

OFFICE OF BOARD OF SUPERVISORS

YAVAPAI COUNTY, ARIZONA

Prescott, Arizona
2001

July 25,

The Board of Supervisors met in special session on July 25, 2001.

Present: Gheral Brownlow, Chairman; Lorna Street, Vice Chairman; Chip Davis, Member (arrived late); Bev Staddon, Clerk.

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

The following staff and members of the public were also present and participated in discussion of various agenda items: MIS Director Stephen Welsh; attorney Dan Furlong; Cooperative Extension Service Director Jeff Schalaus; Special Projects Coordinator Angelo Manera; Prescott Frontier Days Director Lorraine Owen; Water Advisory Committee Coordinator John Munderloh; Sedona Vice Mayor and WAC member Anita MacFarlane; Development Services Director Ken Spedding; Deputy County Attorney Randy Schurr; and Senior Planner Elise Link

ITEM NO. 1. Board of Supervisors.

1. Consider final adoption of the County Primary and Secondary Budgets for the 2001-2002 fiscal year. Mr. Holst told the Board that the final budget was not much different from the tentative budget, except for two things. He said that he had initially included \$200,000 for future expenditures in anticipation of an improved revenue picture, but that nothing had changed with regard to revenue. He said that as a result, he had deleted the \$200,000 from the budget, thereby lowering the overall budget. Mr. Holst said that the Jail District budget had also been lowered by \$300,000 because although the sales tax for the District had become effective July 1, 2000, only 11 months of revenue had been collected, thereby lowering that budget by that amount. Chairman Brownlow asked if the proposed \$250,000 contribution to the City of Prescott for its parking garage had been included in the budget. Mr. Holst said he had not included that amount, and if the Board later determined the contribution was appropriate the amount would have to come from Contingency. Mr. Hunt added that depending on the start date for the parking garage project, that payment might not even be required until the next fiscal year. Upon a motion by Supervisor Davis, seconded by Supervisor Street, the Board voted unanimously to approve final adoption of the County Primary and Secondary Budgets for the 2001-2002 fiscal year. No comments from the public.
2. Resolve into the Boards of Directors of the following special districts to give final approval of the 2001-2002 fiscal year budgets: Reference: Special District minutes.
 - a. Yavapai County Flood Control District.
 - b. Yavapai County Free Library District.
 - c. Yavapai County Jail District.
 - d. Ash Fork Street Lighting Improvement District.
 - e. Seligman Street Lighting Improvement District.
 - f. Yarnell Street Lighting Improvement District.
 - g. Prescott East Sanitary District.
 - h. Seligman Sanitary District.
 - i. Bryce Canyon Drive Sewer Improvement District.
 - j. Coyote Springs Road Improvement District II.

k. Sun-Up Ranch Road Improvement District.

ITEM NO. 2. MIS Director Stephen Welsh. Consider awarding PC Computers bid contract. Bids opened June 26, 2001. This item was held in abeyance on July 16, 2001. See minutes of July 16, 2001, for list of all bidders. This item was taken out of order on the agenda, and action was taken prior to Supervisor Davis' arrival. Mr. Welsh explained that Dell was the low bidder at \$1,252 for a PC with standard configuration, and that he had been happy with Dell and the service the company provides. Mr. Hunt pointed out that approximately 8% of the total number of computers needed had different configurations and that Ace Computers had offered a lower bid on those particular computers. Supervisor Street moved to award the bid for PC Computers to Dell as the lowest bidder but to allow MIS to purchase computers from Ace Computers where appropriate. Chairman Brownlow seconded the motion, which carried by unanimous vote of those present. No comments from the public.

ITEM NO. 3. Discussion and possible action regarding filling the Prescott Justice of the Peace vacancy. The Board may convene in executive session pursuant to A.R.S. 38-431.03(A)(1) to discuss this matter prior to taking any action. In response to a question from Chairman Brownlow, Mr. Furlong said the City of Prescott was still interested in having a consolidated court. Supervisor Davis then moved to convene into executive session. Supervisor Street seconded the motion, which carried by unanimous vote. Upon concluding its executive session, the Board reconvened in open session. Supervisor Davis moved to appoint current Prescott Justice of the Peace Pro Tem Al Wood as Prescott Justice of the Peace. He said this appointment would be good for the County because Mr. Wood was a known quantity who had been the pro tem justice for seven years and who had acted as the late Judge Kuebler's assistant during that time. He said that Mr. Wood had learned a great deal during that time about how the system works, that he knew the employees in the office and that he knew both the City of Prescott and Prescott Yavapai Tribe systems. Supervisor Davis said that appointing Mr. Wood to the position would provide the County with an immediate fix because he could handle the large case loads that move through the Prescott Justice Court. He said the statutory requirements were that whoever was appointed to the position must live in the Prescott Justice Precinct and be a registered Republican and that Mr. Wood met both of those requirements. Supervisor Davis added that there would be an election for the office next year, at which time the citizens of the Prescott Justice Precinct could choose the next Justice of the Peace. Supervisor Street seconded the motion, saying she believed the key point was the election next year and that now it was the tail-end of the current term. She said that people who were interested in running for the office would be announcing their intent in January, February or March of 2002. Chairman Brownlow said that Mr. Wood had been working seven days a week as pro tem, and that if the Board appointed someone else it would take time for that person to make a transition into the position. He said that the court handles so many cases that the Board felt it could not hold up the process by continuing to leave the position vacant. He said it would be interesting to see if any of the people who had expressed interest in the position would step up and offer themselves as pro tem. Supervisor Davis said the Board felt it would be impossible to fill Judge Kuebler's shoes and that especially for someone who was unfamiliar with the workings of the court it would be an insurmountable task. He said that was another reason why Mr. Wood was a good choice to fill the position. Supervisor Street agreed, saying that no one could replace Judge Kuebler. She said that many things would depend upon what happens after the next City of Prescott election because a new Mayor and some council members would be elected. She said that in the future it was possible that the City would want to do something different with regard to the court. She said the consolidated court system had worked only because of Judge Kuebler's involvement and that things could be very different in the next few years. Chairman Brownlow called for the vote, which carried unanimously.

ITEM NO. 4. Consider approval of grant application for Arizona TEA-21 "Beaverhead Flat Bicycle Access" Grant in the amount of \$540,175, of which \$30,790 would be a County match. Supervisor Davis said this request had been brought forward by a group of activists in the Verde Valley who were trying to promote an off-road transportation system. He said he would be happy to use park funds for his district to cover the County match, and that he believed the grant would be awarded. Supervisor Davis moved to approve the grant application with the matching funds to come from District 3 park funds. Supervisor Street said that in the past the Board had talked about bike paths and that she thought there was consensus that the Board did not want such paths. Chairman Brownlow said that discussion had dealt with a project that would have been paid for from road funds and that this project would involve the parks fund. He said he believed that when the County built Heather Heights it might be necessary to include a bike lane for that road. Supervisor Davis said that Supervisor Street was correction in her recollection, and that the grant was the reason he was supportive of this particular proposal. He said he had changed his thinking about this issue in the last several months. In response to a question from Supervisor Street, Supervisor Davis said this proposal was for a bike path along Beaverhead Flat Road that would go into the Big Park area and then tie into the Red Rock Pathways system. He said it would be a non-motorized path. Supervisor Street seconded the motion. Chairman Brownlow said the way the Board had used park funds was to primarily leave it up to the discretion of each Supervisor how to use their share of funds, and that the Board as a whole simply monitored the process to make sure the funds were being used for parks and recreation purposes. Chairman Brownlow then called for the vote, which carried by a 2-to-1 vote, with Chairman

Brownlow and Supervisor Davis voting "yes" and Supervisor Street voting "no." No comments from the public.

ITEM NO. 5. Study session with Cooperative Extension Service Director Jeff Schalau regarding use and design of space at the Mackin Building at the old Fairgrounds. Mr. Schalau provided the Board with a presentation, saying that the Cooperative Extension Service would like to have a good work environment that would be accessible to the public. He outlined what he believed were necessary amenities in order to achieve that goal, including: efficient, professional office space with room for expansion; ample parking; large and small meeting rooms; fast, reliable Internet access and a computer network and hub; County phone system; WATS lines; video conferencing capability; adequate heating and cooling systems; a demonstration garden and orchard area; a landscape demonstration area or arboretum; a demonstration kitchen; a resource library; and highly visible signs. Supervisor Davis said he liked the idea for gardens because it was a win-win situation and would provide the County with landscaping at the best possible price. Mr. Schalau reviewed proposed floor plans, pointing out that three additional offices were needed and would take up only 400 square feet. He said the basement of the building was not suitable for offices or for public use, but that it would work well for records storage and storage of brochures and other resource materials. Supervisor Davis said that if corrals and pens were going to be on the old Fairgrounds as part of Prescott Frontier Days' use of the property, perhaps they could also be used for 4-H activities. There was brief discussion about whether the Cooperative Extension Service should be located at the new Fairgrounds, during which Mr. Schalau said the Fair Association had offered him space at that location but that he had turned it down. He said he preferred to be close to County offices. Supervisor Street said the new Fairgrounds was in a good location because it was between the Prescott area and the Verde Valley. Mr. Schalau said the Cooperative Extension Service already had an office in Cottonwood. Supervisor Davis asked why some counties have far more employees in the Cooperative Extension Service than other counties. Mr. Schalau responded that some counties had other activities, such as experimental stations, but that there was also a political element involved. Ms. Owen asked if the Cooperative Extension Service's use of the Mackin Building would shut it down to use by others. Mr. Schalau said the use of the large meeting space in the building would be at the discretion of the Board, but that his office would probably be involved in scheduling the room. Ms. Owen said that since Prescott Frontier Days had taken over use of the 4-H Building it had received many requests from groups wanting to use the space in that building and that it was not large enough for many of those groups. Chairman Brownlow said he might object to putting three additional offices in the Mackin Building because of the need for meeting space. Mr. Manera said that having meeting space at the Mackin Building was a factor in planning for the new Fair Street building.

ITEM NO. 6. Study session with Water Advisory Committee Coordinator John Munderloh to discuss WAC recommendations regarding golf courses and metering water use for new subdivisions. Mr. Munderloh briefly reviewed existing golf course regulations, saying that five entities in the County had them. He said that the Town of Prescott Valley requires the use of effluent on any golf courses within its corporate boundaries, and that the recommendation of the WAC was to prohibit the use of groundwater on new golf courses. He said the WAC was also recommending limiting golf courses to five acres per hole as the maximum acreage allotment except when considering a previous water right allotment for surface water rights. Mr. Munderloh said that the WAC was also recommending that effluent, instead of groundwater, be used for leaching salts from turf. He briefly reviewed WAC recommendations with regard to effective precipitation, development water requirements and seasonal fluctuations, saying that with regard to seasonal fluctuations applicants for golf courses should be able to demonstrate that available effluent is sufficient to meet the summer peak water use requirements of the golf course. Supervisor Davis said he did not think the intent of the proposed golf course amendments was to deal with effluent reuse. Ms. MacFarlane said the purpose of the proposed amendments was to reduce the amount of groundwater used for golf courses. Chairman Brownlow said the proposed amendments would mean no more golf courses in the unincorporated areas of the County. Ms. MacFarlane said that was true unless a development was close enough to a city or town to be able to obtain effluent for its golf course. Mr. Schurr said that if the Board was supportive of the concept, staff would take it to the Planning & Zoning Commission. He added that one of the most economical ways to discharge effluent is by using it to water golf courses. There was brief discussion regarding whether cities and towns would follow suit if the County adopted the amendments, during which Mr. Munderloh said the proposed amendments were modeled on Prescott Valley's ordinance. Ms. MacFarlane told the Board that the City of Prescott had stated that it would not allow any more golf courses within its boundaries unless they are watered using effluent. Supervisor Davis said he believed the amendments would limit the use of groundwater and provide a use for effluent. Ms. MacFarlane said she believed that all of the cities and towns were looking for ways to conserve groundwater. Mr. Munderloh reviewed a list of current and proposed golf courses in the County, including those in incorporated areas, pointing out that if all of the proposed golf courses are built, Yavapai County will have 456 holes per person compared to 719 holes per person in Maricopa County. There was brief discussion regarding whether the amendments could be included as part of the General Plan, during which Supervisor Davis said he would like to see this matter move forward whether it is addressed as part of the General Plan or whether it goes through the Planning & Zoning Commission. Mr. Spedding said if the issue went to the Commission it could still be included in the water resource section of the General Plan. Mr. Schurr said he believed that consideration of exclusive use of effluent for watering golf courses should be looked at through the planning process. Supervisor Street said she was concerned that the proposed new standards would apply to the entire County and that if someone wanted to do a project in the middle of District 2 the standards would apply to them. She said there was a question of who would be in and who would be out, because there were some projects already planned. She asked if there was a way to allow for exceptions, saying she had a problem with the idea of imposing a new ordinance that would apply County-wide

when 40% of the County does not have a problem. Ms. MacFarlane asked if the Board was going to think about protecting the groundwater in the County, saying it needed to decide how it wants groundwater to be used. Supervisor Street said she recognized the problem but did not know how it would be monitored. Mr. Schurr suggested beginning the process with a study session with the Planning & Zoning Commission, saying the Commission might want to have several study sessions on the issue. Discussion then turned to a WAC recommendation for metering water used in new developments. Mr. Munderloh said this proposal would apply to anyone applying for a new development that would require a large water commitment, and that it would provide for the placement of metering devices and reports to the County on water use. He told the Board that the purpose would be mostly to obtain scientific information, but that it did have side benefits because people who have meters have a better chance of proving water rights in adjudication cases. Mr. Schurr said it could be difficult to meter subdivisions such as Suncliffe, which he described as an "in-fill" subdivision in the middle of several other subdivisions. Supervisor Davis asked if it would be possible to use gallon-per-day averages for the purpose of water management, to which Mr. Munderloh responded that it was possible but that it was not the best information available. Supervisor Davis said he was fearful of more government regulation. He said if the County needed the data then it should take care of getting it without requiring additional regulation on the private sector. He said he could see potential regulations coming from the WAC in the future and that he was concerned about diluting the clout of those potential regulations with something like this. Chairman Brownlow said that every time more regulations are added it just encourages more people to lot split. There was general agreement that the Board should hold off taking a position on this proposal.

ITEM NO. 7. Study session with Development Services Director Ken Spedding, Deputy County Attorney Randy Schurr, and Board staff to discuss hearing procedures at Planning & Zoning Commission meetings and Board of Supervisors' meetings related to planning and zoning issues. Mr. Spedding reviewed staff recommendations for planning and zoning issues, saying that more time between Commission meetings and Board meetings would afford staff more time to prepare Commission minutes and Board packets, and would eliminate the need for back-to-back advertising of hearing applications. Mr. Schurr said staff had talked with the Commission about not scheduling applications for hearing unless the application is complete. He said that in the past applicants had asked staff to go ahead and schedule them for hearing, saying they would file all the necessary information prior to the hearing. He said staff would prefer to not schedule applications for hearing under those circumstances. In response to Chairman Brownlow's expression of concern about delaying someone with a high-dollar project, Mr. Spedding said that 30 days from the Commission hearing to the Board hearing would not make or break anyone, and that in other counties the time frame is anywhere from 30 days to six months. Ms. Link briefly discussed the pre-application process, saying that applicants are already required to meet with staff prior to filing an application and that staff needs to be certain applicants understand that an incomplete application will not be accepted. There was brief discussion regarding documentation of applicants' responses to staff requests or suggestions and how this information might be helpful to the Board when dealing with applications. There was brief discussion regarding the presentation of new information at Board hearings on planning and zoning applications, during which Mr. Schurr said he could not prevent the public from presenting new information but that applicants could be prevented from doing so. There was general agreement that allowing 30 days between the Commission hearing and Board hearing was a good idea. Mr. Spedding briefly reviewed staff proposals for Board packets on planning and zoning items, suggesting that a standard staff report form and a summary cover memo be included with each item. Discussion turned to the hearing format, during which Mr. Schurr said that Consent Agenda items for planning and zoning did not need to be advertised as hearings and that the Board did not need to open them up to public comment. Mr. Spedding reviewed the basic hearing format, saying items should begin with staff presentation followed by Board questions to staff, the applicant's presentation and Board questions to the applicant, public comment, applicant's rebuttal, and finally Board discussion and action. There was brief discussion regarding methods for controlling public comment, including the use of a sign-in card and making it clear that the Board has thoroughly reviewed staff reports and Commission minutes for each item.

ITEM NO. 8. Study session to discuss the County's role in economic development. Supervisor Davis said he believed the best thing the Board could do to promote economic development would be to have the lowest property tax possible, and that the best way to do that was to be very careful about what programs the Board supports. He said he believed the Board should limit contributions and that it should have a very small budget line item for contributions each year. He said he believed in children's programs and recycling programs but that he did not believe the County had a role in many other programs. Supervisor Street said there were a number of programs the County was supporting that were related to tourism. Chairman Brownlow said the Board was receiving more and more requests for contributions from people who were saying their programs promote development which in turn increases the County's tax base. Mr. Holst said that in the past there had been discussions about the Board's efforts to ensure good planning, but to otherwise avoid actively promoting economic development. Supervisor Street asked how economic development is defined. Supervisor Davis said he believed economic development was having well-planned PADs, continuity with transportation systems, and nice parks. He said he believed the County was already supporting economic development.

ITEM NO. 9. Discussion and possible direction to staff regarding draft intergovernmental agreement with the City of Prescott for downtown parking. Mr. Holst said the proposed agreement would guarantee the County 20 permanent parking spaces for County employees and that jurors would also be able to use the parking garage. He said the County would not have to pay anything until the parking garage was 50% complete, and that that would probably not happen until some time during the next fiscal year. There was brief discussion regarding the agreement, during which there was general agreement that there should be no

expiration date in the agreement and that the agreement should provide the County with a pro-rata share of any proceeds in the event the parking garage is sold. Supervisor Davis asked if the County would be required to participate in maintenance costs for the garage. Mr. Holst responded that the County's contribution would be a one-time only contribution.

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

ATTEST:

_____ Clerk _____ Chairman