

PRESCOTT CITY COUNCIL
REGULAR VOTING MEETING
TUESDAY, JULY 26, 2011
PRESCOTT, ARIZONA

MINUTES OF THE REGULAR VOTING MEETING OF THE PRESCOTT CITY COUNCIL held on JULY 26, 2011, 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 3:01 p.m.

◆ **INTRODUCTIONS**

◆ **INVOCATION:** Chaplain Walter Crites, Veterans of Foreign Wars

Chaplain Crites gave the invocation.

◆ **PLEDGE OF ALLEGIANCE:** Councilman Blair

Councilman Blair led the Council and audience in the Pledge of Allegiance.

◆ **ROLL CALL:**

Present:

Absent:

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

None

◆ **SUMMARY OF CURRENT OR RECENT EVENTS**

I. SPECIAL RECOGNITION

A. Administer Oath of Office and Seating of Len Scamardo as Councilmember for four-month term.

Ms. Burke administered the Oath of Office to Councilman Scamardo.

II. REGULAR AGENDA

- A. Approval of Economic Development Agreement with Prescott Historical Society, Inc., dba Sharlot Hall Museum in an amount not to exceed \$10,000.00 annually.

Mr. McConnell said that due to the State reduction of funding, the organization was in a transitional mode. He said the City had a relationship with them since 1917. The item was described as an Economic Development Agreement. He noted that the agreement would have a three-year term, replacing two prior three-year agreements, the most recent of which expired on June 30, 2011. He said the agreement would cap an annual amount of \$10,000 for certain credits and payments.

He noted the credit and payments would be one of three types; sanitary sewer, solid waste, and offset of main water account. He said there was a history in the three most recent years in which the City provided payment which ranged from \$3,000 to \$8,700. He said the proposed agreement would be from July 1, 2011, of this year through June 30, 2014. The amount of \$10,000 had been budgeted and the recommendation was to approve the agreement.

Mayor Kuykendall asked if their new building would need a sewer tie in. Mr. Langellier said yes. Mayor Kuykendall asked if it was covered in the current agreement.

Mr. McConnell said the agreement specified three accounts. He said if there was another account, it would be outside of the agreement and would have to wait for a subsequent agreement, if there were a subsequent agreement. He said that, in any event, the amount was capped at \$10,000.

Councilwoman Suttles asked how Sharlot Hall Museum got by in 2010 with only \$2,998 from the City. Mr. Langellier said they were able to get a few other donations. He said they were about 65% non-profit.

Councilman Lamerson noted that it was a three-year agreement, not to exceed \$10,000 per year. He asked if they would reassess the agreement every year. He said that it was really a \$30,000 agreement, not to exceed \$30,000 over the next three years.

Mr. McConnell said it was a three-year agreement. There was an annual fiscal year maximum of \$10,000 for credits and payments. He said if the City needed to cancel this agreement because of the unavailability of funds, it was contemplated in the agreement.

COUNCILMAN BLAIR MOVED TO APPROVE THE ECONOMIC DEVELOPMENT AGREEMENT WITH PRESCOTT HISTORICAL SOCIETY, INC., DBA SHARLOT HALL MUSEUM IN AN AMOUNT NOT TO EXCEED \$10,000 ANNUALLY; SECONDED BY COUNCILMAN HANNA; PASSED UNANIMOUSLY.

- B. Award of bid and contract for the FY2012 Pavement Reconstruction Project to Asphalt Paving & Supply, Inc., in the amount of \$1,288,774.20.

Mr. Nietupski said the item was a project with the goal to improve the street system. He said it involved Yavapai Hills Drive – Miracle Rider to Tom Mix Trail, Prescott View Place and Prescott View Circle from the ends of the cul-de-sacs on Rosser Street to Rosser Street, Doka Drive – Whetstine to the north end, Mosher Lane – Whetstine to the Prescott Heights Drive, Fair Street – Gail Gardner to Miller Valley Road, and a drainage repair at the corner of Merritt Street and Dameron Drive.

He noted that it would not be a full reconstruction, meaning that all curbs and gutters would not be replaced; only the limited segments that were beyond repair.

He said the project received one bid on July 7, 2011, which was indicative of the fact that the locals were busy. He noted the project was slated for 120 days. The gas company had done some relocation activities. He said there was some work to complete on Fair Street that was intended to begin immediately. He said the contract would run until early December and the funding was from the One Percent Sales Tax for Streets and Open Space.

He said there was a separate mobilization item on Fair Street. In the event that the gas company's performance was not efficient and it compromised the City's ability to complete the segment of work, they could suspend the contract and wait for spring to complete Fair Street.

Mayor Kuykendall asked if they picked the work based on the street condition model. Mr. Nietupski said yes. He said the Pavement Management System was used in the work plan.

COUNCILMAN LAMERSON MOVED TO AWARD BID AND CONTRACT FOR THE FY2012 PAVEMENT RECONSTRUCTION PROJECT TO ASPHALT PAVING & SUPPLY, INC., IN THE AMOUNT OF \$1,288,774.20; SECONDED BY COUNCILMAN HANNA; PASSED UNANIMOUSLY.

- C. Approval of Site Plan for a Planned Area Development to construct six units of affordable housing on approximately 0.18 acres located at 201 and 203 W. Leroux Street. Owner: Project Aware, APN: 109-14-019, File No. SI11-002.

Mr. Guice said Project Aware was interested in developing six apartments of affordable housing. He said it was the parcel recently approved by the Council with the allocation of \$165,000 of Community Development Grant Funds for purchase of the property for Project Aware. He noted the site plan showed four apartment units in the building closest to Montezuma Street. He said there would be a community room on the first floor of the other building with two apartments on the second floor. He said the Planning and Zoning Commission approved the site plan 6-0.

He noted that Alfred Falk, the Administrator of Project Aware, was there to answer any questions.

Councilman Hanna asked if it was the Bear Paws building. Mr. Guice said yes.

Councilman Blair asked why they would put a community room in the building, if they were concerned with housing. Mr. Guice said that six units was the most they could get on that parcel, with or without a community room.

Councilman Scamardo said that they went with the PAD because it gave them the flexibility of doing the maximum without worrying about parking ratios. He said they saw no way of building more units at the location.

Councilman Hanna asked if there was any objection from people in the area. Mr. Guice said no.

Councilman Lamerson asked how many units the project currently had. Mr. Falk said there were 14 occupied units across the alley from the property. He said the people occupying the new units were formally homeless individuals and families who needed help. The community room offered an office for a case manager on site, as well as facilities so the individuals could do laundry on site and have community meetings, if necessary. He said it was important that they had a place to get together because they were very limited in their ability to socialize.

Mayor Kuykendall said that they only required one half of a space for each unit. He asked what would happen if the units were not being used for the same purpose.

Mr. Guice said that there would be limitations on how many market rate units there could be. He said that it would be treated similar to an assisted living situation.

Daniel Mattson, Prescott, said they needed this badly and he encouraged the Council to approve the plan.

COUNCILWOMAN SUTTLES MOVED TO APPROVE SI11-002, A PLANNED AREA DEVELOPMENT OF 6 AFFORDABLE HOUSING UNITS AT 201 / 203 WEST LEROUX STREET; SECONDED BY COUNCILWOMAN LOPAS; PASSED UNANIMOUSLY.

- D. Property located on the northwest corner of Dameron and Whipple:

Mr. Guice said they would amend the General Plan Land Use Map to reflect the third parcel located north of Whipple. It would go from a single family land use designation to a mixed use designation. He said the first two parcels on that block were indicated as mixed use on the General Plan map.

He said there was a proposed amendment to the Canterbury Plan which said the first two lots north of Whipple would be appropriate for commercial. The amendment would include the third lot. He said the rezoning ordinance would rezone the three parcels in order to build an 11,000 square foot building.

He noted the applicant had an area meeting earlier in the year. He said the one note of concern from residents along Dameron Street was that they did not want to see the one-way traffic barrier removed. He said Planning & Zoning unanimously recommended approval of both items.

Councilman Blair asked why they did not rezone the other two lots in the area so they would not have to have more amendments to the General Plan. Mr. Guice said the staff could initiate that if the Council would like. Mr. Guice said they would have to work with the neighborhood.

Councilman Blair said it would give the neighborhood a better understanding to do it all at once.

Councilman Hanna asked if they would have to have two-way traffic in there with the new project. He asked what would happen on Audrey Street if they made it two-way.

Mr. Gisi said that prior to the vote at Planning & Zoning they acquiesced on the third access point. He said that as far as uses went, he saw possibilities like Dunkin Donuts and Subway in that high traffic location.

Mr. Gisi said he was expecting some opposition from the neighborhood but did not get it.

Councilman Scamardo said that the access point was a problem and it had been removed.

1. Adoption of Resolution No. 4093-1203 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, amending the General Plan Land Use Map, Parcel 116-20-009 (Allendale Tract Amended Plat of Lot 3 Allendale Tract 84x60' Lot 11 Jt.) to reflect from “Low-Medium Density Residential” to “Mixed-Use Commercial” and amending the Canterbury Neighborhood Plan, Goal 1, Objective 1.b. (GP11-002)

COUNCILMAN LAMERSON MOVED TO ADOPT RESOLUTION NO. 4093-1203; SECONDED BY COUNCILMAN HANNA; PASSED UNANIMOUSLY.

2. Adoption of Ordinance No. 4803-1203 – 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 at 902, 908, and 912 Dameron Street from “Single-Family 9 (SF-9)” zoning to “Business General (BG)” zoning.

COUNCILMAN HANNA MOVED TO ADOPT ORDINANCE NO. 4803-1203; SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY.

- E. Adoption of Ordinance No. 4802-1202 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, amending Title I, Chapter 27 of the Prescott City Code, *City of Prescott Procurement Code*, by amending Sections 11 through 13 of the Prescott Procurement Code.

Mr. McConnell noted that there were two parts to the item. He said the first part reflected the May 31, 2010, Budget Workshop. He noted several members of Council had expressed an interest in reducing the administrative authority to approve procurements from the current \$20,000 to \$10,000. He said the first part of the ordinance would affect that change.

He noted items between \$10,000 and \$20,000 would be placed on the Consent Agenda. He said the interest on the part of Council members was to enhance public visibility of City expenditures.

He said the second item would include a change in the threshold for formal solicitation. As the procurement ordinance stood, he said any

procurements over \$20,000 required formal advertisement. The change was to modify that procedure to allow for written quotes between \$10,000 and \$20,000. He said the objective was to increase procurements from local sources.

He said in the case of written quote procedures, the purchasing agent would call up three vendors, fax them the requirements, offer them the opportunity to submit a written quote, and then that vendor would fax it back. He noted it would be a much shorter time frame which did not require formal solicitation.

Councilwoman Suttles asked if Mr. Kidd would cover the settlement of lawsuits on the back. Mr. Kidd said that there was a change in policy and if there was a claim between \$10,000 and \$25,000, Risk Management would settle it as a claim that would be reported in advance to the Council. He said that it would be the same for law suit settlements between those amounts. He said that they could discuss it in Executive Session if any Council members had concerns.

Councilwoman Suttles noted that it said that Council would be notified in advance. She said that she thought there was a short window when they got involved with those things. She asked how they would be notified. Mr. Kidd said they would notify them though email and meetings, depending on the time frame.

Mr. Kidd said each case was individual. He said they could discuss the settlements with the Mayor at Agenda Review each week. He noted that he did not want to draw attention to settlements. Mayor Kuykendall asked if the new procedure would speed up the process.

Mr. McConnell said that he thought so. He said that it depended on how soon they got the item on the agenda.

COUNCILMAN LAMERSON MOVED TO ADOPT ORDINANCE NO. 4802-1202; SECONDED BY COUNCILMAN BLAIR, PASSED UNANIMOUSLY.

- F. Approval of comments/direction to Yavapai County re Redistricting.

Mr. Worley gave a brief update on redistricting. He said that based on the County's population, it had to expand from three districts to five. He mentioned the various considerations the County had to observe in creating the new districts. He talked about the four map options created by the County and said the County's website had detailed information. He said the staff recommendation did not pick a particular map and said there were pros and cons to each map.

Councilwoman Suttles asked Mr. McConnell to cover the information concerning maps A and B

Mr. McConnell said that all of the maps were on the wall and the Yavapai County website showed better detail. He said that for Map A, the City would be intersected by, or contained within, three of the five prospective County supervisor districts. He noted that would give the City a direct relationship to three of the five supervisor districts.

He noted in Map B, Prescott would be contained by three districts; however, in the Granite Dells area, it was two districts plus a very minor piece which had no population. He said the Granite Dells Estates would be bisected by two of the districts. He said that, from the City's prospective, an argument could be made for Map A or B, but when they looked at the detailed map, Map A seemed to be the front runner.

Mr. McConnell said the City of Prescott and Yavapai County had numerous governmental interfaces and matters of common interest including the Yavapai County Flood Control District, Pioneer Park justice and other administrative and operation facilities. He noted that in Map A, Big Chino Water Ranch would be kept within one of the three districts.

Bill Feldmeier spoke on behalf of Map A and said that it was an excellent choice. He said he believed it provided the same protection and efficiencies to the neighbors to the east.

Mayor Kuykendall asked if the Board of Supervisors made any noises on which map they liked. Mr. Feldmeier said that they were going to make that decision on August 22, 2011. He said he had heard that Supervisor Thurman was interested in Map A and that he lived in Mayer.

He said he believed that Supervisor Davis was interested in Map C and that Supervisor Springer was in favor of Map A. He said that he was only speaking for himself. Mayor Kuykendall asked if the decision would go to the Justice Department after the Supervisors made their choice.

Mr. Feldmeier said yes and that the Justice Department's responsibility was to see that the population was as equally divided as it could be and that they are ethnically balanced.

COUNCILMAN HANNA MOVED TO RECOMMEND THAT MAP "A" BE ADOPTED AS THE PLAN FOR YAVAPAI COUNTY REDISTRICTING; AND DIRECT THE ACTING CITY MANAGER TO COMMUNICATE THIS RECOMMENDATION IN WRITING TO YAVAPAI COUNTY ON BEHALF OF THE CITY COUNCIL NOT LATER THAN JULY 31, 2011;

SECONDED BY COUNCILWOMAN SUTTLES; PASSED UNANIMOUSLY.

- G. Approval of the minutes of the Prescott City Council Regular Voting Meeting of July 12, 2011.

COUNCILWOMAN SUTTLES MOVED TO APPROVE THE MINUTES OF THE PRESCOTT CITY COUNCIL REGULAR VOTING MEETING OF JULY 12, 2011; SECONDED BY COUNCILMAN HANNA; PASSED UNANIMOUSLY.

III. ADJOURNMENT

There being no further business to be discussed , the Regular Voting Meeting of the Prescott City Council held on July 26, 2011, adjourned at 3:57 p.m.

MARLIN D. KUYKENDALL, Mayor

ATTEST:

ELIZABETH A. BURKE, City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Voting Meeting of the City Council of the City of Prescott, Arizona held on the 26th day of July, 2011. I further certify the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____, 2011.

AFFIX
CITY SEAL

ELIZABETH A. BURKE, City Clerk