

OFFICE OF BOARD OF SUPERVISORS
YAVAPAI COUNTY, ARIZONA

Prescott, Arizona

October 18, 2000

The Board of Supervisors met in special session on October 18, 2000.

Present: Gheral Brownlow, Vice Chairman; John Olsen, Member; Bev Staddon, Clerk.

Absent: Chip Davis, Chairman, except for participation by telephone on identified items listed below.

Also present: Dave Hunt, Board Attorney/Assistant County Administrator.

ITEM NO. 1. Board of Supervisors.

1. Hearing: Consider proposed amendments to Yavapai County Courthouse Park Rules and Regulations Ordinance 2000-1. Continued from October 2, 2000, meeting. Vice Chairman Brownlow asked the Prescott Downtown Partnership (PDP) to present information regarding the proposed changes to the Ordinance. PDP President John Regan told the Board that the PDP had met with the sponsors of the eight major events on the Plaza and had made it clear that the PDP had no intention of taking over the major events. He said the only major event in which the PDP had any interest was the Fourth of July event. He said he believed that consensus had been reached on the other issues of concern. Mr. Regan told the Board that for a long time there had been a limit of 174 spaces for events but that booth sizes had been different. He said the PDP believed that a standard space of 10 x 15 for all booths was most appropriate, and that a space of two feet behind each booth for items that are not part of the booth but need to be on hand was also appropriate. He added that regulations regarding the placement of booths would still need to be refined. Mr. Regan said the PDP was also recommending that all event sponsors be Yavapai County non-profit sponsors. Prescott Attorney Kenton Jones referred to Section 109 of the Ordinance an initial determination regarding events is made by the park manager or other designee. He asked if an appeal of an aggrieved party would be filed with the PDP. Mr. Hunt said if the PDP was the park manager then an appeal would be filed with them, and that if there was no contracted manager it would be filed with the Parks Department. Mr. Jones said he would like assurance that if a person has a problem with the park manager the park manager would not have the ability to simply dismiss an appeal. Mr. Hunt said there is always at least one level of appeal. Mr. Jones asked if the Board of Supervisors would designate the eight major events and when there would be a schedule for them. Mr. Hunt said the Board would designate the events and that following the effective date of the changes to the Ordinance he expected a schedule would be submitted to the Board for approval and that the schedule would remain in force until such time as the Board changes it. Mr. Jones said that at the last meeting there had been discussion about the extent to which the PDP would be involved in ownership of any of the events. He asked if that meant the PDP's involvement would be limited to the Fourth of July event. Mr. Hunt said there were no changes to the documents at the current time but that his recommendation would be include in the management a statement that the park manager is limited to just one event unless there is specific action by the Board of Supervisors. Vice Chairman Brownlow said he felt it would be appropriate to include in the contract that the PDP could have no more events than any other sponsor. He said they could be limited to one large event but should have the ability to put on smaller events to bring people into the downtown area. Mr. Regan said the PDP was quite willing to be limited to one major event, but if it felt there was a benefit in holding a festival to bring people into the downtown area it did not want its hands tied. Mr. Jones said that was fine, and that he just wanted to be sure the PDP's involvement with the major events would be limited to only one such event. PDP member Kendall Jaspers said that a sponsor of a major event could have a leadership change and as a result have their event fall apart. He asked if there was a way the PDP could step in if that happened. Mr. Hunt said the Board would have the ability to approve additional events. PDP member Jean Noel said people were talking about the eight major events on the Plaza, noting that there are 60 or 70 other events on the Plaza during the course of a year. Mr. Jones said he did not believe that anyone present on this day wanted to see the flow disrupted and that if the PDP could step in and underpin an event until it can be stabilized, that was fine. He said he just did not want the PDP to take over the major events. Mr. Hunt said the Board could stipulate that the PDP would not have more than one major event unless it received prior approval from the Board. Prescott resident Sue Willoughby referred to the Board meeting of March 6, 2000, saying that then PDP president Jean Noel had stated at that meeting that the PDP would not take over any of the major events. She said she believed there was a great conflict in the County's allowing the PDP would manage the Plaza. Vice Chairman Brownlow reminded Ms. Willoughby that the Board had just said the PDP would be limited to one major event, but that if they want to have smaller entertainment type events they could do that.

Supervisor Olsen said that would be written into the contract. Prescott resident Tommy Meredith said he had heard from business people in the downtown area that the Plaza events cause them to lose business. He said if that was the case they were not good business people, and that the events on the Plaza were beneficial because they brought people into town who stay in motels and eat in restaurants. Supervisor Olsen moved to approve the amendments to the Ordinance as presented. Vice Chairman Brownlow seconded the motion, which carried by unanimous vote of those present.

2. **Consider approval of Courthouse Fee Schedule to be effective January 1, 2001. Continued from October 2, 2000, meeting.** At Mr. Hunt's request, PDP president John Regan reviewed the proposed changes to the fee schedule saying that one of the largest increases was a \$22 increase in the Food Sales Fee. He described food sales as those booths where food is actually prepared on site, saying that the reason for the increase was the high cost associated with clean-up. He said he did not believe there had been much objection to that increase. He said the other large change was related to security deposits, but that if there are no damages that money will be returned. He noted that the Administration Fee would be increased from \$35 to \$50, and that the All Other Sales Fee would be increased from \$13 to \$15 per day per space. Finally, Mr. Regan said the first day waiver of electricity costs which had been in place for many years would also be eliminated. Vice Chairman Brownlow called for comments from the public. There were none, whereupon Supervisor Olsen moved to approve the fee schedule as presented. Vice Chairman Brownlow seconded the motion, which carried by unanimous vote of those present.
3. **Consider renewal of Courthouse Plaza Management Agreement with Prescott Downtown Partnership for calendar year 2001. Continued from October 2, 2000, meeting.** Mr. Hunt noted that the PDP had proposed a change in the fee it receives from the County for managing the Plaza from \$25,000 to \$30,000 and that the other change that would need to be included would be to restrict the PDP to involvement with one major event. Prescott attorney Kenton Jones asked if he understood correctly that there would be two changes to the agreement and that one of them would be to restrict the PDP to one major event. Mr. Hunt said that was correct. In response to a question from Supervisor Olsen, PDP president John Regan said the contract was for two years. Supervisor Olsen moved to approve the agreement as presented, with the changes noted by Mr. Hunt. Vice Chairman Brownlow seconded the motion and called for comments from the public. Prescott resident Sue Willoughby said she objected because there was a conflict of interest. In response to a question from Mr. Hunt, Ms. Willoughby said she believed that putting the PDP in charge of the Plaza was like putting the fox in charge of the henhouse. She said that vendors had not been allowed to give their input and that one of the Board members was also a member of the PDP board. She said the entire system had been crammed down the throats of event sponsors and that the sponsors could not voice their concerns. Mr. Hunt said that with regard to allegations of a Supervisor's conflict, Vice Chairman Brownlow had been listed in the PDP's records as a board member, but that he was in fact a liaison between the County and the PDP. He said his research into the matter confirmed that Vice Chairman Brownlow had not been involved in setting policy for the PDP, and that there were differences between an apparent conflict of interest and a legal conflict. He said that based on the nature of the Vice Chairman Brownlow's involvement with the PDP, there was no conflict of interest. Mr. Hunt said he had suggested to the PDP that it clarify the status of liaisons with governmental entities not only in the County's case but also for the City of Prescott. Vice Chairman Brownlow said he had been accused of trying to shut down the shows on the Plaza but that it was not true. He said he had been instrumental in having booths removed from the front of the Vietnam Memorial on the west side of the Plaza, from the timeline and from the south end of the Plaza and that he was proud to have accomplished those changes. He said he was a liaison with the PDP but that he could recall attending only three PDP events, one of which was a Christmas party, another time to ask for assistance with the Courthouse lighting, and once to provide traffic study information. Prescott Chamber of Commerce CEO David Sommer said he believed the PDP had done a good job of managing the Plaza. Jackie Brietenbach said that many people had heard Vice Chairman Brownlow express irritation with some of the items sold on the Plaza during shows. She said she did not understand why the County wanted a middleman for Plaza management, saying that she had never had a problem when the County was managing the Plaza. PDP member Kendall Jaspers said there had always been a certain amount of tension between the people who have businesses and those who participate in the shows, but that this was a chance for everyone to work together. PDP member Jean Noel said someone had commented that the PDP had not met with the sponsors, but that the PDP had, in fact, done so on three occasions. Supervisor Olsen said he had longstanding experience with the Plaza, and that he wanted to remind everyone that the Courthouse Plaza belongs to everyone in Yavapai County and that the Board must try to manage the Plaza in the best possible way for County residents. He said it had not been easy to do so and that the Board was involved in an attempt to make things better. Supervisor Olsen said the Board would have the final say on what happens on the Plaza and that the method of managing the Plaza would be reviewed as time goes on. He said he had

always been in favor of the historic shows on the Plaza and saw them as an enhancement for the community. Vice Chairman Brownlow read an e-mail from Superior Court Administrator Debi Schaefer praising the PDP for its management of the Plaza and for keeping the lines of communication open with the Courts. Vice Chairman Brownlow then called for vote, which carried by unanimous vote of those present.

- 4. Consider subleasing the 4-H Building from the Yavapai County Fair Association and direct staff to work on a sublease with Prescott Frontier Days for the building. At this point, Chairman Davis joined the meeting via telephone and was present for the remainder of the meeting. This item was approved by unanimous vote, upon a motion by Supervisor Olsen, seconded by Supervisor Brownlow, with no comments from the public.

ITEM NO. 2. Public Works Director Richard Straub. Consider approving purchase of land necessary for the widening and realignment of State Route 89A through the Prescott Valley area. Half-cent sales tax project. Approved by unanimous vote. Motion by Chairman Davis, second by Supervisor Olsen. No comments from the public.

CONSENT AGENDA FOR BOARD OF SUPERVISORS: Both items were approved by unanimous vote. Motion by Chairman Davis, second by Supervisor Olsen. No comments from the public.

- 1. Requests from Public Works for approval of an On-Call Contract and Authorization of Services #0010115 with Professional Valuation Services in an amount not to exceed \$4,500 for Mingus Avenue Extension Partial Acquisition Appraisals. Half-cent sales tax project.
- 2. Request from Finance for approval of a change in the Jail per-diem rate from \$64.50 to \$59.50, to be effective for fiscal years 2000-01, 2001-02, and 2002-03.

Clerk's note: Items 1.4., 2., and both Consent Agenda items will be placed on the next available agenda for ratification because Chairman Davis' participation was via cell phone instead of a phone with a speaker on it.

There being no further business to discuss, the meeting was adjourned.

ATTEST:

_____ Clerk _____ Chairman