



PRESCOTT CITY COUNCIL VOTING MEETING AGENDA *AMENDED ACTION TAKEN

PRESCOTT CITY COUNCIL
VOTING MEETING
TUESDAY, OCTOBER 28, 2008
3:00 P.M.

Council Chambers
201 S. Cortez Street
Prescott, AZ 86303
(928) 777-1100

The following Agenda will be considered by the Prescott City Council at its Regular Voting Meeting pursuant to the Prescott City Charter, Article II, Section 13. Notice of this meeting is given pursuant to Arizona Revised Statutes, Section 38-431.02.

◆ **CALL TO ORDER**

◆ **INTRODUCTIONS**

◆ **INVOCATION:** Major Trimmer of the Salvation Army

◆ **PLEDGE OF ALLEGIANCE:** Councilman Roecker will be introducing Boy Scouts of America Pack 10 Cub Scouts: Luke Alder, Griffin Hays, Cole Kelley, Andrew Mull and Artie Joe Strom Dubord.

◆ **ROLL CALL:**

MAYOR AND CITY COUNCIL:

Mayor Wilson

Councilman Bell

Councilman Lamerson

Councilwoman Lopas

Councilman Luzius

Councilman Roecker

Councilwoman Suttles

◆ **SUMMARY OF CURRENT OR RECENT EVENTS**

I. PUBLIC COMMENT (Please limit your comments to five minutes)

A. Citizens Water Advocacy Group with presentation on when Prescott may need Big Chino Water.

B. Presentation of Annual Report by Carlo Pastore, President of Prescott Frontier Days, Inc.

II. PRESENTATIONS

- A. Introduction of new businesses.

III. CONSENT AGENDA

CONSENT ITEMS A THROUGH G LISTED BELOW MAY BE ENACTED BY ONE MOTION. ANY ITEM MAY BE REMOVED AND DISCUSSED IF A COUNCILMEMBER SO REQUESTS.

ACTION: *MOVED to approve Consent Agenda Items III-A through III-G; excluding item F; passed unanimously.*

- A. Approve disbursement to Habitat for Humanity in the amount of \$49,999.99 in CDBG funding for the purchase of tools for the lending program.
- B. Adopt Resolution No. 3907-0913 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the City of Prescott to enter into an Intergovernmental Agreement with Yavapai County for County provision of motor vehicle fuel for use in City vehicles, and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.
- C. Adopt Resolution No. 3909-0915 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the City of Prescott to enter into an Intergovernmental Agreement and a Mutual Aid Compact Agreement with the Arizona Department of Emergency and Military Affairs for mutual assistance during emergencies, and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.
- D. Approve purchase crack sealant from Crafc0, Inc., in a not-to-exceed amount of \$60,000.00, through the ADOT's (Arizona Department of Transportation) contract.
- E. Approve purchase 95 front-loading containers from Action Container Solutions in the amount of \$80,199.95.
- G. Approve Minutes of the Prescott City Council Combined Study Session/Regular Voting Meeting of October 14, 2008 and the Study Session of October 21, 2008.

IV. REGULAR AGENDA

- F. Adopt Ordinance No. 4672-0915 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the purchase of

real properties, easements and improvements belonging to Douglas Heffner, Loren J. Ridley, James S. and Lucy Greeneich, and the acquisition of certain rights-of-way, drainage easements and temporary construction easements therefor for the widening of Williamson Valley Road, and authorizing the Mayor and City staff to take all necessary steps to effectuate said purchases.

ACTION: *MOVED to adopt Ordinance No. 4672-0915; passed 6-1 with Councilman Luzius casting the dissenting vote.*

- A. Public Hearing and consideration of a liquor license application from Clay William Romo, applicant for Clay Romo, LLC, for a Series 07, Beer and Wine Bar, license for Lloyd's Liquors located at 1102 West Iron Springs Road.

ACTION: *(1) MOVED to close the public hearing; passed unanimously; and (2) MOVED to approve/deny the liquor license application from Clay William Romo, applicant for Clay Romo, LLC, for a Series 07, Beer and Wine Bar, license for Lloyd's Liquors located at 1102 West Iron Springs Road; passed 6-1 with Councilman Luzius casting the dissenting vote.*

- B. Public Hearing and consideration of a liquor license application from Clay William Romo, applicant for Clay Romo, LLC, for a Series 09, Liquor Store, license for Lloyd's Liquors located at 1102 West Iron Springs Road.

ACTION: *(1) MOVED to close the public hearing; passed unanimously; and (2) MOVED to approve/deny the liquor license application from Clay William Romo, applicant for Clay Romo, LLC, for a Series 09, Liquor Store, license for Lloyd's Liquors located at 1102 West Iron Springs Road; passed 6-1 with Councilman Luzius casting the dissenting vote.*

- C. Award of a five-year contract to Fann Contracting, Inc., for hauling services in the amount of \$12.79 per ton, with an amount not to exceed \$805,770.00 per year.

ACTION: *MOVED to award a five-year contract to Fann Contracting, Inc., for hauling services in the amount of \$12.79 per ton, with an amount not to exceed \$805,770.00 per year; passed 6-0 with Councilman Bell abstaining due to a conflict of interest*

- D. Award of bid to Fann Contracting, Inc. for the North Prescott Regional Force Main Replacement Project, along State Highway 89 from Lillian Lane to Willow Creek, in an amount not to exceed \$4,081,000.00.

ACTION: *MOVED to award a bid to Fann Contracting, Inc. for the North Prescott Regional Force Main Replacement Project, along State Highway 89 from Lillian Lane to Willow Creek, in an amount not to exceed \$4,081,000.00; passed 6-0 with Councilman Bell abstaining due to a conflict of interest.*

- E. Adoption of Ordinance No. 4673-0916 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, vacating and abandoning certain municipal rights-of-way which consist of portions of Garden Street and an alley located west of and parallel to Grove Avenue south of Sheldon Street and sell and convey to Prescott College and authorizing the Mayor and City staff to take all necessary steps to effectuate such vacations and abandonments.

ACTION: *MOVED to defer this item until December 2, 2008; passed 6-1 with Councilman Luzius casting the dissenting vote.*

- F. Approval of a professional services agreement with J2 Engineering and Environmental Design for engineering services to update the FEMA flood plain determination of Granite Creek in an amount not to exceed \$92,935.00 (reimbursed by Yavapai County Flood Control District).

ACTION: *MOVED to approve a professional services agreement with J2 Engineering and Environmental Design for engineering services to update the FEMA flood plain determination of Granite Creek in an amount not to exceed \$92,935.00 (to be reimbursed by Yavapai County Flood Control District); passed unanimously.*

- G. Approve Amendment One to City Contract #08-207 with Saguaro GeoServices, Inc., for professional engineering services for Lowe's retaining wall design review in the amount of \$22,206.80 (reimbursed by Lowe's).

ACTION: *MOVED to approve Amendment One to City Contract #08-207 with Saguaro GeoServices, Inc., for professional engineering services for Lowe's retaining wall design review in the amount of \$22,206.80, after the City has been reimbursed by Lowe's; passed 6-1 with Councilman Luzius casting the dissenting vote.*

- H Water and Sewer Development Fees:

- 1. Adoption of Water and Wastewater Capital Improvement Plans.

ACTION: *MOVED to adopt the Water and Wastewater Capital Improvements Plans; passed unanimously.*

2. Adoption of Ordinance No. 4665-0908 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, amending Title II, Chapter 2-1 and Title III, Chapter 3-14, of the Prescott City Code, regarding the imposition of water and sewer development fees.

ACTION: *MOVED to adopt Ordinance No. 4665-0908, with a six-month delay in implementation to July 11, 2009; passed 4-3 with Mayor Wilson, Councilwoman Lopas and Councilman Luzius casting the dissenting votes.*

- I. Approval of contract with Jim Simmons for legal services in Brogdon v. City of Prescott in the amount of \$50,000.00.

ACTION: *MOVED to approve the contract with Jim Simmons for legal services in Brogdon v. City of Prescott in the amount of \$50,000.00; passed unanimously.*

- J. Recess into Executive Session.

ACTION: *MOVED to recess into Executive Session; passed unanimously.*

V. EXECUTIVE SESSION:

- A.* Discussion or consultation for legal advice with the attorney or attorneys of the public body and discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation, pursuant to A.R.S. §§38-431.03(A)(3) and (4).

1. **Big Chino Water Ranch.**

- A.**B.*** Discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body, except that, with the exception of salary discussions, an officer, appointee or employee may

demand that the discussion or consideration occur at a public meeting, pursuant to A.R.S. Section 38-431.03(A)(1).

1. Annual evaluation of City Clerk.

VI. POST EXECUTIVE SESSION:

- A. Possible amendment to Employment Agreement with Elizabeth A. Burke.

ACTION: *MOVED to amend the Employment Agreement with Elizabeth A. Burke by increasing her salary by 3%; passed unanimously.*

VII. ADJOURNMENT