

PRESCOTT CITY COUNCIL
REGULAR VOTING MEETING
TUESDAY, JANUARY 10, 2012
PRESCOTT, ARIZONA

MINUTES OF THE REGULAR VOTING MEETING OF THE PRESCOTT CITY COUNCIL held on TUESDAY, JANUARY 10, 2012, in the COUNCIL CHAMBERS located at CITY HALL, 201 COUTH CORTEZ STREET, Prescott, Arizona.

◆ **CALL TO ORDER**

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

◆ **INTRODUCTIONS**

Councilman Lamerson recognized David Maurer, Director of the Prescott Chamber of Commerce.

◆ **PLEDGE OF ALLEGIANCE:** Mayor Kuykendall

Mayor Kuykendall led the Council and audience in the Pledge of Allegiance.

◆ **ROLL CALL:**

PRESENT

ABSENT

Mayor Kuykendall
Councilman Arnold
Councilman Blair
Councilman Carlow
Councilman Hanna
Councilman Kuknyo
Councilman Lamerson

None

◆ **SUMMARY OF CURRENT OR RECENT EVENTS**

None

I. CONSENT AGENDA

CONSENT ITEM A LISTED BELOW MAY BE ENACTED BY ONE MOTION. ANY ITEM MAY BE REMOVED AND DISCUSSED IF A COUNCILMEMBER SO REQUESTS.

- A. Approval of the minutes of the December 6, 2011, Workshop; the December 13, 2011, Regular Voting Meeting; the December 20, 2011, Workshop; and the December 22, 2011, Special Meeting.

Councilman Arnold corrected the minutes of December 13, 2011, Page 12, Item I, noting that the motion had been made by Councilman Hanna and seconded by Councilman Carlow.

COUNCILMAN ARNOLD MOVED TO APPROVE THE MINUTES OF THE DECEMBER 6, 2011, WORKSHOP; THE DECEMBER 13, 2011, REGULAR VOTING MEETING AS AMENDED; THE DECEMBER 20, 2011, WORKSHOP; AND THE DECEMBER 22, 2011, SPECIAL MEETING; SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY.

II. REGULAR AGENDA

- A. Public Hearing and consideration of a liquor license application from H.J. Lewkowitz, applicant for Trader Joe's Company, for a Series 10, *Beer & Wine Store*, license and a Series 10S, *Sampling*, license for Trader Joe's #283 located at 252 Lee Boulevard.

Ms. Burke reviewed the application, noting that the property had been posted and no public comments had been received. Steve Carmick, Manager of the Trader Joe's, introduced himself and said that he was glad to be in Prescott, and had come from Glen Allen, Illinois. He said that the store should be open in mid March.

Mayor Kuykendall said that the community was anxiously awaiting the opening, and asked Mr. Carmick how long he had been with Trader Joe's. Mr. Carmick replied that he began working for them in 1994.

COUNCILMAN LAMERSON MOVED TO CLOSE THE PUBLIC HEARING; SECONDED BY COUNCILMAN HANNA; PASSED UNANIMOUSLY.

COUNCILMAN HANNA MOVED TO APPROVE THE LIQUOR LICENSE APPLICATION FROM H.J. LEWKOWITZ, APPLICANT FOR TRADER JOE'S COMPANY, FOR A SERIES 10, *BEER & WINE STORE*, LICENSE AND A SERIES 10S, *SAMPLING*, LICENSE FOR TRADER JOE'S #283 LOCATED AT 252 LEE BOULEVARD; SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY.

- B. Public Hearing and consideration of a liquor license application from Danny Roy Thomas, applicant for Yavapai College Performance Hall, for a Series 5, *Government*, license for Yavapai College Performance Hall located at 1100 East Sheldon.

Item removed from agenda at request of applicant.

- C. Approval to purchase five (5) ea. 2012 Chevrolet Tahoe Police Pursuit Vehicles and two (2) ea. 2012 Chevrolet Tahoe Special Service Vehicles from Sands Chevrolet; and one (1) ea. 2012 Honda enforcement motorcycle from Coyote Honda.

Chief Kabbel said that they were looking to purchase seven vehicles and one motorcycle to augment their fleet. They would be replacing seven vehicles that range in years from 2005 to 2007 with miles exceeding 10,000 over the standard replacement time. Five of the vehicles are Crown Victorias which are no longer made. They have worked with the Fleet Superintendent and determined that SUV's would provide more room for the officers for gear and equipment, and they are less expensive than the Crown Victorias were, as well as they get better gas mileage. Additionally, they have a higher resale value.

He said that they received three bids with those from Sands Chevrolet having the lowest. Additionally, they would like to purchase a new fully-equipped motorcycle from Coyote Honda through an existing contract of the Pima County Sheriff's Office.

Mayor Kuykendall asked if the 2% sales tax that would be paid to the City of Phoenix (Glendale) were removed if it would close the gap on the bids. Chief Kabbel said that by law they are not able to consider taxes in making their assessment. He said that the bids of Lamb Chevrolet were almost \$5,000 more than the other bids.

Councilman Arnold asked that Chief Kabbel explain the difference between the Special Service vehicles and the Pursuit vehicles. Chief Kabbel said that the pursuit vehicles have heavy duty water and oil coolers, etc. and are equipped for pursuit.

Councilman Arnold asked why they look at the 80,000 to 100,000 threshold for police vehicles. Chief Kabbel said that was the standard throughout the country for front line vehicles. He said those were the vehicles responding to calls and they have a lot of fast starts and stops, and high speed pursuits. They have found that once they reach that limit the cost of maintenance is much higher and the liability goes up substantially.

Councilman Carlow asked if the revenues from auctioning off the older vehicles were returned to the General Fund and it was confirmed that they were.

Councilman Kuknyo asked if the Tahoes would come with the lighting and equipment or if that was done in house. Chief Kabbel said that it was not installed; this was just the price of the vehicle. Once they know what the actual vehicle is that meets the specifications they will put out a bid for the equipment to outfit those vehicles. The next thing coming before Council would be the equipment package.

Councilman Kuknyo said that was not the case with the motorcycle. The first thing he saw was the cost of installation so he made a call to the shop and they said that they like to have it done because it allows them to keep the warranty on all of the equipment. He asked if there was really \$2700 worth of work in installing the equipment.

Chief Kabbel said that was an accurate amount for labor. They have to strip the motorcycle down, install the lighting, radar, radios, PA system, alternate emergency lighting, wiring of headsets for officers. They keep it separate to not void the warranties, and they will do the same thing with the vehicles.

COUNCILMAN ARNOLD MOVED TO APPROVE PURCHASE OF SEVEN (7) EACH CHEVROLET TAHOE VEHICLES DESCRIBED IN THE AGENDA MEMO FROM SANDS CHEVROLET, GLENDALE, AZ FOR A TOTAL AMOUNT OF \$205,617.75; AND PURCHASE OF THE HONDA ENFORCEMENT MOTORCYCLE FROM COYOTE HONDA, MESA, AZ, FOR A TOTAL AMOUNT OF \$26,114.76; SECONDED BY COUNCILMAN HANNA; PASSED UNANIMOUSLY.

- D. Adoption of Resolution No. 4115-1225 – A resolution the Mayor and Council of the City of Prescott, Yavapai County, Arizona, accepting an additional \$27,209 in grant funds from the Arizona Department of Homeland Security for the continuation of regional interoperability enhancement projects previously administered by the Prescott Valley Police Department and authorizing the execution of any and all documents to implement same.

Lieutenant Reinhardt said that back in November the Council approved a resolution to accept grant funding from the Department of Homeland Security for just over \$86,000, which was the amount on hand at that time. Since then they have obtained additional funding and notified the City that there was additional funding available. He said that these funds do not require a match of any type and would have no fiscal impact on the City.

He said that when they administer the funds it will complete the project for the FCC's required narrowbanding and they should not have to come back for additional funding in the future.

COUNCILMAN LAMERSON MOVED TO ADOPT RESOLUTION NO. 4115-1225; SECONDED BY COUNCILMAN CARLOW; PASSED UNANIMOUSLY.

- E. Award of bid and unit price contract to Polydyne, Inc., for the purchase of emulsion polymer and dry polymer at the unit prices bid for wastewater treatment in an amount not to exceed \$145,000.00.

Mr. Nietupski explained that both types of polymer were used in the dewatering of sludge, reducing the weight of the sludge material so they get the greatest benefit. He said that this bid was for an initial two-year period with provisions for optional renewal of two, one-year periods. In the event of an extension increase in the contract it would be limited to five percent per year. He said that the bids received increased 15% and 7%, respectively.

Councilman Hanna asked if this was the only company that made the material. Mr. Nietupski said that there were other suppliers as wastewater treatment is an enterprise. They followed the procurement process and advertised, but this was the only bidder.

Councilman Arnold asked if there was any explanation for the increase in the price. Mr. Nietupski said that when the contract expires, it starts anew and this was representative of what they will pay. He suggested that with times as they are commodity prices have increased.

COUNCILMAN LAMERSON MOVED TO AWARD THE BID AND UNIT PRICE CONTRACT TO POLYDYNE, INC., FOR THE PURCHASE OF EMULSION POLYMER AND DRY POLYMER AT THE UNIT PRICES BID FOR WASTEWATER TREATMENT IN AN AMOUNT NOT TO EXCEED \$145,000.00; SECONDED BY COUNCILMAN BLAIR; PASSED UNANIMOUSLY.

- F. Adoption of Resolution No. 4116-1226 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, repealing Resolution No. 4079-1149 cancelling Intergovernmental Agreement IGA 10-127 with the State of Arizona, through its Department of Transportation (ADOT), to provide funding in FY12 for the SR89 Widening and Related Street Network and Intersection Configuration Project Assessment.

Mr. Nietupski said that repealing of the prior resolution would cancel the intergovernmental agreement with the State of Arizona ADOT, removing

the City obligation to pay \$50,000 for ADOT to perform a detailed study of certain City streets intersecting with and extending beyond their project to widen SR89 in the Airport area. Other funding being made available through the Central Yavapai Metropolitan Planning Organization (CYMPO).

Mayor Kuykendall said that he thought when they talked about this it was to design the roundabout, but this project did not look at the roundabout. Mr. McConnell said that this was in relation to the state widening project for Phase I, 89A north to just beyond Ruger Road. When they entered into the IGA before, ADOT was looking for participation, if the City wanted to include in the design those segments. At the time it was focused on a Ruger Road roundabout and connection to the airport. It was an opportunity for the City to pass the prior resolution to have ADOT do additional design work.

He said that there is some funding available through CYMPO so it did away with the need for the City's contribution. This resolution paves the way and clarifies the relationship where ADOT will design and construct their project and CYMPO will contribute design and construction funding for the two segments.

Mayor Kuykendall asked if the City would be building the Deep Well Ranch Road from Ruger to where it will hit the highway. Mr. Nietupski said that the existing Ruger Road connection would be taken to the east and connect near the intersection of Crystal.

Mayor Kuykendall asked if they would still have the roundabout to the north. Mr. Nietupski said that the roundabout to the north, and what configuration that intersection takes, has not been well defined at this point. They were working with ADOT to look at the realignment and that was ongoing. In the near future they will be coming to Council with an update on the PARA study.

Mayor Kuykendall asked if they could be looking at three roundabouts. Mr. McConnell said that conceivably they could; however, when they did the Airport Area Transportation Plan and the West Airport General Plan Amendment that gave rise to the existence of the dashed line, the realigned Willow Creek Road. They were of the position at that time that realigned Willow Creek Road would proceed as indicated and intersect with SR89 on a configuration yet to be determined. He said that they do not believe it should be an at-grade intersection; there would need to be unimpeded movement, possibly through an interchange.

Mayor Kuykendall asked what kind of configuration there would be if they continued the Deep Well Ranch Road to the west. Mr. McConnell said that intersection type remains to be determined.

Mayor Kuykendall asked when they would eliminate the existing Willow Creek Road from Highway 89. Mr. McConnell said that was hard to say. The answer is when they come back with the preliminary design report and come to the Council and other stakeholders. Then they will know what they were planning to do.

Mayor Kuykendall said that in this particular case it appears that the state and county are taking a lot of liberty with road systems in the City and the commerce that has been developed. With the swipe of a pen, stores and businesses could be eliminated or reduced.

Mr. McConnell said that the City's position has been that they did not want Willow Creek Road interrupted. He said that Willow Creek Road is a county highway and SR89 is a state highway so they do not have direct control, even though it is in the City's planning area.

Mayor Kuykendall said that the City does own the airport and has a lot of investment there. They were looking at developing a long-term business plan of that area and this would affect the ingress/egress of the airport considerably. Until they know their plans there is room for concern.

Councilman Hanna asked what would happen at the McCurdy light and where Ruger Road comes in now. Mr. Nietupski said that discussion from ADOT is that in that corridor, except at the roundabouts defined (Deep Well Ranch, Perkins) there would be construction of a median to enhance traffic flow and improve safety and those

Councilman Hanna said that on the north side of McCurdy the whole area is residential so they would be inconveniencing those people, making them go to the right. Mr. Nietupski said that there will be modification in driver habits as it relates to the residential area and inside the golf course.

Councilman Hanna said that within a length of 3.2 miles they could have three roundabouts. Mr. McConnell said that they would argue strongly that the intersection on the north would not be a roundabout, but rather a grade separation and traffic should not stop.

Councilman Lamerson asked who ADOT was accountable to. He said that it sounds like they need another get together to discuss this with them, and they should bring someone from ADOT to hear the City's concerns. He suggested that instead of putting the \$50,000 back into the General

Fund that they keep it in abeyance for future participation. He said that they would be nailed somewhere along the line.

Mr. Nietupski said that he got the message and they would work to request a meeting. He said that the monies referenced were from the one cent sales tax fund and would remain in that fund for Council's discretion.

Councilman Kuknyo asked who the driving force was in doing the realignment. Mr. Nietupski said that ADOT was the driving force as SR89 is a regional arterial. He said that they all have a stake in its future, but ADOT's focus is the safe management of traffic.

Councilman Kuknyo asked if ADOT was come to the City for input. Mr. Nietupski said that the City has been attending their meetings and have provided input as it relates to the City's interests. He said that when this was initially developed the contribution was to look at those roadways to ensure they have a well thought plan. This is saying they want to do that for those two roadway segments, improve circulation of 89, and they have asked them to present a design concept report to the Council.

Councilman Arnold said that it was clear that staff was working diligently to stay on top of ADOT. He said that CYMPO was in a position to fund 100% of the design and it looks like they would be able to cancel the agreement. He said that he did look forward to ADOT making a presentation.

Councilman Blair asked if there was a time frame. Mr. Nietupski said that design at this point would be completed, if they made the schedule, within the next calendar year, if that comes to pass and funding remains available. He suggested that ADOT's CIP and five-year plan is still up in the air. He did not know that funding for construction was guaranteed at this point. It could occur in FY14.

Chris Bridges, CYMPO, said that they were putting forth a strong effort to get the design paid for to include any clearances. They have discussed with NACOG the ability to gain an additional \$1 million to acquire right-of-way and construction, and hopefully that would pay for the entire thing. He was doing his best to keep the two yellow segments (on the map) in the plan.

Mayor Kuykendall said that his feeling was that maybe it was more than money—maybe it was the right thing to do. He said that all of the money comes out of the same pot, whether it comes form CYMPO or the City, it still belongs to the public. They should have some input into what the road alignment is around the City's Number One project of the City, the airport. He said that there are discussions about technology parks, etc. that need to be considered when they start moving traffic around and he was not

seeing the City's ability to have any input into what that area should look like.

Mr. Bridges said that he sits on the review team with City staff. He tries to represent the City as well, to make sure that their concerns are heard. Ultimately it comes down to a state highway.

Councilman Lamerson said that he appreciated Mr. Bridges' involvement. He said that from his perspective they have more than just the state to worry about. He said that there is some concern over what is taking place and he did not think that the leaders have been involved at a level that gives them a comfort zone.

Councilman Kuknyo said that tomorrow was his first meeting with CYMPO and he hoped to gain a lot of experience.

COUNCILMAN HANNA MOVED TO ADOPT RESOLUTION NO. 4116-1226; SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY.

- G. Adoption of Resolution No. 4117-1227 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, adopting a Council Policy regarding contracts with the City by public officers and employees of the City.

Mr. Kidd said that this was the annual purchasing policy that is required by the State. It allows the City to enter into a contract with a public officer or employee of the City to provide items or services to the City, in an amount not to exceed \$300 per transaction, or in an amount not to exceed \$1,000 in any one year, and requires a public and sealed bidding process if awarded a bid over \$300/\$1,000 in a year.

COUNCILMAN LAMERSON MOVED TO ADOPT RESOLUTION NO. 4117-1227; SECONDED BY COUNCILMAN ARNOLD; PASSED UNANIMOUSLY.

- H. Recess into Executive Session.

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

The Prescott City Council recessed into Executive Session at 3:57 p.m.

III. 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, 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.

IV. ADJOURNMENT

The Prescott City Council reconvened into Open Session at 5:23 p.m. at which time the Regular Voting Meeting of January 10, 2012, adjourned.

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 10th day of January, 2012. I further certify the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____, 2012.

AFFIX
CITY SEAL

ELIZABETH A. BURKE, City Clerk

