

PRESCOTT CITY COUNCIL  
SPECIAL MEETING  
THURSDAY, MAY 20, 2010  
PRESCOTT, ARIZONA

MINUTES of the Prescott City Council Workshop held on May 20, 2010 in the City Hall Council Chambers, 201 South Cortez, Prescott, Arizona.

1. CALL TO ORDER

Mayor Kuykendall called the meeting to order at 2:02 p.m.

2. ROLL CALL:

PRESENT:

ABSENT:

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

None

3. Award of bid and contract for the Williamson Valley Road, Lamb Lane to Southview Drive, Water Main Improvement Project to Fann Contracting, Inc. in an amount not to exceed \$238,484.65.

Public Works Director Mark Nietupski reviewed the item, noting that it was a project not originally budgeted for this year. He said that it is to award a contract for a water main relocation in the Williamson Valley Road area that is in conflict with the County right-of-way. He said that they recently became aware that the County was moving forward with their road project and due to the amount of excavation for the new roadway, the existing water main would end up being too shallow, and in some cases conflict with the subgrade of the County's new road.

He said that as a third-party utility company in the County right-of-way without prior rights, the City was obligated to relocate its facilities in the same manner as any other utility company. Utilizing some engineering from Kimley-Horn and Associates, City Engineering staff expedited a project design to address the conflict and produced plans and specifications for the bidding.

He said that the project was advertised on May 9 and May 15, and under the recommended City contract 980 LF of 12" water main and 760 LF of 8" water main would be installed along with valves for tie-in to the existing system. He said

that they received four bids on May 18, and Fann submitted the low bid. He said that due to the conflict with the County's project they set a calendar time of 21 days and further provided an opportunity/incentive of \$1,000 for early completion for a maximum of 10 days, and that bonus was built into the contract.

He said that the County has approved working the project seven days a week. It requires a minimum of 6 days at 10 hours a week, 6 AM to 8 PM. Although this was an unbudgeted project, the fund balance in the Water Fund does allow them to proceed.

Councilman Blair asked if they had determined how many utilities may be in conflict. Mr. Nietupski said that there was a blue stake performed in the design that the City provided for bidding. He said that information was evaluated and Engineering prepared the bids/specs based on the information they had. He said that a fair amount of effort has gone into ensuring there is a minimum chance of such a conflict.

Councilman Blair asked if there were any gas, electric or sewer lines. Mr. Nietupski said that there was no sewer and did not believe there was any natural gas. He said that the power lines were overhead on poles.

Councilman Blair said that it was a great bid but he hoped they did not come back asking for more money in the future.

Councilman Lamerson asked where they would be getting the funds if it had not been budgeted. Mr. Nietupski said that it was from the Water Fund. When they did the annual budget there were some projects that may not be completed or did not spend the budgeted amount so there is a fund balance that would allow this to go forward. Councilman Lamerson said that it appeared they were robbing one project to pay for another.

Councilwoman Suttles said that she heard Mr. Nietupski say that he did not think there were going to be any issues with they contract, even though it was quick to be bid. She hoped they were ready for it and that he would not be back with changes. Mr. Nietupski said he hoped that as well.

Councilman Hanna asked if they were able to get the low bid because they were already out there doing work. Mr. Nietupski said that they were the contractor already on the site, so that it made it advantageous to control the schedule for that work and work it around their contract work.

Councilman Hanna asked why it went to Lamb Lane. Mr. Nietupski said that there was a significant cut in Lamb Lane because of the widening and lowering of the road.

Mayor Kuykendall said that this was the City's water line. The other utility companies would be responsible for theirs. Mr. Nietupski clarified that the \$10,000 bonus was included in the price of the contract.

Bob Luzius, Prescott, said that as he remembered it, the reason this project was not budgeted was because the County said they would not be able to build for a few years. Now it looks like the County changed their mind and the City's taxpayers were being penalized. He said that if they have an IGA with the County then there should be more communication.

Mr. Luzius also questioned replacing the 12" and 8". He asked if they were enlarging the size. Mr. Nietupski said that the lines in conflict were 6" and 8"; they were installing upsized lines, to 8" and 12".

**COUNCILMAN HANNA MOVED TO AWARD THE BID AND CONTRACT FOR THE WILLIAMSON VALLEY ROAD, LAMB LANE TO SOUTHVIEW DRIVE, WATER MAIN IMPROVEMENT PROJECT, TO FANN CONTRACTING, INC. IN AN AMOUNT NOT TO EXCEED \$238,484.65; SECONDED BY MAYOR KUYKENDALL; PASSED UNANIMOUSLY.**

4. Recess into Executive Session.

**COUNCILMAN LAMERSON MOVED TO RECESS INTO EXECUTIVE SESSION; SECONDED BY COUNCILMAN HANNA; PASSED UNANIMOUSLY.**

The Prescott City Council recessed into Executive Session at 2:20 p.m.

5. EXECUTIVE SESSION:

- A. 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)

- i. Supplemental Agreement with Prescott Valley re Big Chino Water Ranch project.

6. ADJOURNMENT

The Prescott City Council reconvened into Open Session at 3:10 p.m. at which time the Special Meeting of May 20, 2010 adjourned.

---

MARLIN D. KUYKENDALL, Mayor

ATTEST:

---

ELIZABETH A. BURKE, City Clerk