

**TOWN OF PRESCOTT VALLEY
REGULAR COUNCIL MEETING
MINUTES
July 28, 2011**

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

1. CALL TO ORDER

4. ROLL CALL

Present: Council Member Mallory, Vice Mayor Lasker, Council Member Nye, Council Member Schmitt, and Council Member Anderson.

Absent: Council Member Tjiema and Mayor Skoog.

2. INVOCATION

Council member Nye gave the invocation after which she led in the Pledge of Allegiance which was said in unison.

3. PLEDGE OF ALLEGIANCE

5. SCHEDULED ANNOUNCEMENTS & PRESENTATIONS

a. New Philanthropic Foundation, Susan Rutherford & Mr./Ms. Hess

Susan Rutherford, with the Trauma Intervention Program, stated that Dr. Hess was unable to attend this evening so his wife Pam Hess is in attendance instead. Ms. Rutherford said she was approached by Dr. Hess about a year and a half ago about some resource referral needs for Yavapai County. People with any Social Service need can call the volunteer based Yavapai Helpline a Resource Referral just opened June 2011. Dr. Hess has arranged for program funding for the first 3 years through private corporations and existing nonprofit foundations. Resources change daily and organizations do not always get the updates. Yavapai HelpLine will maintain a database to stay abreast of these changes. They will address the needs of the community M-F, 9-5 and with roll over phones going to the TIP Organization after hours. The phone number is 855.807.4807 (toll free) or they can be reached on the website at yavapaihelpline.org. Volunteers are welcome with training to follow. Nye commented that this is critically needed in our community.

6. CERTIFICATES

Certificate of Appreciation to Keith Johnson for 20 years of service

Town Clerk Diane Russell read the accolades submitted for Keith Johnson after which Vice Mayor Lasker and Council member Nye presented him with a plaque, pin and gift certificate for his 20 years of service to the Town. Council members Nye, Anderson and Mallory commented that 20 years speaks loudly of his caring attitude and pride in his job. Keith thanked everyone for the opportunity to be here tonight. This has been a fantastic experience.

b. *Certificate of Appreciation to Scott Stebbins for 15 years of service*

Town Clerk Diane Russell read the accolades submitted by the Police Department after which Interim Chief Fessler, Lieutenant Edelstein and Council members added their kind words about Scott's contribution in the community over the last 15 years. Council members commented that Scott emulates what is so good about our Police Department and thanked him for his service to the community and hopes he is around many more years. Vice Mayor Lasker and Council member Nye presented Scott with a Plaque of Appreciation, pin and gift certificate for his service to the community. Scott thanked God for His amazing grace, his family for love and support, fellow officers and Council for their support over the last 15 years.

c. *Certificate of Appreciation to Greg Bryan for 10 years of service*

Town Clerk Diane Russell the accolades submitted by the Public Works department after which Vice Mayor Lasker and Council member Nye presented him with a certificate of appreciation and a pin. Alex Romero planted the traditional 'Public Works Kiss' on Greg's cheek. Ken Stanton said Greg brought incredible skills and dedication to this job and he makes Ken's job easier and makes him look good. Alex Romero said he has worked with Greg for 10 years and considers him a friend and supervisor.

Council members commented that everyone tonight has been a great asset to this Town including Greg. They are grateful for his services and thanked Greg for his efforts and stated how much they really appreciate the work that he does. Greg thanked Council who is very pro staff, management and the people he has worked for with the Town.

d. *Certificate of Appreciation to Nicole Russell for her service on the Planning and Zoning Commission December 2009 - June 2011*

Community Development Director Richard Parker noted that Nicole is a professional planner for the County. The county is also moving forward with the Comprehensive Plan and Nicole has found she can't do both of these major projects. She has elected to step down to work on that project, but we hope she will come back in the future to the P & Z Commission. Nicole said she looks forward to serving the Town of Prescott Valley in the future. She also wants to make sure that everyone knows Yavapai County is updating their Comprehensive Plan. Information is available on their website and encouraged everyone to get involved. Vice Mayor Lasker and Council member Nye presented Nicole with a

Certificate of Appreciation for her two years of dedicated service and encouraged her to return to the commission.

7. COMMENTS/COMMUNICATIONS

Council member Nye congratulated and presented Officer Tobin with a Certificate for his efforts against underage drinking, drug abuse educational efforts and for receiving the Northwest Alcohol Conference Community Leadership Award. Tobin said he has been fortunate in his career to receive awards, but he has not done this by himself. He is a team player who doesn't do anything alone but as a member of the several teams. He appreciates the Town taking the time to do this for him. Tobin thanked all the officers present especially Officer Gundy.

Council member Nye recounted an event that happened today on Glassford Hill Road. Two white cars were travelling on GHR one car sped by the other then the citizen saw red lights in his rear view mirror. Officer Chavez pulled the citizen Richard Fine over for speeding. Mr. Fine explained it was not him, but the other white car that was speeding. Officer Chavez said they had him on radar but that if he had made a mistake he would be the first to own up to it. Later that day Officer Chavez came knocking on Mr. Fine's door to say that he had indeed made a mistake it was the other white car that was speeding, not Mr. Fine. Council member Nye stated that Mr. Fine wants everyone to know how professional and outstanding he found that behavior and was very complimentary of the entire department.

8. CONSENT AGENDA

Approval of Minutes - July 14, 2011 Regular & July 21, 2011 Work Study

- b. Approving a new series 12 Liquor License Application for Donya Marie's Beyond Chocolate Restaurant located at 171 S. State Route 69, Dewey; Donya Marie Schweizer, applicant*
- c. Approving the Agreement with the Prescott Area Art Trust returning the Borglum Collection*
- d. Approving purchases over \$16,000 for Police Vehicles and Lighting*
- e. Department Reports*
- f. Council Investment Report*
- g. Monthly Financial Report*
- h. Approving Accounts Payable for June 27 thru July 10, 2011*

Council member Nye commented that the Borglum Collection pieces are the art pieces that have been displayed around the town buildings for several years. These art pieces are being returned to the Prescott Area Art Trust to reside at the new addition at the Phippin Museum.

Council member Schmitt commented that the department reports are very informative.

Council Member Schmitt made the MOTION, seconded by Council Member Mallory, to approve all matters listed under Consent Agenda. MOTION carried with 5 ayes and 0 nays.

9. *OLD BUSINESS (FOR ACTION)*

- a. *Consideration of approving the second reading and passage of Ordinance No. 761 adopting the 2011 Amendments to the Tax Code of the Town of Prescott Valley*

Town Clerk Diane Russell read Ordinance No. 761 by title only for the second reading. Vice Mayor Lasker asked “Shall the Ordinance Pass?” MOTION carried with 5 ayes and 0 nays.

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

- a. *deration of approving the Consent to Restated Development Agreement Assignment en SunCor and StoneRidge Partners, LLC*

Town Attorney Ivan Legler said this document preceded the CFD Development Agreement which created StoneRidge and was the basis for issuing the bonds. This is one of the documents that must be assigned so Council is being asked to consent to the assignment between SunCor and the new entity as the Community Facilities District Board has done.

Council Member Nye made the MOTION, seconded by Council Member Mallory, to approve the Consent to Restated Development Agreement Assignment between SunCor and StoneRidge Partners, by electronic vote. MOTION carried with 5 ayes and 0 nays.

- b. *Consideration of approving the Amendment to Restated Development Agreement between and among the Town, First American Title Insurance Co., and StoneRidge Partners, LLC*

Now that Council has consented to the assignment of the agreement, there is a request to amend the agreement to run to 2030 so that they may complete the development and asked for language to make it clear that they can come to request additional funds from the CFD Board.

Council Member Mallory made the MOTION, seconded by Council Member Nye, to approve the Amendment to Restated Development Agreement between and among the

Town, First American Title Insurance Co., and StoneRidge Partners, LLC, by electronic vote. MOTION carried with 5 ayes and 0 nays.

c. Consideration of approving the Consent to CFD Development Agreement Assignment between SunCor and StoneRidge Partners, LLC

Town Attorney Ivan Legler stated that the town is a party to the CFD Development Agreement that the Board approved. The town Council needs to take the same step.

Council Member Mallory made the MOTION, seconded by Council Member Anderson, to approve the Consent to CFD Development Agreement Assignment between SunCor and StoneRidge Partners, LLC, by electronic vote. MOTION carried with 5 ayes and 0 nays.

d. Consideration of approving the Amendment to CFD Development Agreement among the Town, StoneRidge Partners, LLC, First American Title Insurance Co., and SRCFD

Town Attorney Ivan Legler commented that this is the same amendment to the agreement that the CFD Board approved which now needs to be approved by the Town Council as a party to it.

Council Member Mallory made the MOTION, seconded by Council Member Nye, to approve the Amendment to CFD Development Agreement among the Town, StoneRidge Partners, LLC, First American Title Insurance Co., and SRCFD, by electronic vote. MOTION carried with 5 ayes and 0 nays.

Comment: Mr. Mike Johnson thanked Council for all their efforts on behalf of the residents at StoneRidge and SunCor. Further, he commented that he was here at the beginning of the StoneRidge project in 1999 and has seen it come full circle. There is a lot of hard work ahead for M3, but they are cautiously optimistic that they are catching the market at the right time. They are looking forward to working with the Town to bringing the original vision to reality.

e. Public Hearing Open Public Hearing Zoning Map Change (ZMC011-001) "Tank Farm" Close Public Hearing

Vice Mayor Lasker opened the Public Hearing.

Planner Joe Scott stated briefly that the annexation of the Tank Farm and General Plan Amendment making it open space, brings us to the last step to change the zoning designation to public lands.

No comments were forthcoming.

Vice Mayor Lasker closed the Public Hearing.

f. Consideration of approving the reading of Ordinance No. 763 by title only on two separate occasions, and then place the same on final passage adopting Zoning Map Change

(ZMC011-001) "Tank Farm"

Council Member Nye made the MOTION, seconded by Council Member Mallory, to approve the reading of Ordinance No. 763 by title only on two separate occasions, and then place the same on final passage adopting Zoning Map Change (ZMC011-001) "Tank Farm", by electronic vote. MOTION carried with 5 ayes and 0 nays.

Town Clerk Diane Russell read Ordinance No. 763 by title only for the first reading.

- g. Consideration of awarding a construction contract to the responsive low bidder, Southwest Tank and Steel, Inc., in the amount of \$68,260.00 for the Tank Farm Exterior Coating Rehabilitation Project, AND approving a budget transfers per the Fiscal Analysis

Neil Wadsworth commented that they would likely complete this unplanned project to eliminate a potential paint over spray (from the painting of the tanks) prior to the installation of the solar panels at the tank farm. He then explained that it will be funded from the fire hydrant installation program and annual water valve rehabilitation program which will cause no harm to either program. Both programs will go forward with plenty of money to fund them.

Council Member Schmitt pointed out that this is exterior tank painting, not the interior, and questioned how often the inside of the tanks are refurbished.

Neil said the tank rehabs are on a 10-year cycle with the exception of this one which will be done at a later time next fiscal year. This project should take two months start to finish beginning around August 9, 2011.

Council Member Schmitt made the MOTION, seconded by Council Member Nye, to award a construction contract to the responsive low bidder, Southwest Tank and Steel, Inc., in the amount of \$62,260.00 for the Tank Farm Exterior Coating Rehabilitation Project, AND Motion to approve budget transfers per the Fiscal Analysis, by electronic vote.

Council Member Schmitt amended the motion to the correct amount of \$68,260.00, seconded by Council Member Nye. MOTION carried with 5 ayes and 0 nays.

- h. Consideration of approving Resolution No. 1758 establishing the Town of Prescott Valley's preference for the Yavapai County Redistricting Maps

Deputy Town Manager Ryan Judy stated that this is the third time we have talked about the county redistricting process in which Yavapai County will go from 3 to 5 supervisors. Four potential maps are under consideration. Council has indicated that they would like Map A considered a priority with Map B as an alternative. Several communities and entities in the area have stated a preference for Map A for the redistricting. The map eventually selected will be binding to us for the next 10 years.

Council member Nye questioned whether indicating a preference carries any weight and would it allow them to have a voice.

Judy responded that stating our preference does carry weight and balances the input they get from councils and county. Citizens have until tomorrow to express their preference.

Council Member Nye made the MOTION, seconded by Council Member Mallory, to approve Resolution No. 1758 establishing The Town of Prescott Valley's preference for the Yavapai County Redistricting Maps, by electronic vote. MOTION carried with 5 ayes and 0 nays.

i. Consideration of approving the Agreement with Flannery Promotional Consultants AND approving a transfer from the Non-Departmental: Contingency account to the Council: Consultant account

Deputy Town Manager Ryan Judy stated that this was discussed last week. The state is going through a redistricting process going from 8 to 9 representatives. They will be redistricting for all thirty districts for the House and Senate. Mr. Flannery has offered to represent us only asking for reimbursement and expenses for representing the area in this process. The last redistricting process took eight years to work its way through the court so this could be a lengthy process. Mr. Flannery has extensive experience in this process.

Town Manager Larry Tarkowski said the town has been approached by other consulting service vendors and GAMA (Greater Arizona Mayors Association) who charge respectively \$50,000 and \$150,000 for this service.

Council Member Schmitt thanked Ryan Judy for providing him with the procurement definition used by the town.

Council Member Mallory made the MOTION, seconded by Council Member Schmitt, to approve the Agreement with Flannery Promotional Consultants and transfer \$2,600 from the Non-Departmental: Contingency account to the Council: Consultant account, by electronic vote. MOTION carried with 5 ayes and 0 nays.

j. Consideration of accepting an Arizona Criminal Justice Commission Drug, Gang and Violent Crime Control FY 2012 Cycle 25 Award #DC-10-051 grant award in the amount of \$418,399.00

Interim Chief Fessler stated that this grant will provide funding for PANT through this pass through grant with no fiscal impact to the town. In 1988, Chief Ed Seder organized the PANT multi agency task force to successfully target drug dealers. It has been very successful program ever since. It cannot fund a School Resource Officer position.

Council Member Nye commented that this is a very successful group. The need is there and this group is well trained and skilled. PANT has made a significant difference in our

community. Fessler stated that no single law enforcement entity could be as successful against drugs as a multi agency task force.

Council Member Nye made the MOTION, seconded by Council Member Anderson, to approve the Drug, Gang and Violent Crime Control FY 2012 Cycle 25 Award #DC-10-051 accepting the grant award, by electronic vote. MOTION carried with 5 ayes and 0 nays.

- k. Consideration of approving a new Parks & Recreation Pilot Program expanding recreational opportunities AND approving the associated budget transfer funding the program [ADDED 7/25/11]

Town Manager Larry Tarkowski stated that staff asked that this item be tabled until further information is gathered.

Council Member Schmitt made the MOTION, seconded by Council Member Nye, to table the Parks & Recreation Pilot Program and associated budget transfers, by electronic vote. MOTION carried with 5 ayes and 0 nays.

11. COMMENTS FROM THE PUBLIC

Public Comment: David Moore

Mr. Moore expressed that he is against Planned Parenthood being allowed to locate in Prescott Valley. He suggested that we limit this business, as well as other unsavory businesses, by zoning or just limiting them. Mr. Moore read from Isaiah 10 noting that we all have a responsibility to do something. His second concern revolved around a traffic hazard near Chase Bank. The north side of the bank needs a traffic light or something as it just an accident waiting to happen.

Public Comment: Andrew Murphy

Mr. Murphy said he enjoyed the meeting tonight especially the StoneRidge discussions. His concern is Planned Parenthood and suggested forming a committee to see what the people think about them coming to our town. Zoning them to a non health zone would be helpful also. If we outlaw abortion now God will forgive us if we change. We must save our children from murder.

12. ADJOURNMENT

Vice Mayor Lasker adjourned the meeting at 7:39 p.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, July 28, 2011.

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

Dated this August 1, 2011

Diane Russell, Town Clerk