



**PRESCOTT CITY COUNCIL
REGULAR VOTING MEETING
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ACTION TAKEN**

**PRESCOTT CITY COUNCIL
REGULAR VOTING MEETING
TUESDAY, OCTOBER 13, 2009
3:00 P.M.**

**Council Chambers
201 South Cortez Street
Prescott, Arizona 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:**

◆ **PLEDGE OF ALLEGIANCE:** Councilman Bell

◆ **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 COMMENTS

- A. Frank Creelman re presentation of petitions to Council (1) to investigate SWAT incident; (2) address Sharlot Hall Museum concerns; and (3) address re City workers not following OSHA safety guidelines.

- B. Larry Bryant, Construction Manager for Spire Engineering, re Demerse Avenue project.

II. PROCLAMATION

- A. October 17, 2009 as *American Diabetes Association's Step Out: Walk to Fight Diabetes Day in Prescott.*

III. CONSENT AGENDA

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

- A. Approve expenditure for purchase and installation of an Automated License Plate Reader and associated analysis software from PIPS Technology, Inc, for a total price of \$20,425.00.
- B. Approve expenditure of \$68,524.85 to Arizona Emergency Products, for emergency vehicle equipment builds relating to the recently-purchased police vehicles.
- C. Adopt Resolution No. 3991-1021 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona approving the First Amendment to the Intergovernmental Agreement Dated May 1, 2003, which established the Central Yavapai Metropolitan Planning Organization (CYMPO), providing for addition of the Town of Dewey-Humboldt as a participating agency and amendment of the Planning Area Boundary to include Dewey-Humboldt.
- D. Approve Water Service Agreement with Highgate Prescott, LLP located on Blooming Hills Drive for an allocation of 10.8 acre-feet annually.
- E. Approve Special Use Permit for modifications to an existing telecommunications site located at 218 East Willis Street, Zoning is Business Regional (BR), Property owner: Roger Brown; Applicant: Brandon Brown, reliant Land Services for Verizon Wireless. APN: 113-16-032.
- F. Approve Second Time Extension for the Cloudstone Revised Preliminary Plat Unit II-A Planned Area Development for 78 condominium units on

±5.5 acres located at the southwest corner of Rosser Street and Blooming Hills Drive. (SP04-002).

- G. Award bid and contract to CLM Earthmovers, Inc. for the Yavapai College/ Sheldon Street Right-of-way Landscape Project in an amount not to exceed \$53,081.00.
- H. Approve Authorization for Services #5 with Z&H Engineering in the amount of \$24,140.00 for conducting an update of the Signage, Marking, and Lighting Plan at Ernest A. Love Field.
- I. Approve payment to Arizona Public Service Company (APS) for installation of a power pole on Indian Hill in an amount not to exceed \$24,162.00.
- J. Adopt Ordinance No. 4719-1016 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the purchase of real property belonging to the Rogers-Chemas Trust for Bradshaw Drive right-of-way.
- K. Adopt Resolution No. 3992-1022 – 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 the State of Arizona Department of Transportation (ADOT) to provide for the Granite Dells Parkway SR 89A Traffic Interchange Project, accepting \$1,000,000 from ADOT for project administration during construction and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.
- L. Approve Settlement in Bennett v. City of Prescott in the amount of \$50,000.00.
- M. Approve minutes of the Prescott City Council Regular Voting Meeting of September 22, 2009 and the Joint Study Session/Special Meeting of October 6, 2009.

IV. REGULAR AGENDA

- A. Public Hearing and consideration of a liquor license application submitted by Mary Elizabeth Whipple, applicant for Firehouse Kitchen for a new Series 12, Restaurant, license for Firehouse Kitchen located at 220 Goodwin, Suite 101.

ACTION: (1) *MOVED to close the public hearing – passed unanimously;* and (2) *MOVED to approve the liquor*

license application submitted by Mary Elizabeth Whipple, applicant for Firehouse Kitchen for a new Series 12, Restaurant, license for Firehouse Kitchen located at 220 Goodwin, Suite 101 – passed unanimously.

- B. Approval of Supplemental Agreement No. 4 to Contract No. 07-115 with Parsons Transportation Group, for engineering post design services for the SR89A - Granite Dells Parkway Project in an amount not to exceed \$315,612.00.

ACTION: *MOVED to approve Supplemental Agreement No. 4 to Contract No. 07-115 with Parsons Transportation Group, for engineering post design services for the SR89A - Granite Dells Parkway Project in an amount not to exceed \$315,612.00 – passed 6-1 with Councilman Suttles casting the dissenting vote.*

- C. Appointment of Councilwoman Lora Lopas as the Council's voting representative member to the *Prescott: The Arizona Centennial City Committee*.

ACTION: *MOVED to appoint Councilwoman Lora Lopas as the Council's voting representative member to the Prescott: The Arizona Centennial City Committee - passed unanimously.*

- D.* Adoption of Resolution No. 3993-1023 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the City of Prescott to enter into a Grant-in-Aid Financial Agreement on behalf of the Arizona Wildfire and Incident Management Academy with the Tohono O'Odham Nation, acceptance of a \$75,000 grant from it for general operation expenses for the Arizona Wildfire Academy at ERAU and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.

ACTION: *MOVED to adopt Resolution No. 3933-1023 – passed unanimously.*

- DE.* Recess into Executive Session.

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

EF.* EXECUTIVE SESSION

1.* 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).

4a. Legal claim pertaining to The Crossings at Willow Creek.

2.* **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 Section 38-431.03(A)(4).**

a.* **Asphalt Paving & Supply, Inc. v. Granite Dells Estates Properties, Inc., Granite Dells Estates Properties II, Inc.; City of Prescott.**

V.* POST EXECUTIVE SESSION

A. **Consideration of Settlement Agreement in Asphalt Paving & Supply, Inc. v. Granite Dells Estates Properties, Inc., Granite Dells Estates Properties II, Inc.; City of Prescott.**

ACTION: *MOVED to authorize the Mayor and City Attorney, on behalf of the City of Prescott, to enter into a Settlement Agreement with Plaintiffs and Co-defendants/Cross-Claimants and to sign such legal documents as may be necessary to effectuate settlement – passed unanimously.*

∇VI.* ADJOURNMENT