revisions to Town Code Chapter 6, Animals*

Town Clerk Diane Russell read **Ordinance No. 770** by title only for the second reading. Mayor Skoog asked, "Shall the Ordinance Pass? The Ordinance passed with 7 ayes and 0 nays.

10. *NEW BUSINESS (FOR REVIEW, COMMENT, AND/OR POSSIBLE ACTION)*

- a. *Consideration of re-appointing Bill Johnstone to the Planning and Zoning Commission to a term with a renewal date of October 31, 2015*

Bill Johnstone commented that he is appreciative of the appointment and opportunity to continue working with a professional staff.

Vice Mayor Tjiema made the MOTION, seconded by Council Member Lasker, to re-appoint Bill Johnstone to the Planning and Zoning Commission to a term with a renewal date of October 31, 2015, by electronic vote. MOTION carried with 7 ayes and 0 nays.

- b. *Consideration of re-appointing Charles Musarra to the Planning and Zoning Commission to a term with a renewal date of October 31, 2015*

Charles Musarra thanked Richard Parker and everyone for the confidence in him. Richard Parker commented that both these gentlemen are humble about their professional backgrounds and thanked them for the accolades about him.

Vice Mayor Tjiema made the MOTION, seconded by Council Member Whiting, to re-appoint Charles Musarra to the Planning and Zoning Commission to a term with a renewal date of October 31, 2015, by electronic vote. MOTION carried with 7 ayes and 0 nays.

c. Public Hearing Open Public Hearing Extension of the Alternative Local Expenditure Limitation - Home Rule Close Public Hearing

Mayor Skoog opened the public hearing.

Management Services Director Bill Kauppi distributed handouts and made brief comments stating that this is the first of two public hearings which will be followed up by the option of council voting to place Home Rule on the March 2013 election ballot. The purpose of the Home Rule Option on this election is to decide whether the state determines our budget or we decide it locally. With that he gave an overview of the detailed analysis and the summary analysis that will be presented to the voters. If the Home Rule is not approved we will have to use the state's formula for two years before we can put it back out for consideration of the voters. Council members commented that the state can't manage their own budget. Council stated we need to decide what our own budget will be.

Mayor Skoog closed the public hearing.

d. Consideration of authorizing the reading of Ordinance No. 771 by title only on two separate occasions, and then place the same on final passage approving Zoning Ordinance Amendment (ZOA12-001) Sign Code

Richard Parker said what is proposed is a simplification of a town code pertaining to the use and regulation of LED (light-emitting diodes) signage in the Town. He provided additional information for other possible revisions suggested by staff to facilitate more efficient administration of the Sign Code.

Town Clerk Diane Russell read Ordinance No. 771 by title only for the first reading.

Vice Mayor Tjiema made the MOTION, seconded by Council Member Mallory, to approve the reading of **Ordinance No. 771** by title only on two separate occasions, and then place the same on final passage, by electronic vote. MOTION carried with 7 ayes and 0 nays.

e. Consideration of authorize the Mayor (or, in his absence, the Vice-Mayor) to sign Resolution No. 1815 adopting Final Development Plan, FDP 12-003 for Sungate Villa and View Point Senior Communities

Richard Parker stated these are senior facilities and doing quite well. Based on the experience of the developer in Phase I of the Viewpoint Senior Community, they determined that they experienced a different market. The market has a need for more one bedroom units than the need for two bedroom units. They propose to eliminate a total of 10 bedrooms and add additional units creating fewer people and occupancies in the building. We want them to be successful and meet market needs. Staff reviewed the entire campus and proposes a new density plan. This is an

administrative process afforded to the Town Council via a new Final Development Plan for the Sungate Villa and Viewpoint Senior Communities.

Mr. Chris Fergus, architect, said they have been tracking the changes in town and appreciate the group effort to find a resolution. Vice Mayor Tjiema stated that Council appreciates the high quality product WESCAP has brought to our town. Council member Whiting commented that it is the service that is a valuable commodity to this community. Council member Anderson thanked Mr. Fergus for choosing our community to build this facility.

Council Member Whiting made the MOTION, seconded by Council Member Nye, to authorize the Mayor (or, in his absence, the Vice-Mayor) to sign **Resolution No. 1815** adopting Final Development Plan, FDP 12-003 AND sign Agreement under Proposition 207, by electronic vote. MOTION carried with 7 ayes and 0 nays.

f. Consideration of authorizing the expenditure of an additional \$7,000 for professional services in order to implement the Electronic Document Management system in two phases over the two fiscal year periods (FY 2011-12, 2012-13) AND approve the budget transfers as noted in the fiscal analysis

Town Clerk Diane Russell, speaking on behalf of the Electronic Records Management Team, has come before council requesting a transfer of funds to fulfill a need with regards to the Laserfiche Records Management System. Several departments store their electronic documents in nested folders, several layers deep and holding hundreds of individual records. They have requested that an option be designed for the system to allow them to transfer their folders as a unit into the records system rather than have to expend huge blocks of time moving each record into the system individually. Discussion with the vendor DocUnited has resulted in a viable solution, but this solution will cost additional monies not budgeted for. The Legal Department has offered to transfer the needed funds from their outside counsel line item to cover the cost.

Council Member Whiting made the MOTION, seconded by Council Member Lasker, to authorize the expenditure of an additional \$7,000 for professional services (beyond the approximate \$142,000 previously approved) in order to implement the Electronic Document Management system in two phases over a two fiscal year (\$50,000 in FY 2011-12 and \$92,000 in FY 2012-13) period AND approve the budget transfers as noted in the fiscal analysis, by electronic vote. MOTION carried with 7 ayes and 0 nays.

11. COMMENTS FROM THE PUBLIC

Public Comments:

- Ernie Gabriel thanked council and staff for their leadership and dedication to well being of our town and region in particular the sustainability of our water supply and street improvements.
- Charles Bordanave thanked Council member Mallory for all she does for veterans – cookie drive and flag field. He requested an update about the lawsuit with the Tim's

Toyota Center. Town Manager Larry Tarkowski responded that it is continuing along. He proceeded to discuss a water bill notice about the Town's advanced water treatment facility. He commented that that facility is not advanced by any stretch of the imagination. Secondary treatment is not advanced treatment. It is the bare minimum that the state requires. The permits that he saw indicate secondary treatment which is far from being advanced treatment. He discussed this with then Council member Bob Edwards five years ago. He also questioned, what happened to the \$67 million that came from the water auction. Mr. Tarkowski acted like he was nuts, didn't know what he was talking about and that we didn't get \$67 million. Mr. Tarkowski said the Town received \$9 million from the sale. Mr. Bordanave claimed the sheet distributed in the water bill indicates that the Town will receive \$67 million over the course of the agreement. So which is right?

Mr. Tarkowski responded that there are trigger points on the results from the auction. The total sale proceeds will ultimately net the Town \$67 roughly. The Town received \$7 or \$8 million up front at the time of sale. The next trigger point is when a developer has purchased the water from the auction winner and they get their Certificate of Assured Water Supply from the Arizona Department of Water Resources. They then owe the town 25 or 30 percent of the total amount. The last trigger point is a payment point when a house has been permitted and built. When all those trigger points have been met by all the ultimate users of the effluent water then the Town will realize the benefit of the \$67 million. It is stretched out over a number of years.

Mr. Bordanave stated he has a degree in environmental engineering as well as other degrees. He returned to the subject of the treatment plant as it relates to the water being dumped back into the ponds. This water has only undergone secondary treatment and is dangerous and unhealthy with all the bacteria and pathogens in it. The town needs to look further at that treatment facility. He heard a digester was planned for the plant but was cut because of cost. But it is not right to advertise the plant the way this is, it is false advertising.

12. MOTION TO CONVENE INTO EXECUTIVE SESSION (PER A.R.S. 38-431.03(A)(2) in order to discuss or consult with the attorneys or other designated representatives of the public body regarding, or to otherwise discuss or consider, the following: Council Chamber Security

Council Member Nye made the MOTION, seconded by Council Member Anderson, to approve recessing into executive session (PER A.R.S. 38-431.03(A)(2) in order to discuss or consult with the attorneys or other designated representatives of the public body regarding, or to otherwise discuss or consider, the following: Council Chamber Security, by electronic vote. MOTION carried with 7 ayes and 0 nays.

13. *[Recess into Executive Session]*

Mayor Skoog recessed the regular meeting at 7:34 p.m.

14. *[Reconvene into Regular Session]*

Mayor Skoog reconvened the regular session at 7:49 p.m.

15. *ACTION (IF ANY) RELATED TO EXECUTIVE SESSION ITEMS*

No action was taken.

16. *ADJOURNMENT*

Council member Anderson made the MOTION, seconded by Vice Mayor Tjiema to adjourn the meeting. MOTION carried with 7 ayes and 0 nays.
Mayor Skoog adjourned the meeting at 7:51p.m.

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, Diane Russell, 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, October 25, 2012.

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

Dated this November 1, 2012

Diane Russell, Town Clerk