

PRESCOTT CITY COUNCIL
REGULAR VOTING MEETING
TUESDAY, FEBRUARY 10, 2009
PRESCOTT, ARIZONA

MINUTES OF THE REGULAR VOTING MEETING OF THE PRESCOTT CITY COUNCIL held on TUESDAY, FEBRUARY 10, 2009 in the COUNCIL CHAMBERS located at CITY HALL, 201 SOUTH CORTEZ STREET, Prescott, Arizona.

◆ **CALL TO ORDER**

Mayor Wilson called the meeting to order at 3:01 p.m.

◆ **INTRODUCTIONS**

◆ **INVOCATION:** Father Walter Crites, All Saints Anglican Church

Father Crites gave the invocation.

◆ **PLEDGE OF ALLEGIANCE:** Councilman Luzius

Councilman Luzius led the Council and audience in the Pledge of Allegiance.

◆ **ROLL CALL:**

PRESENT:

Mayor Wilson
Councilman Bell
Councilman Lamerson
Councilman Luzius
Councilman Roecker
Councilwoman Suttles

ABSENT:

Councilwoman Lopas

◆ **SUMMARY OF CURRENT OR RECENT EVENTS**

Mr. Norwood said that many hours have been put in to plowing the roads, with the priority being the major thoroughfares. He said that DPS said that this was one of the worst storms they have seen in Northern Arizona. He said that during these times people have to be patient. There were power outages throughout the area. He wanted to give special thanks to the City employees that have put in a lot of time responding to calls and plowing.

Mr. Norwood also reported that in these times when they are seeing jobs being eliminated, it was nice to be able to report that Wolfsburg Electronics was adding 45 good-paying jobs to the market.

I. PUBLIC COMMENT

A. Cal Cordes on financial proposal for the City.

Cal Cordes, 140 S. Pleasant Street, said that he would like some information in regard to the landfill fee, and how long that has been going on. Councilman Roecker said that there is a certain time frame that they have to continue and they have to measure methane gas, as required by ADEQ. He said that it will go on for at least 25 years. Mr. Cordes said that is \$132,000 a year.

Mr. Cordes asked about the \$.75 a month street light fee, stating that was almost \$200,000 a year, and asked how long that would go on for. Ms. Hadley said that it is a never ending cost as it goes to not only purchase of new lights, but also maintenance and operation of the existing lights.

Mr. Cordes said that his proposal for the stimulus fund is to add \$.50 or \$1.00 a month to the water bill to help defray the budget constraints so that the people on the low income bracket working for the City would not have not be laid off. He said that would be about \$11,000 a month or \$132,000 a year. He said that a lot of them are his good friends and former students, and he does not want to see them in the unemployment line or at the Salvation Army in the soup line.

Councilwoman Suttles asked who Mr. Cordes could sit down with to discuss this further. Mayor Wilson said that he would first ask if that was legal because it is an enterprise fund, so he would refer it to the legal department to research.

Councilman Luzius thanked Mr. Cordes for coming in. He said that he supports his request; he has been around a long time and was a great coach. He said that he has already asked Mr. Woodfill to give him a recording of what has happened with the street light money. When he gets that information he will share it with Mr. Cordes.

Councilman Roecker said that Mr. Cordes kept him in line as an adult when he went to his classes. He asked if they could get a legal position on this by next week. Mr. Lloyd said that they will work on it.

Councilman Lamerson said that the street light fund is a dedicated fund; the water bill is a dedicated fund. If he understands correctly, when they pay money into a dedicated fund it has to be used for that purpose. He said that from a legal perspective, he does not think they can slap a fee on a service to apply it to anywhere they choose. Mr. Lloyd said that there are some restrictions and they will look at that.

II. PRESENTATIONS

- A. Presentation by Lettie Irons Connell on ***Wreaths for Prescott National Cemetery.***

Mayor Wilson said that this speaker was coming from the Verde Valley area and has rescheduled for February 24 due to the weather.

- B. Recognition of Sgt. Kevin Perlak, Detective Jeremy Sutton and Officer Daryl Gladstein after their 8-month deployment to Iraq.

Police Chief Randy Oaks said that it was a pleasure and privilege to welcome back Sgt. Kevin Perlak and Detective Jeremy Sutton, as well as Officer Daryl Gladstein (who was unable to be present as he was attending additional military training).

Chief Oaks said that the City is very fortunate to have these officers return in one piece, and return to their duties within the department. He said that they are both excellent police officers and a supervisor. He is proud of what they have done both for the City and the country.

Sgt. Perlak said that decisions made by Mr. Norwood, based on recommendations made by himself and the other officers, made their transition from the City to military, and back, much easier, not just for them but citywide. What Mr. Norwood did for them made it better for everyone and with that, he presented Mr. Norwood a Certificate of Authentication along with a flag that had been flown over Iraq on August 15, 2008 in honor of Steve Norwood, City of Prescott City Manager, by all three of them. Mr. Norwood thanked them for the presentation.

Chief Oaks said that while Sgt. Perlak was deployed, a medal ceremony was held where his wife accepted an award on his behalf because he had been involved in a shooting on January 22, 2008. During his absence, the City received from the Dupont Corporation and the International Association of Chiefs of Police a letter and plaque, presenting the "IACP Dupont Kevlar Survivors Club Award" for the event he had been involved in while wearing his personal body armor.

Chief Oaks said that the City policy does not require the wearing of body armor; it is purchased and is up to their discretion on whether they wear it. Sgt. Perlak was wearing it on that day and it took the round meant for him.

- C. Presentation of Airport Master Plan Progress Report.

Airport Manager Ben Vardiman gave a PowerPoint presentation on the progress of the Airport Master Plan that addressed the following:

- ▶ Public Meeting
- ▶ Master Plan Process
- ▶ Facility Requirements
- ▶ Airside Facility Requirements
- ▶ Master Plan Alternatives – Airside
- ▶ Master Plan Alternatives - Landside
- ▶ Master Plan alternatives – Land Side – Terminal Location
- ▶ Land Acquisitions
- ▶ Next Steps

Councilman Luzius commended Mr. Vardiman on his presentation. He said that he serves on the Master Plan Board along with Councilwoman Lopas. He said this is something they need to push forward so there is not encroachment on the runway area in the future.

Councilwoman Suttles asked Mr. Vardiman if they use any of the advisory board, or if they have attended the meetings. Mr. Vardiman said that they developed a committee to serve as a voice on the Project Advisory Committee regarding the Master Plan and he believed it was working.

Mayor Wilson asked if there was any feedback of the 14 people attending the public meeting. Mr. Vardiman said that it was 14 plus staff. Mayor Wilson said that from the standpoint of the importance of the airport, he would have expected more participation.

Mr. Norwood said that this project is recommending adding a little over 3,000 feet to the runway, but when they did the last study it said they only needed to add 1,900 feet to get regional jets. Mr. Vardiman said that he is not aware of the previous numbers, but they were based off of the 1997 Airport Master Plan, using 737's as the critical aircraft. The consultant along with aircraft staff, do not feel that the 737 is going to be the critical aircraft.

III. CONSENT AGENDA

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

Mayor Wilson noted that Councilman Luzius wished to pull Item III-E from the Consent Agenda.

COUNCILWOMAN SUTTLES MOVED TO APPROVE THE CONSENT AGENDA ITEMS III-A THROUGH III-F, EXCLUDING III-E; SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY.

- A. Award the purchase of the required radio equipment through WSCA purchasing contract to Daniels Electronics for \$100,057.54, plus tax, for the Public Safety Communications project.
- B. Award the purchase of the required microwave equipment through AZ contract #ADO10220 to Harris Stratex Networks, in the amount of \$109,196.00, plus tax and shipping, for the Public Safety Communications project.
- C. Award the purchase of the required radio equipment to Simulcast Solutions for \$45,775.00, plus tax and shipping, for the Public Safety Communications project.
- D. Award the purchase of required electrical power modules and function manager to Tessco Technologies using GSA pricing for \$37,106.10, plus tax and shipping, for the Public Safety Communications project.
- F. Approve the Minutes of the Prescott City Council Study Session of January 20, 2009 and the Regular Voting Meeting of January 27, 2009.

IV. REGULAR AGENDA

- E. Award a contract with Polydyne Inc. for the purchase of dry powder organic polymer for the Wastewater Treatment Plant at the unit price of \$1.73 per pound.

Councilman Luzius said that during the study session last week he indicated concern with using organic polymer as a drying agent, understanding that it comes out as effluent in the end and is recharged into the aquifer. He said that he has a major concern about recharging plastics or fluids containing plastic. He said that because of that he would be voting against this award.

Mr. Nietupski said that the polymer, in its application, by and large consolidates the suspended solids, and a great deal of that is removed

from the mixture; it becomes a large part of the mixture that is removed. It is not left in the water; some goes out in sludge. Councilman Luzius said that is the portion he has a problem with.

Mayor Wilson asked if it meets all of the Federal standards. Mr. Nietupski said that the solids, biosolids and effluent are all tested and they all comply. They have not exceeded their limits for process.

COUNCILMAN LAMERSON MOVED TO AWARD A CONTRACT WITH POLYDYNE INC. FOR THE PURCHASE OF DRY POWDER ORGANIC POLYMER FOR THE WASTEWATER TREATMENT PLANT AT THE UNIT PRICE OF \$1.73 PER POUND; SECONDED BY MAYOR WILSON; PASSED 5-1 WITH COUNCILMAN LUZIUS CASTING THE DISSENTING VOTE.

- A. Public Hearing and consideration of a liquor license application from Andrea Dahlman Lewkowitz, Applicant for N and D Restaurants, Inc., for a Series 12, Restaurant, License for the Olive Garden Italian Restaurant, Inc. located at 3060 Highway 69.

Ms. Burke said that this was scheduled for a public hearing and consideration of a liquor license for Olive Garden Italian Restaurant, due to a change in ownership. The property had been posted and no public comments had been received. She indicated that Ms. Lewkowitz had come up from Phoenix for the meeting and was present for any questions that may arise.

Ms. Lewkowitz, 3101 N. Central Avenue, Suite 200, Phoenix, Arizona, introduced herself. There being no public comment, **COUNCILWOMAN SUTTLES MOVED TO CLOSE THE PUBLIC HEARING; SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY.**

COUNCILWOMAN LOPAS MOVED TO APPROVE A LIQUOR LICENSE APPLICATION FROM ANDREA DAHLMAN LEWKOWITZ, APPLICANT FOR N AND D RESTAURANTS, INC., FOR A SERIES 12, RESTAURANT, LICENSE FOR THE OLIVE GARDEN ITALIAN RESTAURANT, INC. LOCATED AT 3060 HIGHWAY 69; SECONDED BY COUNCILMAN ROECKER; PASSED UNANIMOUSLY.

- B. Approval of Amendment to Comprehensive Sign Plan for The Depot Market Place (Panda Express) located at the intersection of Sheldon and Montezuma Streets, CC08-001.

Councilman Luzius said that he had asked to pull this from the Consent Agenda because he wanted to check with the minority of the Planning and

Zoning Commission that voted against it. He said that their reasons were valid. Their main concern is that the City has a sign code and it should be followed. It is not that he does not want them there, but a block down the road when Summit Bank requested a variance, they were denied.

Councilman Roecker said that he agreed with Councilman Lamerson that they have far too many rules, but on this one he agrees with Councilman Luzius and will vote no on it.

Mr. Norwood clarified that they are not breaking the rules. Mr. Guice said that Section 6.12.6 does have provisions for comprehensive sign plans. Depot Marketplace was approved for their overall signage. The request today is a minor amendment to that sign plan. He added that a representative from Panda Express was at the meeting if there should be any questions.

Councilman Lamerson said that he does not believe there is any apparent public health or safety concerns with approving the amendment. Mayor Wilson said that he attended the Planning and Zoning Commission meeting and he believes the structure is unique. He does not see a problem with doing it. The charge of the City Council is to rule on these types of issues.

COUNCILWOMAN SUTTLES MOVED TO APPROVE AN AMENDMENT TO THE COMPREHENSIVE SIGN PLAN FOR THE DEPOT MARKET PLACE (PANDA EXPRESS) LOCATED AT THE INTERSECTION OF SHELDON AND MONTEZUMA STREETS, CC08-001; SECONDED BY COUNCILMAN LAMERSON; PASSED 4-2 WITH COUNCILMEN LUZIUS AND ROECKER CASTING THE DISSENTING VOTES.

- C. Approve the authorization to enter into a grant agreement with the Federal Aviation Administration for the design of a new Airport Rescue Fire Fighting (ARFF) Facility in the amount of \$105,263.15 (\$5,263.15 City) and further authorizing the Mayor and City staff to execute any and all related documents.

Mr. Willis said that he would like to clarify that the item is acceptance of a grant, not the award of a contract. One of the reasons they would like to act on this item today is that the grant must be accepted by February 20. If it is not approved today they will not have another opportunity. He said that this was submitted as part of the stimulus package that may or may not be coming.

He said that one of the questions that came up was why they needed it. Mr. Willis said that the current station is not in a centralized response area. Moving the station will allow them to provide a more centralized area

for the more commercialized areas. He said that it will be moving a little more away from the residential areas, but ISO rating is based on commercial. He said that the fire station is 36 years old and the bays were designed for much smaller vehicles than they now have. He said that this will provide better access points than the current location.

Mr. Willis said that they also gave them some background on the bid process. He said that it was an engineering contract that the locals had an opportunity to submit for, in fact, Bill Otwell did work with the design engineering firms. He said that while they did not get to every architect firm, there were local firms like Geotech and Otwell that did propose.

Councilman Bell said that he was the one that asked this to be pulled. He said that since the last meeting he has reviewed the advertisement that went out, and it did not mention architecture, only engineering, and that is the reason why they did not get local response. He said that as long as he is assured by staff that the Council will have the opportunity to select the design firm, he would support this item. Considering the economy, he wants the local people to have an opportunity to bid on projects such as this.

Mr. Willis said that they can bid that service separately, but they select architects based on the state statutes. It has to be to the most qualified so they could put this out and although there are hungry architects in town, if they have a firm like LEA, that has experience with this type of facility, it still may not be awarded to a local firm. Councilman Bell said that he wants them to have an opportunity to bid it.

Mr. Willis apologized for the omission. He said that it was a total package of eight different projects; most were engineering, one was an architect. They will bid that item separately.

Mayor Wilson supported everything Councilman Bell said. He understands the difficulty they are in. They would like all the locals to be fully employed. He said that he believes in continuous process improvement, so he suggested they get together an e-mail list of everyone interested; if they choose to participate, that is their choice.

Councilman Lamerson asked if there was a potential of saving the City money if they rebid. Mr. Willis said they have no way of knowing; they cannot discuss price with the architect before they are chosen.

Councilman Lamerson asked if it would create a legal problem if they pull the one item out of the bid. Mr. Norwood said that today all they are doing is approving the grant.

COUNCILMAN BELL MOVED TO APPROVE THE AUTHORIZATION TO ENTER INTO A GRANT AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION FOR THE DESIGN OF A NEW AIRPORT RESCUE FIRE FIGHTING (ARFF) FACILITY IN THE AMOUNT OF \$100,000.00, OF WHICH \$5,263.15 IS CITY MATCH, AND FURTHER AUTHORIZING THE MAYOR AND CITY STAFF TO EXECUTE ANY AND ALL RELATED DOCUMENTS; SECONDED BY COUNCILMAN LUZIUS; PASSED UNANIMOUSLY.

- D. Approve Amendment One to Contract #08-233 with Ninyo and Moore for quality assurance testing for various Public Works Projects in the amount of \$30,000.00.

Councilwoman Suttles said that she had asked to pull this item because to her it is a contract change. Mr. Nietupski noted that they are soliciting Statements of Qualifications for a new contract to provide QA testing in the coming year.

COUNCILMAN LUZIUS MOVED TO APPROVE AMENDMENT ONE TO CONTRACT #08-233 WITH NINYO AND MOORE FOR QUALITY ASSURANCE TESTING FOR VARIOUS PUBLIC WORKS PROJECTS IN THE AMOUNT OF \$30,000.00; SECONDED BY COUNCILMAN LAMERSON; PASSED 5-1 WITH COUNCILWOMAN SUTTLES CASTING THE DISSENTING VOTE.

- E. Approval of a professional services agreement with Post, Buckley, Schuh, and Jernigan, Inc., for engineering and design of the Upper Thumb Butte Water Tank, Booster Station, Water Main; and analysis and siting of the Lower Thumb Butte Water Storage Tank, in the amount of \$555,419.00.

Mr. Nietupski briefly reviewed this project. He said that they went through the Statement of Qualifications process and this was one of twelve projects. They received 71 proposals from 17 different firms. Each had an opportunity to identify which project(s) they wanted to submit for.

Councilman Bell said that he asked to pull this item, just because the amount was over \$500,000, and that was just for phase one. Mr. Nietupski explained that project includes a phase one and phase two. In phase one they will do the hard design for a transmission main, pump station upgrade, and determine a suitable location for the lower tank, including public outreach. Phase 2 will provide for final design of the new tank and transmission main with its service.

Councilman Bell said that Councilwoman Lopas had mentioned to him that her mother lives in that area and it is not unusual for them to not have

water. He asked when they will be able to proceed with actual construction. Mr. Norwood said that it would be soon after design as they are budgeted projects, both engineering and construction.

Mr. Norwood said that he understands these are large amounts, but they are major system improvements, major facilities, and they are going to be expensive.

Councilman Lamerson said that he also has questions about spending money on things, but he also understands the consequences of living in an area with low water flow. He asked what the potential consequences were if they did not proceed this year. Mr. Nietupski said that it could mean system failure in the zones serviced. Councilman Lamerson said that sometimes there are things they need to do that may not be very tasty, but they need to be done.

Councilman Luzius said that it is absolutely necessary for upgrading service for the citizens and upgrading fire flow. He said that area is substandard as far as delivery and capability, and he supports the project.

COUNCILMAN LUZIUS MOVED TO APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH POST, BUCKLEY, SCHUH, AND JERNIGAN, INC., FOR ENGINEERING AND DESIGN OF THE UPPER THUMB BUTTE WATER TANK, BOOSTER STATION, WATER MAIN; AND ANALYSIS AND SITING OF THE LOWER THUMB BUTTE WATER STORAGE TANK, IN THE AMOUNT OF \$555,419.00; SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY.

F. Recess into Executive Session.

COUNCILMAN BELL MOVED TO RECESS INTO EXECUTIVE SESSION; SECONDED BY COUNCILMAN ROECKER; PASSED UNANIMOUSLY.

The Prescott City Council recessed at 4:05 p.m.

V. EXECUTIVE SESSION

A. Discussion or consultation for legal advice with the attorney or attorneys of the public body, pursuant to A.R.S. 38-431.03(A)(3).

1. New Granite Dells Parkway (Side Road) Traffic Interchange project.

VI. ADJOURNMENT

The Prescott City Council reconvened into Open Session at 4:35 p.m. at which time the Regular Voting Meeting of February 10, 2009, was adjourned.

JACK D. WILSON, Mayor

ATTEST:

ELIZABETH A. BURKE, City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Voting Meeting of the City Council of the City of Prescott, Arizona held on the 10th day of February, 2009. I further certify the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____, 2009.

AFFIX
CITY SEAL

ELIZABETH A. BURKE, City Clerk