



# PRESCOTT CITY COUNCIL REGULAR MEETING AGENDA \*A M E N D E D ACTION TAKEN

**PRESCOTT CITY COUNCIL  
REGULAR MEETING  
TUESDAY, MAY 10, 2011  
3:00 PM**

**Prescott Council Chambers  
201 South Cortez  
Prescott, Arizona  
(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:** Reverend Julia McKenna Johnson
- ◆ **PLEDGE OF ALLEGIANCE:** Councilman Blair
- ◆ **ROLL CALL:**

MAYOR AND CITY COUNCIL:

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

◆ **SUMMARY OF CURRENT OR RECENT EVENTS**

**I. PROCLAMATION**

- A. May 15-21, 2011 as *Emergency Medical Services Week*

**II. CONSENT AGENDA**

**CONSENT ITEMS A - B 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 Items II-A and II-B; passed unanimously.***

- A.    Adoption of Resolution No. 4075-1145 – Approval to submit a request for Grant-in-Aid between the Gila River Indian Community and the City of Prescott on behalf of the Arizona Wildfire and Incident Management Academy.
- B.    Approval of the minutes of the Prescott City Council Workshop of April 19, 2011; and the Regular Meeting of April 26, 2011.

### III.    **REGULAR AGENDA**

- A.    Approval of Water Service Agreement No. 2011-001 with Prescott College for 6.75 acre feet/year.

**ACTION:    *MOVED to approve Water Service Agreement No. 2011-001 with Prescott College for 6.75 acre feet/year; passed unanimously.***

- B.    Adoption of Ordinance No. 4760-1111 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona amending Title V, Chapter 6, of the Prescott City Code by repealing Title V, Chapter 6, and adopting a new Title V, Chapter 6, Alarm Systems, thereof.

**ACTION:    *MOVED to adopt Ordinance No. 4760-1111; passed unanimously.***

- C.    Rezoning of approximately 2.54 acres located at 3300 Montana Drive from Single-Family 35 (SF-35) to Neighborhood Oriented Business (NOB) and associated General Plan Minor Map Amendment; Applicant: Glenwood Development; Owner: Gary Mortimer, APN: 106-20-421, File Nos. GP11-001, RZ11-001.

- 1.    Adoption of Resolution No. 4077-1147 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, amending the General Plan Land Use Map pertaining to that certain property located at the northeast corner of Montana Drive and Willow Creek Road described as Parcel Number 106-20-241, from “Medium-High Density Residential” to “Commercial.”

**ACTION:    *MOVED to adopt Resolution No. 4077-1147; passed unanimously.***

2. Adoption of Ordinance No. 4792-1143 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, amending the zoning of certain property within the City of Prescott generally located at the northeast corner of Montana Drive and Willow Creek Road from Single-Family 35 Residential Zoning District to Neighborhood Oriented Business Zoning District.

**ACTION:    *MOVED to adopt Ordinance No. 4792-1143; passed unanimously.***

3. Approval of Waiver of the procedural requirements of LDC Section 9.10 per Section 9.10.13 of the Land Development Code.

**ACTION:    *MOVED to approve Waiver of the procedural requirements of LDC Section 9.10 per Section 9.10.13 of the Land Development Code; passed unanimously.***

- D. Adoption of Ordinance No. 4795-1146 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, amending the zoning of certain property within the City of Prescott generally located on Merritt Street east of Whipple Street, from Residential Office (RO) Zoning District to Industrial Transition (IT) Zoning District.

**ACTION:    *MOVED to adopt Ordinance No. 4795-1146; passed unanimously.***

- E. Award of one-year contracts to various vendors for materials and parts for maintenance of the City water distribution system.

**ACTION:    *MOVED to award one-year contracts for Bid No. 11WPD0044 for waterworks materials and parts, including taxes and shipping, to each of the following four vendors in the indicated “not to exceed” amounts: (1) Farnsworth Wholesale Co. - \$5,346.89; (2) Ferguson Waterworks - \$65,067.07; (3) Arizona Water Works Supply - \$70,989.22; and (4) Dana Kepner Co., Inc. - \$52,414.71; passed unanimously.***

- F. Award of bid and contract with CLM Earthmovers, LLC, for the Rosser Street Improvements Phase II Project, Blooming Hills Drive to State Route 89.

**ACTION:    *MOVED to award the bid and contract with CLM Earthmovers, LLC, for the Rosser Street Improvements Phase II Project to consist of the Base Bid for Option***

***No. 3 in the amount of \$1,819,430.91 without the Optional Additive; passed 5-2 with Councilwomen Linn and Suttles casting the dissenting votes.***

- G. Award of bid and contract to CLM Earthmovers, LLC, for the Rosser Street Adult Center Drainage Channel Project in the amount of \$48,883.18. (Funding through the Yavapai County Flood Control District)

**ACTION: *MOVED to award the bid and contract to CLM Earthmovers, LLC, for the Rosser Street Adult Center Drainage Channel Project in the amount of \$48,883.18; passed unanimously.***

- H. Adoption of Ordinance No. 4793-1144 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the purchase of real properties, easements and improvements from Matthew Koehler and Amy Koehler, Eric Koehler and Stella Koehler, James Hilbert and Diane Hilbert, Christopher Wright and Krista Wright, James 110 Investment LLC, Granite Dells Ranch Holdings LLC, and agreeing to abandon a certain easement from John Ichiuji for the reconstruction of the Surface Water Recharge Pipeline and authorizing the Mayor and City staff to take all necessary steps to effectuate said purchases and abandonment.

**ACTION: *MOVED to adopt Ordinance No. 4793-1144; passed unanimously.***

- I. Award of bid and contract for the Surface Water Recharge Pipeline Replacement Project to A. Miner Contracting, Inc., in the amount of \$1,789,264.00.

**ACTION: *MOVED to award bid and contract for the Surface Water Recharge Pipeline Replacement Project to A. Miner Contracting, Inc., in the amount of \$1,789,264.00, requiring Davis-Bacon wages; passed unanimously.***

- J. Award of bid and contract to WCC, LLC, for the South Lakeview Drive Drainage Improvement Project in the amount of \$47,435.00. (Funding through the Yavapai County Flood Control District)

**ACTION: *MOVED to award bid and contract to WCC, LLC, for the South Lakeview Drive Drainage Improvement Project in the amount of \$47,435.00; passed unanimously.***

- K. Award of bid and contract to WCC, LLC, for the Smoketree Lane Drainage Improvement Project in the amount of \$29,860.00. (Funding through the Yavapai County Flood Control District)

**ACTION:     *MOVED to award bid and contract to WCC, LLC, for the Smoketree Lane Drainage Improvement Project in the amount of \$29,860.00; passed unanimously.***

- L. Award of bid and contract to Grady's Quality Excavating, Inc., for the Clubhouse Drive Relocation Project in the amount of \$663,770.00.

**ACTION:     *MOVED to award bid and contract to Grady's Quality Excavating, Inc., for the Clubhouse Drive Relocation Project in the amount of \$663,770.00; passed 6-1 with Councilwoman Suttles casting the dissenting vote.***

- M. Adoption of Ordinance No. 4794-1145 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the purchase of real property from Albert Long, and Gordon and Dana Vasfaret for the construction of portions of Williamson Valley Road, and authorizing the Mayor and staff to execute any and all documents to effectuate said purchase.

**ACTION:     *MOVED to adopt Ordinance No. 4794-1145; passed unanimously.***

- N.\* Approval for JEBCO Building Systems to perform night work to remove failing stucco from the face of the Prescott Inn, a.k.a. the A.J. Head Hotel.

**ACTION:     *MOVED to approve JEBCO request to perform night work on the Prescott Inn on Wednesday, Thursday and Friday, May 11 thru May 13, 2011; passed unanimously.***

- NO. Recess into Executive Session.

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

#### IV. 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).

1. Lexington Insurance/Casa de Piños v. City of Prescott.

**B.\* 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, and discussion or consultation for legal advice with the attorney or attorneys of the public body, pursuant to ARS 38-431.03(A)(3) and (4), respectively.**

1. The Crossings legal issues and claims.

## **V. POST EXECUTIVE SESSION**

A. Possible action re Lexington Insurance/Casa de Piños v. City of Prescott.

**ACTION: *MOVED to reject Offer of Judgment from Lexington Insurance Co. and agree to participate in mediation; passed unanimously.***

**B.\* Possible action re The Crossings.**

**ACTION: *MOVED to direct staff to file a declaratory judgment action and such further legal action as may be necessary to resolve Crossings plat issues and legal claims pertaining thereto; passed unanimously.***

## **VI. ADJOURNMENT**