

PRESCOTT CITY COUNCIL  
REGULAR VOTING MEETING  
TUESDAY, FEBRUARY 14, 2012  
PRESCOTT, ARIZONA

MINUTES OF THE REGULAR VOTING MEETING OF THE PRESCOTT CITY COUNCIL held on FEBRUARY 14, 2012, 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.

He acknowledged that it was Statehood Day.

◆ **INTRODUCTIONS**

Councilman Kuknyo noted that Prescott was exploring a potential Sister City relationship with Zeitz, Germany. He introduced Bob Greninger, President of Sister Cities, Dr. Volkmar Kunze, Mayor, Herr Andrea Hulkand, City Leader and Honorary Consul to the Federal Republic of Germany, Bernard Otreмба-Blanc, Ph.D.. He thanked all of the businesses and citizens who made their visit a success.

Mayor Kuykendall noted that Community Access 13 would be airing the taped presentation of the Statehood Day events at the Elk's Opera House at 7:00 p.m. that evening. He said the regularly scheduled airing of the City Council meeting would be shown immediately afterward.

◆ **INVOCATION** Reverend Julia McKenna Johnson, Each One Reach One

Reverend McKenna Johnson 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 Arnold  
Councilman Blair  
Councilman Carlow

None

## **ROLL CALL (CONT'D)**

### Present:

Councilman Hanna  
Councilman Kuknyo  
Councilman Lamerson

## ◆ **SUMMARY OF CURRENT OR RECENT EVENTS**

City Manager McConnell thanked everyone for the work they did on the Statehood presentation at the Elks Opera House.

### **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 Workshop of the Prescott City Council held January 17, 2012 and the Regular Voting Meeting held January 24, 2012.

**COUNCILMAN KUKNYO MOVED TO APPROVE CONSENT AGENDA ITEM 1-A; SECONDED BY COUNCILMAN HANNA; PASSED UNANIMOUSLY.**

### **II. REGULAR AGENDA**

- A. Public Hearing and consideration of a liquor license application from Noel Arturo Flores, applicant for Arturo's Mexican Restaurant, Inc., for a Series 12, *Restaurant*, license for Arturo's Mexican Restaurant located at 503 Miller Valley Road.

Ms. Webb reviewed the application and noted the property had been posted and no public comments had been received.

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

**COUNCILMAN LAMERSON MOVED TO APPROVE THE LIQUOR LICENSE APPLICATION FROM NOEL ARTURO FLORES, APPLICANT FOR ARTORU'S MEXICAN RESTAURANT, INC., FOR A SERIES 12, RESTAURANT, LICENSE FOR ARTURO'S MEXICAN RESTAURANT**

**LOCATED AT 503 MILLER VALLEY ROAD; SECONDED BY COUNCILMAN HANNA; PASSED UNANIMOUSLY.**

- B. Purchase of SCBA cylinders for the Fire Department and acceptance of a reimbursement grant from the 100 Club.

Chief Kabbel said they were fortunate to be able to replace their SCBA air cylinders through a Public Safety Enhancement Stipend with the 100 Club. He noted that the 100 Club raised money to help the fire fighters and police officers who had been seriously injured. He said they came up with a new mission to provide financial aid for struggling fire departments. He said the City applied for a grant for \$19,000 for 24 air cylinders and received it.

Councilman Carlow asked how long the cylinders would be good for. Chief Kabbel said they would be good for 16 years. Councilman Arnold noted that the date of the estimate had expired and asked if the pricing was still good. Chief Kabbel said the prices would be honored. Councilman Arnold said that shipping and handling was \$350.00, but that price could be altered. He wanted to make sure the actual price did not exceed the grant money. Chief Kabbel said they usually estimated the prices high and there was an option to do their own pick up.

Councilman Kuknyo asked if the shop could pick up the equipment if they were already going to be in Phoenix picking up their own parts. Chief Kabbel said they had used that scenario in the past and he would ask them.

**COUNCILMAN HANNA MOVED TO APPROVE THE PURCHASE OF 24 SCBA CYLINDERS FROM FDC RESCUE PRODUCTS IN THE AMOUNT OF \$18,483.20; SECONDED BY COUNCILMAN ARNOLD; PASSED UNANIMOUSLY.**

**COUNCILMAN HANNA MOVED TO ACCEPT A REIMBURSEMENT FROM THE 100 CLUB IN AN AMOUNT NOT TO EXCEED \$19,000.00 FOR THE CYLINDERS; SECONDED BY COUNCILMAN ARNOLD; PASSED UNANIMOUSLY.**

- C. Adoption of Resolution No. 4120-1230 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the City of Prescott Fire Department to enter into a Base Hospital Agreement with the Yavapai Regional Medical Center for medical control, direction and administrative oversight of all providers relating to paramedic level care (Advanced Life Support) and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.

Chief Kabbel said the agreement had been going on for over 30 years. He said there were no changes to the agreement and they were required to renew it every year.

Mr. Matson asked if Yavapai Regional Medical Center West was being referred to. Chief Kabbel said it referred to both the east and west campus.

**COUNCILMAN LAMERSON MOVED TO ADOPT RESOLUTION NO. 4120-1230; SECONDED BY COUNCILMAN ARNOLD; PASSED UNANIMOUSLY.**

- D. Purchase of a tractor and flail mower for Streets Division right-of-way maintenance in the total amount of \$71,709.80.

Bobbie King, Street Superintendent, requested a tractor and flail mower and showed a slide of asset 159 which was a 40 year old tractor with a brush hog attachment. She said it was the oldest piece of equipment in the fleet.

She noted that the flail mower was safer because the cutting edges worked more like a street sweeper with a horizontal motion. She said they always had a vehicle following the mower so they would eliminate hazards to the public.

She noted that Bingham Equipment Company of Cottonwood presented the lowest, most responsive bid. She requested authority to purchase the tractor and flail mower for \$71,709.80.

Councilman Hanna asked if there were any other mowers in the City. Ms. King said there was one at the airport and the operator came with it if they borrowed it because departments were touchy about their equipment. She noted that there were about 31 acres and moving towards 37 acres, to maintain. Councilman Hanna asked how long it would take to mow the 37 acres. She said it took a couple of days to do 1.39 acres at Willow Lake Road. Councilman Hanna said \$72,000 was a lot of money to spend on something that they did four times per year. Ms. King said they would go all through the City that many times per year. Councilman Hanna asked why they could not use the airport mower.

Mr. McConnell said they should pull the item and they would come back with a report which would identify their mowing assets and what they were using them for. He noted that they had the Big Chino Water Ranch, where they were currently using airport equipment.

Councilman Lamerson asked if the old equipment still worked. He said he did not know why each department had their own equipment. Councilman Kuknyo asked if there was an opportunity to create a department for mowing.

Councilman Hanna noted that anything that they could save would save the taxpayers money. He said they could utilize the assets that they had. Councilman Arnold said that he was curious about a centralized mowing department.

Councilman Blair said all he did when he was employed with the Parks and Recreation Department was ride a mower. He thought it made sense that the mower was used by all of the departments and maintained by one operator.

Councilman Carlow asked if there was a trade-in value for the old one.

**ITEM WAS PULLED FROM THE PACKET FOR FURTHER REVIEW.**

- E. Purchase of one Automated Side-Load (ASL) body to refurbish an existing ASL truck for the Solid Waste Division in an amount not to exceed \$110,000.00.

Councilman Kuknyo declared a conflict of interest for Items E and F and left the Council Chambers.

Alison Zelms, Deputy City Manager, noted that the current side loader had reached its ideal life span of six years and was beginning to see increased maintenance. She said the division was requesting to refurbish the existing cab and chassis with a new body and side arm, which would extend the lifespan for another six years at half the cost of replacing the existing vehicle with a new one.

She noted that Arizona Refuse Sales was the successful bidder on a City of Tucson competitive bidding process. She said through the Save Program, which was a cooperative of cities that utilized each others competitive bidding processes for lower prices they would be able to piggy back on the Tucson bid.

She noted that the Solid Waste Division requested approval to purchase one ASL truck body, including refurbishment of the existing vehicle in an amount not to exceed \$110,000.00. She noted that Brad Frisk, Solid Waste Superintendent and Charlie Potts, Fleet Superintendent, were available for questions.

Councilman Arnold said that there was a front load truck that was going to be fixed with those funds, but after further review, it was determined not to refurbish that truck. He asked if vehicle #1185 was previously identified or had they decided not to spend the money on it and spend the money elsewhere. Ms. Zelms said that it was identified for another year. She said they moved one vehicle up and another vehicle back. Councilman Arnold said that after year six, there was between \$50,000 and \$75,000 per year of service expected. Ms. Zelms said it was an average statistic.

Mr. McConnell said that it was specialized equipment and after an interval of service they were almost constantly breaking down. He said that one of the objectives of prior years was to get the equipment on a replacement or major rebuild cycle. He said that if they missed a half day the schedule was very tight.

Mr. Fisk said the arm on the truck was failing and the repair was \$30,000. He said that it did not make sense to keep dumping money into it. Mr. Potts said that type of loader had been a problem since it was new. He said the manufacturer admitted that it was a problematic design and that they were going back to their old design.

Councilman Arnold asked if they were happy with the body. Mr. Potts said yes. Councilman Lamerson asked how much a new vehicle would cost. Ms. Zelms said it would be between \$225,000 and \$250,000. Councilman Lamerson asked if a new vehicle would last as long as the refurbished equipment. Ms. Zelms said yes. Councilman Lamerson said that it made more sense to refurbish the vehicle.

Councilman Hanna asked if it would be cheaper to work on the old style equipment. Mr. Potts said yes.

Bill Yanich, Granite Springs, said there were a lot of times when Council asked people questions. He said that they did not get an exact number when they were talking about how much tax might be on a \$200,000.00 home if they increased taxes. Mayor Kuykendall said they were talking about assessed valuation on property. He said that it was rare to find the exact numbers.

Mr. Yanich said that things came up that got lost on the public. He said the presentation on the trucks was not prepared. He asked what they were going to do with the pickup truck that would follow the mower. He asked how much that would add to the cost. He noted that he was sure that the Council actually got answers to these questions. He said their money was critical to them and there was a lot of talk about the new supermarket opening. He wanted to know how many people from Prescott got jobs at the new market. (Trader Joe's)

Mr. Kidd said they were getting off the agenda.

Mayor Kuykendall said that he heard Mr. Yanich say that the City spent \$2 million. Mayor Kuykendall said they invested \$2 million with a decent rate of interest. He said they were hiring 40 people at Trader's but could not require all of them to be from Prescott.

**COUNCILMAN LAMERSON MOVED TO APPROVE THE PURCHASE OF ONE AUTOMATED SIDE-LOAD (ASL) TRUCK BODY FROM ARIZONA REFUSE SALES, LLC, INCLUDING REFURBISHMENT OF VEHICLE #1185, IN AN AMOUNT NOT TO EXCEED \$220,000.00; SECONDED BY COUNCILMAN ARNOLD; PASSED 6-0 WITH COUNCILMAN KUKNYO ABSTAINING.**

- F. Purchasing of an articulating loader ("tool carrier") for the Solid Waste Transfer Station from Empire Machinery in the amount of \$157,330.00 plus tax.

Ms. Zelms said the tool carrier was an essential piece of day to day activities. She said the purchase was for a 2011 Caterpillar which would replace the existing front line equipment. She noted that it was a budgeted item in the Enterprise Fund for \$200,000.00.

Councilman Arnold said they always bought new equipment. He said that a lot of retailers sold lightly used equipment with long term warranties that would cost much less. He asked why they did not look at that option.

Mr. Frisk said they researched the possibility. He noted that they found a 1996 piece of equipment for \$110,000. Councilman Arnold asked if he could elaborate on the time constraints and cost the equipment was causing when it went down. Mr. Frisk said that if it went down and there was no back up, the Transfer Station would essentially be shut down.

Councilman Arnold asked how much the existing piece of equipment cost per year and how much it was down per year. Mr. Frisk said that he was only down for regular service. Councilman Arnold said that there was an existing backup and asked about its status. Mr. Frisk said it was mothballed and noted that they used it in the greenways yard and that it was used for light duty work.

Councilman Lamerson wanted to know who was paying for the equipment. He wanted the public to understand how the user fees worked in an Enterprise Fund. Ms. Zelms said the Enterprise Fund was held separately from the other funds and the user fees were used for the purchases within that fund.

Councilman Hanna asked if the machine being used now was only out for service. Mr. Frisk said that was correct. He said the transmission was very expensive. He said in anticipation of that happening, the equipment that they were replacing had over 13,000 hours on it and they could expect problems soon. Councilman Hanna asked if there was a warranty with the purchase. Mr. Potts said yes.

Councilman Blair asked if the tax on the equipment went into the General Fund or directly back to the Enterprise Fund. Ms. Zelms said the tax would go back to where the purchase was occurring. She said that it would be an expense out of the Enterprise Fund. Councilman Blair said the tax would come back to the City because they were charging the City sales tax.

Ms. Zelms noted that the purchase was occurring in Mesa. Councilman Blair said he thought it was from Empire in Prescott and asked if it was the same company. Ms. Zelms said yes. Councilman Blair asked why Prescott would not keep the sales tax in their community. Mr. Potts said he asked the representative from Empire and was told that their corporate headquarters was in Mesa and all sales went through headquarters.

Mr. Woodfill said that it was an area they were looking at. He said that retail sales went to the location where the equipment was delivered from. He said it was an issue they were looking at with various large equipment manufacturers.

Councilman Hanna asked if they could ask that the equipment be shipped to the Prescott store and then the City would buy it from them. Councilman Blair said that it sounded like they were not in charge of their own community. He asked why they would entice anyone to come to the community if they were not going to pay sales tax.

Mr. McConnell said that they might be able to require that delivery and point of sale be in the City of Prescott if the bidder had a business presence in the City of Prescott.

Councilman Arnold said there were two pieces of equipment that were both operable and one of them was 3000 hours over its ordinary replacement. He noted that there was no increased maintenance costs and no increased down time. He said that he could not see why they needed to spend the money on a new piece of equipment. Mr. Frisk said the process was a repetitive replacement for equipment and all municipalities did it. He said that piece of equipment was special because if it did break down, the Transfer Station could be at a halt. Councilman Arnold said that if that did happen, they still had a backup unit

that was operating and local vendors that had equipment for lease until the City found a replacement. Mr. Frisk noted that if they could find the attachments for their equipment it might work, but the chances were slim.

Councilman Arnold said that he understood having equipment on a schedule, but they just approved the replacement of some police cars that had gone beyond their schedule. Mr. Frisk said the equipment was behind schedule.

**COUNCILMAN BLAIR MOVED TO APPROVE THE PURCHASE OF AN ARTICULATING LOADER (“TOOL CARRIER”) FOR THE SOLID WASTE TRANSFER STATION FROM EMPIRE MACHINERY IN THE AMOUNT OF \$157,330.00 PLUS TAX; SECONDED BY COUNCILMAN LAMERSON; PASSED 5-1 WITH COUNCILMAN ARNOLD CASTING THE DISSENTING VOTE AND COUNCILMAN KUKNYO ABSTAINING.**

- G. Special Use Permit to add an emergency generator to an existing cell site at 218 East Willis Street, File No. SUP11-001.

Mr. Guice said the generator would be enclosed by a six foot block wall, which would be painted to match the existing facility and generator tests would occur during regular business hours.

Councilman Kuknyo said the noise level at 65 decibels was loud. Mr. Guice said one individual showed up and spoke in favor of the proposal. He said that it was not until over 70 decibels that the noise would be excessive

**COUNCILMAN ARNOLD MOVED TO APPROVE SUP 11-001 WITH THE FOLLOWING CONDITIONS OF APPROVAL; 1) PAINT BLOCKWALL A WHITE OR GREY COLOR TO MATCH EXISTING BUILDINGS; AND 2) GENERATOR TESTING SHALL BE CONDUCTED DURING BUSINESS HOURS 8 AM TO 5 PM MONDAY THROUGH FRIDAY; SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY.**

- H. Award of bid and contract for the Willow Creek 14” Transmission Main Reconstruction Project to Earth Resources Corporation, in the amount of \$424,027.48, requiring Davis-Bacon wages.

Mr. Nietupski said the project had been a Capital Improvement Project for a number of years. He noted that there had been two occasions where the water line washed out, once in 1997 and another time in 2004/2005. He said the new line would be installed and mechanically fixed to the bridge abutment. He noted that rock excavation would occur and that it would be installed into the rock strata of the creek bed and incased with reinforced

concrete. He said the project was financed through the Water Infrastructure Financing Authority of Arizona (WIFA). He noted that the project would begin in March and be completed in June 2012.

Councilman Hanna asked if the current line went through the same area. Mr. Nietupski said they would be going deeper and encasing it in concrete.

Councilman Lamerson asked what the difference was between a wage scale like Davis-Bacon and market driven wages. He asked what it would cost a contractor to provide that service. Mr. Nietupski noted that the United States Department of Labor identified prevailing wage rates that were associated with union scale in various regions of the country. He said it was the basis for payments that would be made to people who worked on the project. He said in a Right to Work state, earnings were generated by the wages the company set. Mr. McConnell said in the bid process, they never quite knew who the low bidder was and they had circumstances in the City with projects that did not require Davis-Bacon wage rates and the actual contractor paid them anyway.

Mayor Kuykendall asked what the WIFA rates were. Mr. Woodfill said they were approximately 3 percent for a 20 year term on that particular loan.

**COUNCILMAN LAMERSON MOVED TO AWARD THE BID AND CONTRACT FOR THE WILLOW CREEK 14-INCH TRANSMISSION MAIN RECONSTRUCTION PROJECT TO EARTH RESOURCES CORPORATION IN THE AMOUNT OF \$424,027.48, REQUIRING DAVIS-BACON WAGES; SECONDED BY COUNCILMAN HANNA; PASSED UNANIMOUSLY.**

### III. ADJOURNMENT

There being no further business to be discussed, the Regular Voting Meeting of February 14, 2012, adjourned at 4:09 p.m.

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MARLIN D. KUYKENDALL, Mayor

ATTEST:

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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 14th day of February, 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