

PRESCOTT CITY COUCIL
STUDY SESSION
TUESDAY, JANUARY 19, 2010
PRESCOTT, ARIZONA

MINUTES OF THE STUDY SESSION MEETING OF THE PRESCOTT CITY COUNCIL
held on JANUARY 19, 2010, in the COUNCIL CHAMBERS located at CITY HALL, 201
SOUTH CORTEZ STREET, Prescott, Arizona.

◆ **CALL TO ORDER**

Mayor Kuykendall called the meeting to order at 3:00 p.m.

◆ **INTRODUCTIONS**

◆ **INVOCATION**

Councilman Hanna gave the invocation.

◆ **PLEDGE OF ALLEGIANCE:** Councilman Hanna

Councilman Hanna led the Council and audience in the pledge of Allegiance.

◆ **ROLL CALL:**

PRESENT:

Mayor Kuykendall
Councilman Blair
Councilman Hanna
Councilman Lamerson
Councilwoman Linn
Councilwoman Lopas
Councilwoman Suttles

ABSENT:

None

◆ **SUMMARY OF CURRENT OR RECENT EVENTS**

City Manager Steve Norwood noted that there had been 11,500 enplanements through the past month and there had been some tweaking of the schedules with both airlines. Great Lakes hopes to bring in an additional flight to Denver with a larger plane for nonstop in the spring.

I. PRESENTATION

- A. Recognition of Police Lt. Andy Reinhardt's graduation from the FBI National Academy.

Chief Kabbel invited Andy Reinhardt up and, on behalf of the City of Prescott and Prescott Police Department, recognized and congratulated him for attending the FBI Academy.

II. DISCUSSION ITEMS

- A. Adoption of Resolution No. 4000-1030 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona accepting grant funding from the Governor's Office of Highway Safety in the amount of \$60,000.00 for continued operation of the Tri-City DUI Task Force through September 2010.

Chief Kabbel briefly reviewed the item, noting that the funds come from the Governor's Office of Highway Safety from fees, fines, surcharges, etc. and there were no matching funds required.

- B. Approval of recommended expenditures of the Acker Trust Board for Fiscal Year 2010 totaling \$8,000.00.

Ms. Horton explained that the Acker Trust Board distributes funds from the interest earned on the Acker Trust Fund. This year they elected to fund five applicants. She said that this funded the arts but came out of a private fund; it was not coming out of the taxpayer's pockets. She said that last year and this year they elected to only use the interest earned, and that is probably all they will do in the upcoming year as well.

- C. Acceptance of the 2009 grant award from Arizona Department of Homeland Security in the amount of \$35,900.00 for rescue and safety equipment for the Regional Response Team.

Fire Chief Bruce Martinez reviewed the grant, noting that it was a 100% grant requiring no matching funds from the City.

- D. Award of a contract to C&S Engineers in the amount of \$84,295.00 for conducting an FAA Wildlife Hazard Assessment at Ernest A. Love Field (City Share is \$4,214.75).

Airport Manager Ben Vardiman reviewed the contract. Mr. Norwood noted that the City's share would come from the General Fund.

Mr. Vardiman said that the purpose of this project was to determine the potential risks that wildlife present to aircraft; it does not look at closing facilities or restricting them. It will go through and evaluate the risks, if any, in the vicinity of the airport and what mitigation techniques are viable options to reduce their liability and provide a safer flying area for the public out there.

Mr. Vardiman said that the Airport went through and followed the circular in selecting the consultant, which says that they must select based on qualifications and then enter into negotiations for price. Airport staff looked at other assessments done across the state and nation and tried to come up with a reasonable expectation. They sought the grant and believed they could negotiate a lower fee or within the margin. They conducted an independent fee estimate. He said that the FAA has a requirement that their price be within 10% of the independent fee estimate and they were within that range. They submitted the contract to FAA and they issued a letter of concurrence.

Mr. Vardiman said that C&S Engineers does have a sub-consultant on board out of Flagstaff that will be doing the majority of field work. They formed a team so the company from Flagstaff will be doing most of the travel. They're also the same sub-consultant doing the environmental assessment for land acquisition.

Mr. Vardiman asked what would happen if they did not do this. He replied that the worst case scenario is potential loss of federal funding through airport operations, fines and letters of investigations being opened by the FAA, as well as a legal mess.

Discussion was held on the flaws of the selection process. Mr. Vardiman said that once the study is done it would get approved through the Council and go to the FAA for their review and determination as to whether Prescott required a wildlife hazard management plan.

It was noted that bird strikes are often indicated on the maps used by pilots, putting them on another level of awareness.

- E. Adoption of Ordinance No. 4730-1027 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the sale of miscellaneous surplus property and authorizing the Administrative Services Director to execute any and all documents to effectuate said sales.

Mr. Fenech reviewed the item stating that the City usually does this once or twice a year.

Charlie Potts was asked why some of the vehicles (motorcycles) being sold had less than 20,000 miles on them. Mr. Potts replied that the air cooled engines do not last near as long as the water-cooled. He said that the cost to refurbish the engines exceeded the value of the vehicle.

Mr. Fenech was asked if there were any local companies that did such auctions. He said that he was not aware of any. He added that Ron Bates is recognized as the best auction house in the southwest. Last time they brought in \$139,000. He noted that the FFC (Fleet Focus Group) indicated on the list consisted of representatives from each department that had input on the vehicles to be eliminated.

Discussion was held on the ability to advertise locally so that residents are aware of the auction taking place. Mr. Fenech said that they could advertise the on-line auction for the locals' benefit.

Mr. Fenech said that the funds received go back into the Fleet Fund to purchase new vehicles. He explained that each department pays into the fund an amount calculated on the replacement cost less salvage.

- F. Approval of a Professional Services Agreement with J2 Engineering and Environmental Design for engineering services to update the FEMA floodplain determination for Tributaries to Granite Creek in an amount not to exceed \$299,947.00.

Mr. Nietupski said that this and the next item were interrelated, and they are both funded from the Yavapai County Flood District monies. He said that it would be reimbursed by the District before July 1, 2010, and if for some reason that was not going to occur they would amend the IGA and allow for a carryover of the revenues to provide for it.

In response to a question, Mr. Nietupski said that the holding capacity of the lakes is not directly related to the floodplain management. In the occurrence of a flood, it would be more relative to the rainfall and intensity of it.

Mr. Nietupski was asked what would happen if they chose to not do these projects at all. He replied that the Flood Control District is funded through a direct revenue collected from property taxes and is set aside for this purpose. He said that he could not say whether the County could raid the fund, but historically they have been responsible in maintaining and meeting their obligations under the IGA.

He said that if they do not do these projects they would be working with bad data and there are risks with working with outdated information. It was noted that having up-to-date information is very beneficial.

Discussion was held on the selection process. Mr. Nietupski explained that the selection process is qualification-based with the ranking of firms participating and a percentage assigned to local participation. He said that in this case, two local firms were participating about 40%. He said that they do try and encourage local participation when they can, but the nature of this project does require particular expertise.

- G. Approval of a Professional Services Agreement with JE Fuller/Hydrology & Geomorphology, Inc., for engineering services to update the FEMA floodplain determination of Willow Creek Levee in an amount not to exceed \$159,195.00.

Mr. Nietupski said that this project paralleled the prior one. After Katrina there was a requirement by FEMA that all levees had to be recertified. The City initiated some work and found that the work needed to go further; they needed a full hydrology analysis because FEMA has determined, based on original documents submitted for the levee, that it was going to be in a failed condition. He said that this study will determine if FEMA's determinations were correct.

Discussion was held on the potential costs associated with having to rework some of the channel if that was required. Mr. Nietupski said that staff was in direct discussion for direct funding for work being done through the District. He added that the community outreach of both projects would be coordinated.

Mr. Norwood pointed out that in just this one agenda the City is receiving over \$600,000.00 from other agencies at no cost to the city.

- H. Approval of a Professional Services Agreement with Stantec Consulting, Inc., for Pavement Management Services in an amount not to exceed \$72,200.00.

Mr. Nietupski reviewed this item. Discussion was held on the need to have an outside organization do something that anyone could tell them. Mr. Nietupski explained that the City has over 500 lane miles of pavement. He said that anyone could go out and look at them, but this looks at the system in totality, with maintained database they work from. He said that any engineering firm could do this but a lot of the engineers do not have the software set up. Civiltec is working with Stantec on this project and staff believes it is an important tool for engineering to have.

Mr. Nietupski explained that each road would be rated. He said that at one of the next meetings he would go through what it actually does, but it helps get them categorized, maintained and improved. He said that City staff could do this work, but for the amount of time it would take, it would be an unreasonable and ineffective use of their time. He said that this resource management software is relied upon, and delivers to them data that is quantifiable, accurate and reliable to allow them to go forward.

- I. Adoption of Ordinance No. 4729-1026 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, accepting a public utility easement from Empire Southwest LLC., a Delaware limited liability company, in the vicinity of 3068 Centerpointe East Drive and authorizing the Mayor and City staff to take necessary steps to complete acceptance and dedication as a City of Prescott public utility easement.

Mr. Nietupski said that this was a public utility easement from Empire Southwest LLC for the Zone 12 project.

- J. Adoption of Resolution No. 4001-1031 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, repealing Resolution Number 3927-0933 and adopting new Rules of Procedure for the Prescott City Council.

Discussion was held on the opportunity this resolution would provide for Council to try going to two regular meetings a month, for a 90-day trial period. It was noted that it would save a great deal of staff time and would not take away the public's right to participate. It was requested that this item not be on the Consent Agenda next week to allow for any additional comments.

It was suggested that for those items that were hot topics that at least one of the public workshops be held during the evening to allow those working during the day to attend.

Milbeth Maurer, Prescott, said that she highly approve of the direction they were taking. Speaking for a typical resident who might be interested in commenting on measures before Council, she had wondered why they have conducted the meetings the way they did. It does not help the public in understanding when to show up; she was confused to know which sessions to show up to and she thought this was a step in the right direction.

Ed Parry, Prescott, said that he thought they should try it out and believe they have worked to hard assure the citizens that they would be heard.

Ed Burdick, Prescott, said that he thought that having meeting every other week was a very progressive thought pattern, and even more important was the decision to try it for three months. A look is worth a book. They should give it a chance and hear the results.

K. Approval of Notice of Intention to Increase Water and Wastewater Rates.

Mr. McConnell reviewed the item, noting that the next step in the process was to publish the Notice of Intention to Increase Water and Wastewater Rates. He then reviewed the proposed timetable.

Lengthy discussion was held on the need to slow down the process and allow for more public input. It was noted that they had not yet received an answer on the impact on this process by Proposition 401 and members were uncomfortable with moving forward without that information.

After further discussion, Mr. McConnell said that he was hearing that next week the Council may want to consider (1) an elongated schedule with public workshops and mailings; and (2) a question of whether the Council wants to separate water and wastewater.

Tom Atkins, Prescott, then gave a PowerPoint presentation that addressed:

- ▶ WHAT IS THE WATER-LIMITED HUMAN CARRYING CAPACITY
- ▶ THE CURRENT PROBLEM
- ▶ PAST, PRESENT AND FUTURE
- ▶ TOO MANY PEOPLE STILL USING TOO MUCH WATER
- ▶ STATE OF ARIZONA
- ▶ SUSTAINABLE – 35 GPD
- ▶ A VERY PROGRESSIVE WATER RATE
- ▶ GREATER THAN 35 GPD
- ▶ RATES ABOVE 35 GPD WOULD BE MUCH HIGHER
- ▶ RAIN CATCHMENT
- ▶ HOW POSSIBLE?

▶ CHARGE MORE FOR WATER

▶ CONTROLLING GROWTH RATE

Sandy Griffis, representing Yavapai County Contractors Association (YCCA), applauded each of the Council members for being proactive and responsive. She said that to move forward now would have been detrimental.

John Danforth, Prescott, said that at last week's meeting he suggested considering the option to exclude the BCWR from the water rate setting. He said that they need to either set them separately, wastewater and water, or set them together, excluding the BCWR. He asked if the rates included a depreciation component.

Mr. Woodfill said that they do not have depreciation; it was more of an accounting term. He said that the bigger issue was considering the replacement costs when they look at rates and by doing the rate studies with a ten-year capital plan, those figures were in there because they look at the assets that have to be in there in that ten-year period.

- L. Consideration to install a multi-way stop and/or marked crosswalk on Copper Basin Road at Highland Avenue, Park Avenue and Hassayampa Village Lane.

Mr. Nietupski said that this item had been requested to be brought back for discussion. He said that traffic volumes in the area were low with the speeds on Copper Basin being average. He said that the installation of stop control on Copper Basin would reduce the level of service to a degree.

A lengthy discussion was held on what may be needed in the area, and it was requested that this item not be on the Consent Agenda to allow for more public comment to be received next week from residents in the affected area.

- M. Approval of the Minutes of the Prescott City Council Workshop of December 2, 2009; the Workshop of December 30, 2009; the Study Session of January 5, 2010; the Workshop of January 6, 2010 and the Study Session of January 12, 2010.

- N. Selection of items for placement on the agenda of the Regular Voting Meeting of January 26, 2010.

Mayor Pro Tem Lamerson said that the items for the Consent Agenda would be A, B, C, D, E, F, G, H and I and the regular agenda would include items J, K, L and M.

III. ADJOURNMENT

There being no further business to be discussed, the Study Session of the Prescott City Council held January 19, 2010, adjourned at 5:58 p.m.

MARLIN D. KUYKENDALL, Mayor

ATTEST:

ELIZABETH A. BURKE, City Clerk