



PRESCOTT CITY COUNCIL JOINT REGULAR VOTING/ SPECIAL MEETING AGENDA

*A M E N D E D
ACTION TAKEN

**PRESCOTT CITY COUNCIL
JOINT REGULAR VOTING/SPECIAL MEETING
TUESDAY, JULY 28, 2009
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 Joint Regular Voting/Special 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:** Lee Wiggins, The Heights Church
- ◆ **PLEDGE OF ALLEGIANCE:** Councilman Roecker
- ◆ **ROLL CALL:**

MAYOR AND CITY COUNCIL:

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

*participating telephonically

◆ **SUMMARY OF CURRENT OR RECENT EVENTS**

I. PUBLIC COMMENT

- A. Frank Creelman re issues related to the Fourth of July Parade.
- B. Richard Mansbach re *Boys to Men Mentoring Network*, Prescott Area Center.

II. PRESENTATIONS

- A. Presentation of G.E.M. (**G**oing the **E**xtra **M**ile) Award.
- B. Introduction of new businesses.

III. **CONSENT AGENDA**

CONSENT ITEMS A THROUGH H 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-H – passed unanimously.*

- A. Approve purchase of six 2010 Ford Crown Victoria Police Interceptor (CVPI) vehicles from Five Star Ford in the amount of \$155,875.32.
- B. Adopt Resolution No. 3981-1008 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona authorizing the application and acceptance of a Water Infrastructure Finance Authority of Arizona Project Technical Assistance Grant in the amount of \$34,500.00, and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.
- C. Adopt Resolution No. 3982-1009 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the City of Prescott Public Library to enter into a Participating Library Agreement with the Camp Verde Unified School District and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.
- D. Adopt Resolution No. 3980-1007 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the City of Prescott Fire Department to enter into a Base Hospital Agreement with the Yavapai Regional Medical Center for medical control, direction and administrative oversight of all providers relating to paramedic level care (advanced life support) and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.
- E. Approve renewal of Turf Paradise Off-track Pari-mutuel Wagering Permit for Matt's Saloon, located at 112 S. Montezuma Street.
- F. Authorize a Thru-the-Fence Access Permit for Yavapai College at Ernest A. Love Field, in the amount of \$900.00 per year, subject to annual increases.
- G. Water Infrastructure Finance Authority of Arizona (WIFA) Funding:
 - 1. Adopt Ordinance No. 4709-1004 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, approving loan funds from the Water Infrastructure Finance Authority of Arizona (WIFA) for the Airport

Water Mains Project, through the Drinking Water Program with ARRA Funding #92A154-10, authorizing the Mayor and staff to sign any and all WIFA funding documents pertinent to said project, and declaring an emergency. (\$3,591,880 with \$2,155,128 forgivable principal)

2. Adopt Ordinance No. 4711-1006 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, approving loan funds from the Water Infrastructure Finance Authority of Arizona (WIFA) for the Wastewater Improvements Project, through the Clean Water (Wastewater) Program #910122-10, authorizing the Mayor and staff to sign any and all WIFA funding documents pertinent to said project and declaring an emergency. (\$6,573,506)
- H. Approve minutes of the Prescott City Council Joint Voting/Special Meeting of June 23, 2009, the Study Session of July 7, 2009, the Regular Voting Meeting of July 14, 2009 and the Study Session of July 21, 2009.

IV. REGULAR AGENDA

- A. Public Hearing and consideration of a liquor license application for a Series 12, Restaurant, license for Taj Mahal located at 124 North Montezuma.

ACTION: (1) *MOVED to close the public hearing – passed unanimously;* and (2) *MOVED to approve/deny a liquor license application for a Series 12, Restaurant, license for Taj Mahal located at 124 North Montezuma – passed unanimously.*

- B. Appointment of member to the Prescott Preservation Commission.

ACTION: *MOVED to appoint Steven C. Adams to the Prescott Preservation Commission, term to expire July 2012 – passed unanimously.*

- C. Appointment of member to the Prescott: Arizona's Centennial City Committee.

ACTION: *MOVED to accept the Council Appointment Committee's recommendation to appoint Karen Churchill to the Prescott: Arizona's Centennial City Committee – passed unanimously.*

- D. Award of \$85,299.51 to Fann Contracting, Inc. for the purchase of one new Mac transfer trailer per Fann Contracting specifications, for replacement of trailer destroyed in fire of June 23, 2009. (Pulled from the Consent Agenda due to a potential conflict of interest declared by Councilman Bell)

ACTION: *MOVED to award \$85,299.51 to Fann Contracting, Inc. for the purchase of one new Mac transfer trailer per Fann Contracting*

specifications, for replacement of trailer destroyed in fire of June 23, 2009 – passed 6-0 with Councilman Bell abstaining.

- E. Adoption of Resolution No. 3979-1006 – 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 (“IGA”) with Chino Valley Fire District and Central Yavapai Fire District for the utilization of each party’s emergency dispatch resource procedures and policies in an automatic-aid capacity for the tri-city area and authority the Mayor and staff to take any and all steps necessary to accomplish the above. (Pulled from the Consent Agenda by Councilman Luzius)

ACTION: *MOVED to adopt Resolution No. 3979-1006 – passed unanimously.*

- F. Award of a three-party Construction Manager at Risk construction phase services contract with the City of Prescott, Haley Construction and the Elks Opera House Foundation for Historic Restorations and Renovations to the Elks Opera House in the amount of \$1,151,323.00. (Pulled from the Consent Agenda by Councilwoman Suttles)

ACTION: *MOVED to award a three-party Construction Manager at Risk construction phase services contract with the City of Prescott, Haley Construction and the Elks Opera House Foundation for Historic Restorations and Renovations to the Elks Opera House in the amount of \$1,151,323.00 – passed 6-1 with Councilman Lamerson casting the dissenting vote.*

- G. Authorization to purchase new radio-read water meters from Mountain States Pipe and Supply Company, in an amount not to exceed \$1,186,112.43. (Pulled from the Consent Agenda by Councilwoman Suttles)

ACTION: *MOVED to authorize purchase of new radio-read water meters from Mountain States Pipe and Supply Company, in an amount not to exceed \$1,186,112.43 – passed unanimously.*

- H. Adoption of Resolution No. 3983-1010 - A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the City of Prescott to submit an application to apply for a Transportation Enhancement Program Sponsorship to the Federal Highway Administration through submittal to the Arizona Department of Transportation (ADOT) on behalf of Prescott Alternative Transportation for a proposed Gurley Street Roadway Project and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above. (Pulled from the Consent Agenda by Councilman Luzius)

ACTION: *MOVE to table this item to the August 4, 2009 meeting – passed 6-1 with Councilman Lamerson casting the dissenting vote.*

- I. Award of bid and contract to Fann Contracting, Inc. for the Zone 39 Phase II and III Project in an amount not to exceed \$2,959,209.00. (Pulled from the Consent Agenda due to a potential conflict of interest declared by Councilman Bell and amount of project)

ACTION: *MOVED to award the bid and contract to Fann Contracting, Inc. for the Zone 39 Phase II and III Project in an amount not to exceed \$2,959,209.00 – passed 4-2 with Councilwoman Suttles and Councilman Luzius casting the dissenting votes and Councilman Bell abstaining.*

- J. Adoption of Ordinance No. 4710-1005 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, approving loan funds from the Water Infrastructure Finance Authority of Arizona (WIFA) for the Zone 39 Water Improvements Project, through the Drinking Water Program with ARRA Funding #92A166-09, and authorizing the Mayor and staff to sign any and all WIFA funding documents pertinent to said project and declaring an emergency. (\$8,998,096 with \$4,000,000 forgivable principal) (Pulled from the Consent Agenda due to a potential conflict of interest declared by Councilman Bell)

ACTION: *MOVED to adopt Ordinance No. 4710-1005 – passed unanimously – passed 6-0 with Councilman Bell abstaining.*

- K. Approval of Change Order No. 1 in the amount of \$50,000.00 with Jones, Skelton and Hochuli for outside counsel in Asphalt Paving and Supply v. Granite Dells Estates Properties, Inc. (Pulled from the Consent Agenda due to a potential conflict of interest declared by Councilman Bell)

ACTION: *MOVED to approve Change Order No. 1 in the amount of \$50,000.00 with Jones, Skelton and Hochuli for outside counsel in Asphalt Paving and Supply v. Granite Dells Estates Properties, Inc. – passed 4-2 with Councilwoman Suttles and Councilman Luzius casting the dissenting votes and Councilman Bell abstaining.*

- L. Granite Dells Ranch Holdings (Cavan):

1. Adoption of Resolution No. 3969-1014 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the City of Prescott to enter into a Development Agreement with Granite Dells Ranch Holdings, and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.

ACTION: *MOVED to adopt Resolution No. 3969-1014 – passed unanimously.*

2. Adoption of Ordinance No. 4704-1008 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, extending and

increasing the corporate limits of the City of Prescott by annexing property generally located in the proximity of the Side Road/Hwy 89A Interchange.

ACTION: *MOVED to adopt Ordinance No. 4704-1008 – passed unanimously.*

3. Adoption of Resolution No. 3970-1015 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, amending the General Plan Land Use Map to that certain property located in proximity of the Side Road/Highway 89A Interchange and east of the Peavine Trail described as parcel numbers: 103-01-030A, 103-01-031A, 102-06-001 and 102-06-002E and totaling ±165 acres and adjusting the existing configuration of the Open Space, Very-Low Density Residential, Commercial and Commercial/Employment designations to allow for an overall increase in Commercial Land Use (Open Space to Commercial/Employment, Commercial to Open Space, Very-Low Density Residential to Commercial and Commercial/Employment to Commercial).

ACTION: *MOVED to adopt Resolution No. 3970-1015 – passed unanimously.*

4. Adoption of Resolution No. 3971-1016 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, amending the Airport specific Area Plan (“ASAP”) Map to that certain property located in proximity of the Side Road / Highway 89A Interchange and east of the Peavine Trail described as parcel numbers: 103-01-030A, 103-01-031A, 102-06-001 and 102-06-002E and totaling ±165 acres by amending the ASAP Map to change the Open Space to Mixed Commercial Employment, Low Density Residential to Commercial, Mixed Commercial Employment to Commercial, and Commercial to Open Space designations located within the north project area.

ACTION: *MOVED to adopt Resolution No. 3971-1016 – passed unanimously.*

5. Approval of the Master Development Plan.

ACTION: *MOVED to approve the Master Development Plan, 06/03/09 Revision – passed unanimously.*

V.* Adjournment RECESS REGULAR VOTING MEETING

SPECIAL MEETING

1. Call to Order.

2. Granite Dells Ranch Holdings (Cavan):

A. Public Hearing.

ACTION: *MOVED to close the public hearing – passed unanimously.*

B. Adoption of Ordinance No. 4705-1009 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, amending the Zoning Map pertaining to that certain property located in the proximity of the Side Road/Highway 89A Interchange and East of the Peavine Trail.

ACTION: *MOVED to adopt Ordinance No. 4705-1009 – passed unanimously.*

C.* Adjournment of Special Meeting

VI.* RECONVENE REGULAR VOTING MEETING

A. Discussion and direction to Information Technology Department re Employee “Speak Up” function on internal web site.

3B.* Recess into Executive Session.

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

4VII.* EXECUTIVE SESSION

A. Discussion or consultation for legal advice with the attorney or attorneys of the public body, pursuant to ARS §38-431.03(A)(3), 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 ARS §38-431.03(A)(4).

1. Bennett v. City of Prescott
2. City of Prescott v. Mayer Fire District
3. Black Canyon Fire District v. City of Prescott

5VIII.* Adjournment