

BOARD OF SUPERVISORS MINUTES WITH SUPPLEMENTAL TRANSCRIPT
(Where a supplemental transcript is available, it is printed in bold type)

OFFICE OF BOARD OF SUPERVISORS
YAVAPAI COUNTY, ARIZONA

Prescott, Arizona

October 31, 2005

The Board of Supervisors met in special session on October 31, 2005, at 11:00 a.m.

Present: Carol Springer, Chairman; Thomas Thurman, Vice Chairman; Chip Davis, Member, via video conference from Cottonwood; Bev Staddon, Clerk.

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

Clerk's note: A copy of these minutes with a supplemental transcript is available in the Office of the Clerk of the Board of Supervisors and is also available on the County website.

ACTION ITEM

A – BOARD OF SUPERVISORS

A1. Pursuant to A.R.S. §34-603(C)(2) establish final list ranking architects for the County Campus project at Pioneer Park for purposes of negotiation in accordance with A.R.S. §34-603(H). The following persons spoke in opposition to this item, generally citing opposition to a County complex at Pioneer Park, to the expenditure of tax money without voter approval, and to the process used in planning for new County buildings in the Prescott area: Mike DeSoto, Sanford Williams, Wayne Lang, Jeff Adams, Jeff Kuykendall, Richard Clark, Rocky Anecchini, Matt Sullivan, Alex J. Szcesody, Tom Staley, Frank Deak, Thomas Britzman, Jane Mackall, John Markham, Steve Mortenson, David Lutz, Carrie Deak, Tracy Sullivan, Dianne Kuzminski, and Peggy Kittell, all Prescott area residents; Ron Agoglia and Gene Carrigan, Cottonwood residents (present at meeting in Prescott); Beryel Dorscht, Dorothy O'Brien, Ray Wise, Ron Hook, Lois Hook and Don Beard, all Verde Valley residents participating by video conferencing from the County administration building in Cottonwood. Chairman Springer noted that K.W. Mino of Prescott submitted a public participation form in opposition, but that he did not wish to speak. Chairman Springer also noted that the following persons had submitted form letters in opposition, saying that while she could not read the names they would be included in the minutes: Warren Fenz; illegible; Walter Kasch; Dorothy Kasch; Joan Clark; David Duck; Ted and Diane Decker; Irene Szecsody; John Cuccinello; Alan Richardson; John Davidson; Ron Gould; illegible; illegible; Nancy Angelini; Alex Szecsody; Diane and Daryl Muchmore; and David Duck II. Supervisor Thurman moved to establish the final list ranking architects for purposes of negotiation. Chairman Springer seconded the motion, saying she was doing so with the caveat that the negotiations would not begin until after the Board received public input on the proposed project. Supervisor Davis moved to table the item. His motion died for lack of a second. Chairman Springer called for the vote, which carried by a vote of 2-to-1, with Chairman Springer and Supervisor Thurman voting "yes" and Supervisor Davis voting "no." (Clerk's note - the list approved ranked the architects as follows, with "1" being the highest rank and "4" being the lowest rank: (1) Dick & Fritsche Design Group; (2) KMD Architects – RNL Design; (3) DLR Group; and (4) Durrant.)

Chairman Springer opened the floor to public comment. Mr. DeSoto said he objected to the proposed campus at Pioneer Park and felt like the County was taking away a service from law-abiding citizens and giving it to bad people, that is, to people who would be in jail. He said he felt the location was the wrong choice and he asked why this site was chosen. Mr. Hunt advised the Board that discussion of the site was not on the agenda for this day and that for that reason the Board could not address it. Chairman Springer said that because so many people seemed to be unaware of the Board's discussions on this project in the past, she was working with the Clerk and with the Board's Attorney to try to figure out a format to put on the agenda that would allow the Board to talk about it and to answer questions from the public. She said that under the Arizona open meetings law the Board members could only talk to each other in public meetings, and that was why this issue had been discussed only at open meetings, but that the Board was also somewhat constrained with regard to what it could discuss. Chairman Springer said she would try to find a way to make the process more public. Mr. DeSoto asked if that meant that the project was now on hold. Chairman Springer said the Board would continue to work on the project. She said that Mr. Hunt had said that on this day the Board could not answer any questions not related specifically to the ranking of architects, but that people were still welcome to make whatever comments they wanted but that the Board could not respond. Mr. Williams said his question related to a safety issue with regard to the Pioneer Park location. He said he assumed there were other locations considered and that the Board had done a study associated with that. Chairman Springer said that, again, the Board could not respond to that question on this day. Mr. Williams said that at the next meeting perhaps the Board could share the study that was done.

Mr. Adams said he was an attorney with the law firm of Musgrove, Drutz & Kack and that he had been retained to represent a number of property owners who were concerned about this project. He said that, recognizing that this day's agenda dealt only with ranking of architects, it seemed to him that the site selection process could be an issue for discussion at a future Board meeting. Mr. Adams said it seemed a bit premature at this time to go through the process of selecting an architect. He said his firm was going through old agendas to see if there was an issue related to lack of disclosure, and that in his view he felt the Board needed to evaluate the process used to get to this point. He said that if the site selection was still not cemented in stone and if the Board was still willing to consider the concerns of a large percentage of the community it did not seem to him that selecting an architect prior to selecting the site was the thing to do. Mr. Adams requested that the Board table the issue of ranking the architects until it could revisit the issue of site selection. He also expressed concern about cost overruns. Mr. Kuykendall said that costs never come in under the price of a project. He asked if a site had already been chosen prior to the Pioneer Park site and whether \$650,000 had already been invested in another project. He asked who approved the site and project and said he would like to know why the County had spent \$650,000 and then abandoned it. Mr. Lang said he had always felt that Chairman Springer was a "people person" and that he had heard about this issue on the radio about a week ago. He said he did get the newspaper, and that he knew one of the officials from the City of Prescott did not know about this project. Mr. Lang said his home overlooks the Pioneer Park area and that children and equestrians used that area. He said he was concerned that people had not heard about this project, and that real estate people had told him that nothing would ever be built at Pioneer Park. Ms. Dorscht asked the Board what it thought the outcome would be if an election were held on this day. Mr. Clark said he had a solution as to how the Board could answer questions; he said that if Chairman Springer looked at Supervisor Thurman the answer was "yes" and if she looked at Mr. Hunt the answer was "no." He said that Yavapai County had gone from being a county that pays as it goes to one that was going into debt. Mr. Clark said he wondered if the project site would remain federal land or be purchased from the federal government, adding that if it remained federal land it would be subject to the NEPA process. He said he questions about the use of Certificates of Participation and whether there was a premium associated with that method of funding. Ms. O'Brien said she was representing many homeowners in the Verde Valley, and that she had received less than 48 hours notice of this day's meeting. She said that for this kind of commitment and expenditure the public did not have nearly enough information, that the public needed the facts and did not have them. Mr. Anecchini said that in July someone had told him the County was going to build a jail at Pioneer Park. He said he called Prescott City Council candidate Bob Luzius and asked him about it, that Mr. Luzius had looked into it and called him back and said not to worry about it because it would be down by Longview in Williamson Valley. Mr. Anecchini asked what the hurry was and with all the space in the Prescott area why the Board was choosing Pioneer Park. Mr. Sullivan said he agreed with most of what had been said on this day, and that the project seemed to be a runaway train on a fast track to disaster. He asked who had done the needs assessment for the jail and court system. Chairman Springer responded that Durrant had done the needs assessment. Mr. Sullivan asked which architects were being ranked on this day. Chairman Springer said the architects were Dick & Fritsche Design Group, KMD Architects-RNL Design, DLR Group and Durrant and that all four firms had experience in this type of project. Mr. Sullivan suggested that the Board establish an advocacy group to find a better location for the project. Mr. Szesody expressed concern about the conceptual site plan and amphitheater, saying the project would destroy Pioneer Park and that it was unjustified to put in an amphitheater. Mr. Staley said he thought the problem was not that information about the project had not been out in the public but that things were on a fast track. He said he believed that a lot of people could see that there was some merit to consolidating buildings at Pioneer Park and this being a monument to just one person. Mr. Staley said he was concerned about the money to fund the project coming from the road fund. He said that if the public was only showing up now and information had been in the newspapers, then shame on the public but shame on the Board for not slowing things down. He said he did not think there should be adult detention facilities at Pioneer Park. Mr. Carrigan said the problem was that the voters never had any input and that the Board had taken that privilege away from the voters by having Certificates of Participation. He said he believed the issue needed to go to a vote. Mr. Agolia said that at last week's meeting (October 25, 2005) the Board had said the project was not on a fast track and that nothing was being pushed through. He asked how the Board was choosing an architect on this day. Chairman Springer said the Board was not choosing an architect at this day's meeting. She said that following the October 25, 2005, meeting each Supervisor ranked the four architectural firms that were interviewed and that the purpose of this day's meeting was to make that information public. Mr. Agolia asked if that list would determine which architect would be chosen. Chairman Springer said it would determine which architect would be first on the list to negotiate with in the future. Dianne Kuzminski said she was present at last week's meeting and that she was made aware that the only way a person could find out about a meeting was to call the County or pick up a copy of the agenda from the County building on Fair Street. She expressed concern about agenda

language and said she questioned how a project of this size could be silently slipping through the cracks. Ms. Kuzminski said that last week's meeting was a joke, and that the Board had paid \$90,000 to a firm to develop a wish list that a Boy Scout troop could have done for free. Mr. Wise said the half-cent sales tax money was for roads. He said he just found out about the project last week, that the public should have been told about it before and that there should have been several meetings about it. Mr. Hook said the issue was not really Pioneer Park or spending taxpayer money without taxpayer approval but instead it was an issue of decentralization of County government versus centralization of County government. He said this project should be buried and it was cheaper to buy a \$2,000 tombstone than to build a monument in Prescott. Mr. Britzman said he lived in Prescott but not in an area that would be impacted by the location of the proposed campus. He suggested that the Board table the ranking of architects until there was much more discussion about the location of the complex. He said there needed to be public meetings to discuss the issues and that there also needed to be discussion about what would happen to existing County buildings. He asked if the Board would consider tabling the establishment of the list for architect rankings. Mr. Hunt said there was a proposed list based on the individual rankings of the Supervisors but that the approval of that list had yet to be done. Supervisor Thurman said at last week's meeting the Board had interviewed the four architectural firms that put in for the project, and that each individual Supervisor had then ranked the firms. Mr. Britzman said his question was whether the Board could hold off on taking action on the list until there could be more public meetings. Supervisor Thurman said the County was transporting prisoners more than 800 times a month and that it was costing a fortune. He said there were kids sleeping on the floors at the juvenile center. Supervisor Thurman said the Board needed experts on board to help it determine where to go and what the costs would be. He said he understood that people cared about where the Board would find the money to pay for the project, and he asked why people cared about who the Board hired to help with that process. Mr. Britzman said he would like to see things put on hold for 60 days and he asked if that was unreasonable. Supervisor Thurman said he had not reason to postpone action on this day. He said that one of the things he had asked each architectural firm during the interviews was whether they could work with the public. Chairman Springer said she thought part of the frustration for everyone was that the Board would like to be able to answer the public's questions. She said she wanted to propose that the Board table things until at least the Board's next meeting where the Board would open up the agenda for all of the concerns that had been brought up on this day. She said she did not know why people had not heard about the project. Chairman Springer said the Board was listening and making note of people's questions. She said she thought a compromise situation for the Board would be to postpone a decision until the Board could answer some of the questions. She said she hoped that everyone would come to the meeting again and that she believed some people had been given some incorrect information. Supervisor Thurman said that was fine with him. Supervisor Davis said the agenda item was to rank architects for negotiation. He said he thought the Board had been unfair with 40 architects who responded to the RFQ and extremely unfair to the four architects who submitted bids. Supervisor Davis said the RFQ stated that the County would spend \$100 million, that the project would be located at Pioneer Park and that it would be completed by December of 2008. He said he believed the Board needed to establish criteria about what would be fair and appropriate and what would fair to the County's employees. He said the reputation of Yavapai County was one that was held in high regard, and that his other concern was the reputation of the Board itself. Supervisor Davis said he did not care if he lost 2-to-1 on an issue as long as it went through the process. He said he was concerned about the County Administrator, who he said had the best reputation of any in the state, and that when the Board gave him marching orders without taking action it was putting the Administrator's neck on the line. Supervisor Davis said he thought the Board needed to do as much outreach as possible. He said that fights would not go away and that one could either take on the fight on day one or take it on after one was knee deep into it. He said he thought some of the concerns expressed were legitimized by the architects the Board interviewed last week, and that he had ranked the architects out of respect for them because he knew they had spent a lot of time submitting proposals. Mr. Deak said he thought it was clear that the Board had lost the confidence of many of the voters in the County and that to say it was the public's fault for not getting to meetings was presumptuous. He said people could read it and not understand what it was. He said he thought the question was what format there needed to be to allow people to participate and that it should be addressed as soon as possible if not at the next meeting. Mr. Deak said he understood there was some justification for the changes the Board was talking about and he asked where those justifications were and what was driving them. He said he understood the concern about the jail, but asked what the space problem was. He said he would like to see something in writing, maybe on the County's website, about what the justification was for the project. Ms. Sullivan said she was representing a lot of mothers. She said she was from Alabama and that she trusted elected officials. She said she had not been watching in the past but that she would be watching now and that she was concerned. Ms. Mackall said she attended last week's meeting and made clear her opposition to the project in every respect. She said that to the extent that she understood it, she was opposed to it but

that she might not understand it. She asked what the justification was, saying she understood the Board had not taken an up or down vote on the project and that it did not have to and that that was obscene. Ms. Mackall said the Board reported to the public. Mr. Markham said he saw three issues; first, the location, and that no one understood why it was important to put the project at Pioneer Park when the first mention of it was in June of 2005. He said the second issue was the cost and the third was speed. Mr. Markham said the location would be the longest lasting repercussion. He said that with regard to cost, it was his understanding that this was the first time Yavapai County had borrowed money. He said if there was a reason for the project to be put on a fast track he would like to understand why. Mr. Markham said that the measure of a company's success is often determine by the customers' response when things go bad and that people would like an advisory board established and an open agenda. Mr. Mortenson said he appreciated the Board's willingness to allow public input on this issue. He said that Supervisor Thurman had stated that the Board needed an architect to help it select a site. He asked why, if that was the case, all of the architect's drawings were focused on Pioneer Park. Supervisor Thurman said that Pioneer Park was his first choice for the project and that property along Prescott Lakes Parkway was his next choice. Mr. Mortenson asked if any of the architects had withdrawn because of the site. Mr. Holst said he had not heard any comments about any of the architects having problems with the site or withdrawing because of the site. Mr. Mortenson asked if the architects had given their opinion of the site. Supervisor Thurman said he thought the Board would have to hire an architect in order to get his opinion. Mr. Mortenson said if he was an architect he would probably look at where he would not want to build a jail and that he would probably not want it near an elementary school or near a recreation center. He said that Pioneer Park was the family recreation center of the community. Mr. Lutz asked the Board why it would put a large jail and courthouse next to a large recreation area. He said that many kids used the park and that he was concerned that the project would have a negative impact on the area. He said it appeared that the proposal would be harmful to the community and he asked what the justification was for putting the project at Pioneer Park. Ms. Hook said she thought at its next meeting the Board should find out all the answers that were asked on this day. Mr. Beard asked how people were supposed to get to Prescott when the roads fall into disrepair if all the road money was used to build a complex in Prescott. Ms. Deak said she had read the newspaper and that if information about the project was in the paper she wondered what font size had been used. She asked if the public could ask questions of the architectural firms that were ranked, and she asked what criteria was used to rank them, saying she felt the public should have input into that. Ms. Deak said she believed she had heard that one of the architects on the list had done the study and she asked whether it was typical to use an independent company to do a study. She asked again about the criteria used to rank the architects. Chairman Springer said the criteria used was in the state statutes, and that architects were ranked for experience and qualifications of the firm and project team members, project understanding and approach and overall vision, project management and quality assurance and control, availability of team to service the project, ability to combine design excellence with functional utility, and local experience and ability to understand special needs and objectives of County government. She said that, speaking for herself, one of the most important criteria was the issue of someone local who understands the culture and heritage of Prescott and Yavapai County. Ms. Deak asked if the architectural firms had to be in business for a certain number of years. Chairman Springer said that every one of the four firms interviewed had done many major projects for jails, courthouses and administration buildings. Ms. Kittell said she lived next to Pioneer Park and that what really concerned her was the polarization of the community. She said a jail and law enforcement facilities were needed but that people needed to come together as a community. Supervisor Thurman moved to approve the final list ranking the architects but with the understanding that the Board was not choosing an architect. Mr. Szciesody said he had traveled to the Verde for jury duty and that the jail there was in an isolated area. Supervisor Thurman said again that he was moving to approve the final list ranking the architects. Chairman Springer said she would second the motion with the caveat that the negotiations would not begin until after the Board received public input on the project. Supervisor Davis said he did not think that was appropriate. He said the Board did not know whether it was going to build a canoe or a wheelbarrow, and that it had not decided if it was going to do a \$109 million project. He said that if the location was different it might have some bearing as to other architects wanting to participate and that he thought the Board should wait and see what it was going to do before taking this step. Supervisor Thurman said he understood that and that he thought through the negotiation process the architect would know where the Board stood. He said that whether the Board did a \$20 million project, a \$60 million project, or a \$109 million project the architect that was chosen would be the one to do the project. He said that was why he had asked the architectural firms during the interview process if they would be willing to work with the public. Supervisor Davis said the criteria were based on a huge project and that 36 architects did not respond because it was such a big project. He said that if the Board ended up with a smaller project then there might be some architects that would be interested in it. He added that he did not believe it was the architect's job to do outreach, but that it was the Board's job.

Chairman Springer said she hoped that people would continue to participate in Board meetings. She said she believed that most people accepted the fact that the County had some needs and that the needs had been established for a number of years. Mr. Clark said it was his understanding that a motion to table the issue took precedent over a motion to discuss. Supervisor Davis moved to table the issue, but his motion died for lack of a second. Chairman Springer called for the vote, which carried by a 2-to-1 vote, with Chairman Springer and Supervisor Thurman voting in favor and Supervisor Davis voting against.

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

ATTEST:

_____ Clerk _____ Chairman