

PRESCOTT CITY COUNCIL  
COUNCIL STUDY SESSION  
PRESCOTT, ARIZONA  
DECEMBER 5, 2006

A STUDY SESSION OF THE PRESCOTT CITY COUNCIL WAS HELD ON TUESDAY, DECEMBER 5, 2006, in the Prescott Municipal Building, 201 S. Cortez Street, Prescott, Arizona.

Mayor Simmons opened the meeting at 3:00 P.M. and asked City Clerk Elizabeth Burke to call the roll, which was as follows:

Present:

Mayor Simmons  
Councilman Bell  
Councilman Blair  
Councilman Lamerson  
Councilman Luzius  
Councilman Roecker  
Councilwoman Suttles

Absent:

None

□ SUMMARY OF CURRENT OR RECENT EVENTS

Manager Steve Norwood reminded everyone of the Acker Musical Showcase on Friday night and the City was hosting groups in Council Chambers, and added that on Saturday from 1:00 – 6:00 P.M. was the *Dickens of a Holiday* on the Courthouse Square.

**I. PRESENTATIONS**

**A. Presentation on “Dickens of a Holiday.”**

Special Events Coordinator Becky Garvin read a specially prepared poem regarding the Council and each person at the Council table received a basket full of items that would be at the event; activities were free and there were crafts, food, visits with Santa, photos with the Grinch, the Arizona Sun Dog team members would be there, a 12 foot walking tree man, carriage rides, and every year the event was bigger and better; there was the promise of snow at 5:00 P.M. and fireworks over the Courthouse to finish the event.

The following comments (unrelated to this item) were made:

Councilman Blair thanked Fann Contracting and city staff for putting on a quality meeting at Abia Judd School (November 30) regarding the Iron Springs Road project and he appreciated being a part of that.

Councilman Luzius added it was a great meeting and was surprised that few people griped about the project; he and Councilman Bell had just returned from a Transportation Growth Connectivity Summit in Phoenix as representatives of the Central Yavapai Municipal Planning Organization and they had discussed the roads and gridlock in Yavapai County.

Mayor Simmons commented the City of Prescott was sponsoring a Christmas Angel Tree and encouraged everyone to help out by selecting a card and buying gifts for children; the Salvation Army sponsored the event and December 11 was the last day to get gifts in and this was a very worthy cause.

Councilwoman Suttles remarked the Mayor and Council did that and Executive Assistant Patti Crouse had done the shopping.

Mayor Simmons acknowledged the poinsettias in front of the Council table were from Watters Garden Center and thanked them.

## **II. DISCUSSION ITEMS:**

### **A. Approval of contract with AppleBee Roofing for roof repair services in an amount not to exceed \$30,988.53.**

Administrative Services Director Mic Fenech explained three city facilities needed either roof replacement or maintenance; five bids were received; the Regional Communications Center needed the most repair; the Central Garage administrative area, and Fire Station #74 was a preventive measure to put a new hot tar coat to prevent leaks; the cost for the Fire Station would come out of their budget and the other two would be paid out of the Facilities Maintenance budget.

### **B. Approval to accept a Homeland Security Grant in the amount of \$87,800.00 for all hazards preparedness.**

Fire Chief Willis explained the grant funds would be used to purchase equipment and would include a hand-held field instrument to determine what substances were if an unknown substance was present; a hand-held thermal imaging device used for finding victims in a fire situation; swift water rescue equipment; a confined area tethered air supply device for use in tight places; and two people would receive technical rescue training certification and become instructors and would then be able to train other firefighters.

Councilman Blair commented he was pleased to see thermal-imaging devices being purchased and remarked when his house was used as a training burn, his 11-year old was allowed to put on a thermal-imaging device and was able to find a doll hidden in the house and asked how many devices were being purchased and Chief Willis replied two.

Councilman Blair asked if there would be one on each truck at some point and Chief Willis responded they would have to budget for them or apply for other grants.

Councilwoman Suttles asked about the use of the grant for training and Chief Willis answered the City was the only fire department to have a technical certified team and the instructor would train other fire personnel in the City and County departments.

**C. Authorization to enter into a contract with Wil and Deborah Baril (Café Libre) for the purpose of providing coffee and refreshment services at Prescott Public Library.**

Library Director Toni Kaus explained staff was recommending a contract with a concessionaire to open a coffee and refreshment bar in the public library and the idea was part of the Library Strategic Plan; other libraries found this was a popular addition and service for their customers and would provide additional income to the library; an RFP was prepared and two proposals were received, one from Café Libre and the other from Cuppers, and it had been difficult to choose; a committee of staff and patrons was put together to help make the choice and it was felt Café Libre was the most responsive to the library setting by using a free-standing cart and would use quiet operating machines so as not to disturb the library setting; the Library would provide the infrastructure, plumbing and electric and the concessionaire would serve coffee, tea, juices, light snacks and pastries and would be responsible for getting the necessary licenses and permits.

Ms. Kaus continued prices would be reasonable and the arrangement was they would pay the City 5% of sales between \$1,000 and \$10,000 and 10% over \$10,000 in a month and the payments would start after six months of operation.

Councilwoman Suttles asked how long the lease was for and Ms. Kaus replied this would be a three-year lease, with two one-year renewals and was based on a similar agreement with the boat rental operation at the lakes.

Councilman Lamerson asked why this wasn't a simple monthly rental agreement and Ms. Kaus replied they didn't want to put the vendor in a position of paying more rent than they were taking in profits and Attorney Kidd added it kept the City out of the position of having to go through the eviction process as well if that was ever necessary.

Wil and Deborah Baril, the concessionaires, were asked about their backgrounds and replied they had restaurant experience and had researched a café/coffee shop setup for several years; they looked in the Sedona area but changed their minds and after looking at different sites they felt strongly about the Prescott Library site and felt it was a perfect situation for them; Mr. Baril had management experience and a degree in customer service; they had a business plan in place and felt customer service and teamwork were very important to be successful and they would be opening on February 1.

**D. Adoption of Resolution No. 3790 Approving the First Amendment to the Economic Development Agreement with Lowe's.**

Economic Development Director Jane Bristol explained staff was presenting an addendum to the Lowe's agreement approved in October 2005; the area was annexed in late 1999 to enable more commercial development; the original Economic Development Agreement provided a \$3 million maximum cost reimbursement; however they had experienced significant increases in construction-related costs; the project had been redesigned several times and a rendering of the new site plan was shown; City staff had put in many hours trying to assist Lowe's and in negotiating this addendum; the addendum if approved would allow Lowe's to move forward with their project immediately and the addendum in the packet was not the final draft and that would be provided in Council's packet next week; the City originally was planning to improve the pump station and run a water line to the Lowe's site, however, a better solution was for Lowe's to provide a graded pad for the City to erect a 1.5 million water tank on and that would provide better water pressure to residents and businesses in the area; Highway 69 would have to be widened to ADOT specifications which changed often and Lowe's realized they would have to raise their site; Finance Department had prepared a cost benefit analysis and it was estimated the \$5 million reimbursement would be recouped in 8 years; the term of the agreement was 10 years following the Certificate of Occupancy; the analysis did not include additional revenues from surrounding businesses or new ones that would locate in this area after upgraded sewer and water lines were available. Representatives from Lowe's were in attendance today, being a finance officer, project manager, and lead civil engineer.

Councilwoman Suttles remarked the first agreement was approved in October 2005 and asked why they hadn't started construction sooner and Ted Anderson, project manager for Lowe's, replied after the agreement was approved in October they started finalizing their design drawings and the bid packets weren't fully together until September 2006.

Councilman Blair commented the City had an agreement with Costco and it had been projected to recoup funds in five years and it had been recouped in three years. He asked if there was that same opportunity with this project and Ms. Bristol responded there was the potential for that to happen here, but the infrastructure would help the entire area and construction of other commercial retail businesses would occur.

Public Works Director Craig McConnell added other public benefits would extend beyond this one property and the infrastructure would be an economic benefit to the corridor and the infrastructure was included in both the sewer and water models as future projects but would be done sooner.

Councilman Blair asked if the City provided Prescott Canyon Estates with sewer and water and if the infrastructure improvements would benefit them and Mr. McConnell said he would check that.

Councilman Luzius asked why the tax rate in February 2016 on page 3 of the cost benefit analysis went from 2% to 1%. Finance Director Mark Woodfill replied the 1% tax on Streets and Open Space would have expired December 2015.

Glenn Welshon, First Vice President of Prescott Canyon Estates, (932 N. Mountain Hollow Court) clarified they received water from the city and paid outside city water rates and they were on the city sewer system, also. The residents were concerned about the drainage off the highway and the parking lot and whether it would overload the creek through their area; their catch basin had done a good job up to now; they had a water tank above their subdivision and when the new water tank went in they could transition to that, and hoped their sewer system didn't get heavily used by commercial development.

Councilman Lamerson remarked regardless of whether Lowe's went in or not was there some participation in highway costs by ADOT and Ms. Bristol replied ADOT dictated the roadway design, but were not financially participating in the improvements. Mr. Lamerson asked if they were solicited and Ms. Bristol said they were not.

Speakers:

Jack Wilson, 1514 Eagle Ridge Road, asked if the cost benefit analysis was based on gross or sales tax and Mr. Woodfill responded it assumed 20% of the sales at Lowe's would be "relocated" sales from other businesses currently in the City limits and, therefore, only 80% of the tax revenue from Lowe's would actually be "new" revenue that could be used to offset the cost.

Manager Norwood clarified it was typical of the State not to participate in a roadway project when the improvements were commercially driven road changes and ADOT had no money for construction or engineering and design. He noted that Prescott was fortunate to get the Highway 89/69 intersection in ADOT's budget for 2007.

Councilman Blair said the City could suggest taking over maintenance of the whole road; that it was wrong for ADOT to dictate design without some financial input.

**E. Public Hearing and adoption of Resolution No. 3788 approving General Plan Land Use Map amendment GP06-001 for 2069 Willow Creek Road, proposed change from Residential to Mixed Use, located at the southeast corner of Willow Creek Road and Pulliam Drive, Applicant is Will Hepburn (APN 116-15-011A).**

Community Development Director Tom Guice explained the request was for a General Plan Map amendment; the project was located at the southeast corner of Willow Creek Road and Pulliam Drive and the request was to change the map showing residential use to show mixed use to allow for the redevelopment of an existing structure for use as an investment office; if approved, a request to rezone from SF-9 to Residential Office would come to Council at a future meeting; the home was 1,750 square feet, 9 parking spaces would be provided with ingress/egress onto Pulliam Drive; the neighbors were in opposition to the proposed change; the Planning and Zoning Commission voted 6-0 in favor of the request.

Councilman Blair commented Pulliam Drive should have been improved when Willow Creek Road was widened; there were open, exposed culverts along Pulliam that were a hazard and asked Public Works to look at making some improvements on Pulliam Drive; the problem wasn't created by Mr. Hepburn's project, it was an existing condition.

Councilman Bell said he had two concerns:

- 1) Pulliam Drive to Willow Creek Road was very narrow and turning from Willow Creek Road onto Pulliam was a very tight turn.
- 2) The proposed driveway onto Pulliam Drive was less than 100 feet from the intersection with Willow Creek Road and asked if the driveway should be right-in right-out only.

Mr. Guice responded a traffic analysis had been done and Mr. McConnell added stacking distance and storage distance were looked at and declared to be adequate; the City might want to make some geometric improvements and enhance beyond just being adequate, but that would be separate from this project.

Councilman Bell commented he didn't observe much stacking, only on Sundays or Wednesdays when the church held services.

Councilwoman Suttles asked who was responsible for making the street improvements and Mr. McConnell replied the streets were laid out that way and something could have been done during the Willow Creek Road project but wasn't included, so it was a City responsibility.

Will Hepburn, 1450 Terrace View Drive, said he would use the top floor for his business and would rent the bottom floor; there wouldn't be much traffic as he used mostly technology and only had three employees.

Councilman Luzius commented this was an irregular lot that jutted down into Pulliam Drive and then narrowed as it got closer to Willow Creek Road. He asked if a portion of the lot could be deeded to the City to make the road wider. Mr. Hepburn said that he had already deed property to the City. Mr. McConnell said staff would look at the intersection and Pulliam Drive.

**F. Public Hearing and adoption of Resolution No. 3789 approving General Plan Land Use Map amendment GP05-004 for 1455 Willow Creek Road, proposed change from Low-Medium Density Residential to Commercial to allow for a commercial office park, Owner is First Assembly of God of Prescott Church, Agent is Michael Taylor Architects (APN 116-17-270B).**

Community Development Director Tom Guice explained today was the public hearing for the General Plan Land Use Map amendment for property owned by the First Assembly of God of Prescott Church on Willow Creek Road; several public meetings had been held as well as hearings before the Planning and Zoning Commission who had voted 4-2

to recommend the General Plan amendment, the rezoning and preliminary plat and the minutes from the Commission meeting had been included in Council's packet; the rezoning and preliminary plat would be presented to Council at a later date; the Church had been issued a Conditional Use Permit in 1983 to operate a church and allowed an educational facility, athletic building, offices, sanctuary and softball field on the property. Stan Hitson was present to explain the project to Council.

Mr. Hitson remarked this had been a very long process for the Church in wanting to expand and a number of options had been considered, including expansion on their current parcel which was approximately 6.2 acres; that idea was abandoned when it was decided the redevelopment of the site would interfere with ongoing services and the amount of intense commercial development along the Willow Creek Road corridor had rendered their property to be valuable; this presented the Church with the opportunity to sell the property and that in turn would pay for building a new church and buildings elsewhere; the concept was to develop and subdivide the property as a commercial office park; plans were submitted to the Development Review Committee; a traffic study was generated; the plans went to the Planning and Zoning Commission and were opposed by the neighbors and Commission.

Mr. Hitson continued the medical center project seemed a reasonable fit for the area and wasn't an unreasonable use of the property; the intentions of the General Plan and Corridor Plan did not fit with the area, the Corridor Plan recommended adjacent properties be Residential Office with a 300 foot depth from the centerline of Willow Creek Road; most of the feedback from all the meetings was not specifically about the attributes of the project, but rather a frustration of not knowing what the project might bring in or the noise; more commercial development was encroaching into the residential areas along Willow Creek Road.

Councilman Blair asked what their current plans were for the property and Mr. Hitson replied they needed to have a portion of the property rezoned and then they planned to build an upscale medical office project on the site that would enhance the value of surrounding properties; this seemed the highest and best use of the property and conformed to the Commercial Corridor Overlay District; and believed it conformed to the intent of the General Plan; it was an ideal buffer of traffic from the residential area

It was clarified church properties along Willow Creek Road were not addressed in the Corridor Overlay Plan.

Mr. Hitson showed an artist's rendering of the building appearance which would consist of medical offices that would be open from 9:00 a.m. to 5:00 p.m. during the week and closed on weekends and upscale homes

could be built in the area; as behind the Santa Fe Building projects on Willow Creek Road.

Councilman Blair commented the properties to the north and to the south were considered Residential Office so there would have to be landscaping on both sides and rear as it was zoned today and Mr. Guice said that was correct, that the neighborhood protection plan would dictate setbacks and buffer zones.

Councilwoman Suttles asked what was happening with the rest of the property and Mr. Hitson replied it would remain SF-9 but that wasn't a part of what Council was to consider today and he wasn't sure many of the letter writers had attended the area meetings or understood the project.

Councilwoman Suttles asked if Proposition 207 had anything to do with this and Attorney Kidd replied that was only effective as of yesterday and was not a part of this situation; denial of a General Plan Amendment or a rezoning could end up in the filing of a suit against the City.

Councilman Lamerson remarked the church could develop the property as currently zoned SF-9, and clarified this could include transitional housing, foster or group homes, parks, playgrounds, home occupations, without any action by the Council.

Discussion on appropriate uses for the property versus neighborhood and community values followed; whether neighborhood impacts were community wide or only isolated impacts to the affected neighborhood would be a determination Council had to make.

Traffic circulation was also discussed. Mr. Hitson commented traffic in an SF-9 development would use Solano Drive, then travel east to Northside, then onto Flora Street and out to Willow Creek Road; a medical office complex would not generate as much traffic as a residential development.

Bob Wilson, 805 Flora Street - all working families in the neighborhood; the church had not been a good neighbor over the years; loud noises/music from the church at 9:00 p.m.; the traffic study was done in July when school was not in session and the school generated a lot of traffic normally; neighbors thought the area would stay zoned SF-9; the new commercial businesses along Willow Creek Road generated a lot of traffic; the redesign of the road from Iron Springs Road through the Wal-Mart area to Willow Creek Road created more traffic; school buses drive on Flora; the neighbors didn't want the project; there were houses in the Willow Creek Road corridor and Solano Drive wasn't very wide.

Councilman Blair asked for a master plan for the property that made sense to the neighbors and to the church; it made good sense to have commercial along the corridor and houses in the back; and a master plan on what was going to happen to the existing building and parcel would be helpful.

Harold Richey, 1455 Willow Creek Road, a representative for the church and a neighbor commented the Church had to grow and stand on its own two feet and financial support from the congregation was going down; they felt development of the property provided the best esthetics for the area; occasionally music was played past 9:00 p.m. but only for a special occasion; the proposed project seemed to fit the area and the hours of operation were weekday, daytime hours and a physician would only see a patient on a Saturday morning if someone was very sick.

Councilman Blair asked if they would take down the existing church and Mr. Richey responded they would be taking one of the buildings which was a metal building to their new site to be used as a youth center; the church wasn't in the real estate business and they planned to sell the entire project once it was built; he clarified Solano Drive was 50 feet wide; and they had taken a careful look at all the issues that were raised; and they would maintain and utilize the existing church while they developed the property.

Sarah Twombly, 727 Prescott Heights Drive, read a letter (Exhibit A attached hereto) and addressed comments from Councilman Blair; she was concerned about added traffic within their neighborhood and the safety of their children; Santa Fe Springs and Black Drive had dedicated lights to help with traffic and concluded saying if a light was put in at this property much of the opposition in the neighborhood would disappear; she knew many of the members of the church; this was where she lived and was raising her children and thought residential development would be better.

John McCutcheon, 825 Flora Street, was in opposition to the project; the form letters should not be devalued; there were elderly people and working people who could not come to a meeting; it would be up to Council to decide if this project would have a community-wide impact and made the following points:

- If the Planning and Zoning Commission members had followed the General Plan the project wouldn't have gotten this far.
- Traffic circulation and volume should be considered.
- The 300 foot corridor would be close to his house.
- Traffic would be directed down Flora Street and drivers went too fast.

- First traffic study was done in July when school was out and another was done in October when the high school was on break.
- City Engineer said Solano Drive could be connected to Willow Creek Road.
- SF-9 was compatible with the neighborhood.
- The Church had been good neighbors.
- The best use of the property would be open space. Since the corridor overlay didn't consider church property in the plan, open space should be considered or be made a park.
- Urged Council to leave it zoned SF-9 and not change it to allow commercial development.

Mayor Simmons clarified the commercial overlay district did butt up to Mr. McCutcheon's property.

Councilman Blair commented the overlay district was proposed by a committee from the community and maybe all church properties should be addressed at one time and do them as one General Plan amendment. Mr. Guice said that could be done with Council direction but didn't know how much time that would take.

Councilman Roecker liked Councilman Blair's idea of a master plan for the entire property and Mayor Simmons reminded Council members today's item was to consider a General Plan Amendment; the next step was to look at how the property would be developed.

Councilwoman Suttles asked Attorney Kidd if the Council could request a master plan and Mr. Kidd replied Council could not consider a master plan for property that wasn't before them today, but the developer could voluntarily bring that in.

Mike West, 818 Prescott Heights Drive, supported the Church and said they were good neighbors; the neighbors attending the meetings represented more than just themselves, just as Council represented all the citizens of Prescott; he was opposed to the project but was worried about what would happen with the rest of the property; he mentioned the artist's rendering showed two vehicles on the property when there could be at least 147 vehicles and dumpsters; he cautioned the Council to be careful in their decision and wished the church well.

Joy Haviland, 843 Flora Street, was opposed to the rezoning of the property and proposed project; her backyard would be affected and she would lose the privacy she currently enjoyed and she would have to put up curtains and realized if homes were put in she would also lose her privacy. Traffic had increased in the past couple years and would increase with this project; there were lots of children on the street and it was not safe for

them to walk or bicycle; doctors' offices would bring more crime to the area and trash would be a problem; a commercial zone would be put between two residential areas and urged Council to keep commercial property on the other side of the street and keep their side residential; and no one had forced anyone to sign the forms in opposition to the project.

Councilman Blair asked how much traffic would be generated from SF-9 zoning and Mr. Guice said he would have that information next week.

- G. Public Hearing (December 12, 2006) on annexation of .927 acres owned by Williams, Hollyer and Woods, located west of White Spar Road at Peterson Lane, with R1L-12 County zoning (APN 107-09-017A, 107-09-017B and 107-09-013A). (ANX06-001)**

Community Development Director Tom Guice explained the public hearing on the annexation of less than one acre would be held next week.

- H. Public Hearing (December 12, 2006) on annexation of 9.7 acres of City-owned land located north of Limberlost Lane and south of Clubhouse Drive, with R1L-12 County zoning (APN 107-04-038 and 107-04-039). (ANX06-003) (Boyle DeBusk property)**

Community Development Director Tom Guice explained this was property donated to the City and it was now being annexed into the City and the public hearing was next week.

- I. Adoption of Resolution No. 3787 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the City of Prescott to enter into an amendment to Intergovernmental Agreement #03-087 with the Prescott Unified School District (PUSD) for maintenance and use of certain properties belonging to PUSD and the City of Prescott to provide for joint maintenance of that certain property commonly known as the Community Nature Center and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.**

Attorney Gary Kidd explained this item was an amendment to an existing intergovernmental agreement with the Prescott Unified School District and an agreement to determine what 50% of the maintenance was had been worked out and now allowed the parties to proceed into escrow.

Councilwoman Suttles asked if the responsibilities changed and Mr. Kidd replied there seemed to be a fair apportionment of the maintenance responsibilities.

Councilman Roecker said it was hoped to have the purchase of open space completed before the end of the year.

- J. Notice of Public Hearing (December 12) for a liquor license application from Fady Masri, Agent for A & N Arizona Enterprises, Inc., for a new Series 10, Beer and Wine Store, license for Prescott Quick Stop located at 447 S. Montezuma Street.**

Ms. Burke explained the public hearing would be held next week; the application was necessary because of new owners.

- K. Approval to purchase vehicles listed in the Council Memo dated November 29, 2006, (eleven vehicles in total) through the Arizona Counter Drug Procurement 1122 Program for an amount of \$240,179.39.**

Deputy Police Chief David Benner the request was to purchase 11 police vehicles, 6 Crown Victoria sedans for Patrol, 3 Ford Expeditions for Patrol and the K-9 Unit and 2 Chevrolet Impala's for Investigations; the pricing was obtained through the U.S. General Services Administration (GSA) and would be purchased through the Arizona Counter Drug Procurement 1122 Program which provided discount pricing for Police agencies; the vehicles would be outfitted after their purchase.

Councilman Blair asked if the vehicles would get the new color scheme (yes) and was the City going to get a second canine (yes).

It was clarified the vehicles were budgeted and some were replacements and others were new to the fleet and the purchase did not go through a dealership and the savings would be approximately \$14,600 when compared to 2006 State contract models (the savings did not include Impalas as they were not previously on State contract).

- L. Approval of Minutes of the Prescott City Council Special Meeting of November 21, 2006, the Prescott City Council Study Session of November 21, 2006 and the Prescott City Council Regular Voting Meeting of November 28, 2006.**
- M. Discussion to consider the City of Prescott's participation in the Verde River Basin Partnership.**

Councilman Roecker said he asked this be put on the agenda and asked for public input.

Speakers:

Howard Mechanic, 309 Bloom Place made the following points:

- The Partnership wasn't meant to be run by Prescott or Prescott Valley and that would happen if the membership was based on population.
- Elected officials on this side of the mountain said voting members should be only elected officials. Senator John McCain wanted proportional voting members.
- The Partnership was not to be set up like the San Pedro group as they were based on financial contributions not on population.
- The Federal Government would possibly put in \$8 million for studies.
- A large part of Prescott Valley was outside the Verde basin and only a small portion of Prescott Valley was within the Chino basin.
- The Partnership was a scientific study group.
- They had looked at several ways the partnership could be structured.
- Membership could be considered on the following: 1) look at the flow contribution from the Little Chino Basin -- 4% of the flow came from Paulden and 2% from Camp Verde. 2) Look at who controlled the water – SRP. 3) Who depended on the river for economic health and well being -- the Verde Valley and no one in Prescott or Prescott Valley. 4) Who had a concern of maintenance for the Verde's ecological health. Those questions showed Prescott and Prescott Valley had little impact, yet wanted to control the organization.
- Legislation required the stakeholders get together and create a structure but this side of the mountain had failed to negotiate in good faith.
- Prescott should join now and staying out, hoping the structure would change, was no longer an option.
- Entities on both sides of the mountain should be involved in protecting and preserving the Verde River for the future.

Councilman Blair asked for the percentages of pumping of the Chino would affect the Verde – 80 to 85% of the flow of the Upper Verde River came from the Big Chino aquifer and less than 14% came from the Little Chino basin.

Michelle Harrington, Center for Biological Diversity, Phoenix, remarked they hadn't joined the partnership and were waiting to see what Prescott did; the make-up and structure of the partnership had changed since it was first formed and it was Prescott's responsibility to join; the Partnership would bring together scientists with specialties in the needs of the Verde.

Councilman Luzius remarked he was in favor of the municipalities joining the Verde River Partnership as they were not a policy-making group, only

a scientific group; and if \$8 million was going to be available to use for studies on either side of the mountain, the best thing to do was to “sit down, go forward and communicate”.

Jack Wilson clarified the structure had changed as there were too many special interest groups in the beginning and the number of votes they had had been cut to two; the Center for Biological Diversity’s name had appeared as a member of the committee but had been removed when it was discovered they hadn’t joined; Chino Valley Mayor Karen Fann had remarked on her radio show that the scientific information could be manipulated like property appraisals could and he had called in to object and he urged Prescott to join the Partnership.

Councilman Roecker remarked he had attended a meeting at Jack Wilson’s house and had mentioned the Partnership would have to be open minded enough to start over and what had been put together so far wasn’t acceptable to the municipalities; the ad hoc committee was already completely formed and the City couldn’t walk into that situation and concluded the ones who would be held responsible for what came out of the group were the elected officials.

Jack Wilson retorted a lot of work had been accomplished so far, especially by the technical group and it was unacceptable to start over.

Councilman Lamerson remarked to Councilman Roecker the Verde River Partnership had no authority to set or legislate policy and asked what they would be voting on and Councilman Roecker responded policy would come out of what happened with the studies and elected officials would be held responsible for those policies.

Councilman Lamerson asked if the group would be voting on what to study and Councilman Roecker replied “yes”, that there was a lot to study regarding the Verde and the Yavapai County Water Advisory Committee had worked very well and two USGS studies had already been done on the Upper Verde, and Prescott had to look after their fiduciary investment to the citizens and the financial investment in the water ranch.

Discussion continued between Jack Wilson, Councilmembers and Howard Mechanic regarding the studies and proposed population-based membership.

Thomas Slaback, 715 East Goodwin Street, asked if Prescott wanted to have the complete scientific knowledge now or later and whether the scientific studies should be funded from the Federal level or tax local residents. He said it would seem if \$8 million was available to fund the

studies now that Prescott would be willing to proceed and get the knowledge to make informed decisions in the future.

- N. Selection of items to be placed on the Consent Agenda for the Regular Voting Meeting of December 12, 2006.

Councilwoman Suttles selected Items A, B, C, I, K, L.

### III. **ADJOURNMENT**

There being no further business to come before the Prescott City Council, Mayor Simons ADJOURNED the meeting at 6:20 p.m.

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ROWLE P. SIMMONS, Mayor

ATTEST:

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ELIZABETH A. BURKE, City Clerk