

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

MINUTES OF THE REGULAR VOTING MEETING OF THE PRESCOTT CITY COUNCIL held on APRIL 10, 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.

◆ **INTRODUCTIONS**

◆ **INVOCATION**

Reverend Jane Cheek, First Congregational Church of Prescott

Reverend Cheek said the invocation.

◆ **PLEDGE OF ALLEGIANCE:** Councilman Carlow

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

◆ **ROLL CALL:**

Present:

Absent:

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

None

◆ **SUMMARY OF CURRENT OR RECENT EVENTS**

I. **PROCLAMATION**

A. April 8 – 14, 2012, as *National Telecommunications Week*

Councilman Blair read the proclamation and presented it to Lieutenant Amy Bonney and her staff at the Prescott Regional Communications Center.

Lieutenant Bonney acknowledged the Public Safety Communications Specialists. She said they represented nine police and fire agencies from the area. She introduced Julie Wilson, Shannon Moncher and Trina Miller.

II. 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 Prescott City Council Special Meeting of March 20, 2012, the Regular Voting Meeting of March 27, 2012, and the Special Meeting of March 27, 2012.

COUNCILMAN LAMERSON MOVED TO APPROVE CONSENT AGENDA ITEM II-A; SECONDED BY COUNCILMAN ARNOLD; PASSED UNANIMOUSLY.

III. REGULAR AGENDA

- A. Approval of Agreement No. 2 to City Contract No. 2010-003 with Carollo Engineers for engineering and other professional services pertaining to Airport Zone Production Well #3 in an amount not to exceed \$219,936.00.

Mr. Nietupski said the item pertained to arsenic reduction, which was required for that well to provide potable water. In the equipping, drilling and testing of the new water source it was determined that the service was needed. He said the water quality exceeded the maximum contaminate level of 10 parts per billion (ppb). He noted the scope of work would have engineering completed near the end of July 2012 and the construction would be bid subsequently, to be completed by August 2013. Of the total amount, \$116,000 was for design services and \$103,000 was post design for construction support, document review and other tasks associated with delivery of the project.

He noted that the well was the result of a 2005 designation of assured water supply from the Arizona Department of Water Resources (ADWR). As a part of that designation there was a request to augment the City's ability to deliver water in the vicinity of the recharge facility which was adjacent to the airport water reclamation plant.

Councilman Arnold asked what the current contaminant level was. Mr. Nietupski said it was 14 ppb for that well. Councilman Arnold asked what the previous Federal requirement was. Mr. Nietupski said it was 50 ppb and had been modified 3 to 4 years prior. Councilman Arnold asked

why they could not blend that water into the existing water. Mr. Nietupski said logistically the location of that well site made it a difficult achievement.

Councilman Arnold asked if he felt this was the best course of action. Mr. Nietupski said they were obligated to provide water which conformed to federal and state standards for potable use. He said in order to augment their ability to provide water they had to supply water that met those standards. He noted that it was the staff's recommendation for going forth with the project.

Councilman Blair asked how many gallons per minute the well pumped. Mr. Nietupski said the well had the capacity to pump 1000 gallons per minute (gpm). Councilman Blair asked how often they would utilize the well to put water into the main line. Mr. Nietupski said it would run periodically. He said there was another project in the queue regarding construction of a reservoir in Zone 12, south of State Route 89A. Well #3 would serve that reservoir and provide for that water storage. He said the well would operate on a daily basis and the demand would drive the need for its operation.

Mr. Nietupski said the delivery of water from the airport area was going to be more economical regarding electrical costs for pumping and delivery. He said that as far as the reduction in the use of water from the Assured Water Supply (AWS), it would be the same water and no change.

Councilman Blair asked if there was a one year or multiyear fee for maintenance. Mr. Nietupski said that when the facility was complete it would be owned and operated by the City of Prescott. He said that it would not be in any type of lease situation like they were in with the interim facility.

Councilman Blair asked if the ongoing fees for arsenic abatement were offset by water bill fees. Mr. Nietupski said yes. Mayor Kuykendall asked if the 12 inch line they looped the airport with the previous year would be in that system. Mr. Nietuski said yes.

Councilman Lamerson asked what the arsenic levels were in the other six wells. Mr. Nietupski said they were all less than 10 ppb. He noted that arsenic was a naturally occurring element and he could not say what the source was.

Councilman Lamerson said the arsenic may be more present where they were recharging than where they were extracting the water.

John Zambrano, Prescott, asked where the well was relative to the recharge basin and where the direction of groundwater flow was in that region. Mr. Nietupski indicated the well was northwest of the recharge facility and the groundwater had a northerly flow.

Mr. Zambrano asked why ADWR wanted the well to be there and asked if it was because they were using recharge credits. Mr. Nietupski said his understanding, based on designation of the AWS issued in 2005, was that the requirement to develop well infrastructure in that area was because of the recharge component and the credits associated with it.

Mr. Zambrano asked if it had to be there even if they were not using the credits. Mr. Nietupski said that question would need to be asked of ADWR.

COUNCILMAN BLAIR MOVED TO APPROVE AGREEMENT NO. 2 TO CITY CONTRACT NO. 2010-003 WITH CAROLLO ENGINEERS FOR ENGINEERING AND OTHER PROFESSIONAL SERVICES PERTAINING TO AIRPORT ZONE PRODUCTION WELL #3 IN AN AMOUNT NOT TO EXCEED \$219,936.00; SECONDED BY COUNCILMAN ARNOLD; PASSED UNANIMOUSLY.

- B. Approval of a professional services agreement with Dibble Engineering to complete White Spar Road water utility relocation design in an amount not to exceed \$69,166.00.

Mr. Nietupski said the contract was for design to relocate existing water line in the White Spar Road between Copper Basin Road and Canyon Drive associated with the Arizona Department of Transportation (ADOT) planned improvements to SR89 to install sidewalks, curbs and gutters. The City received notification from ADOT that the City's facilities were in conflict with the plan improvements. The City determined that they had no prior right and they were obligated as the utility owner to relocate the facilities. He noted that Dibble was working with ADOT and there would be some economy to be expected if the City also used them. He said the engineering work would be ten weeks. Upon completion, the City would advertise a construction project for relocation of the facilities based on the design. He noted that it was funded from the Water Capital Contingency Fund.

Councilman Arnold said because the City was the utility, in that case, it was a little different. He said that any time the City of Prescott did a road project, they put the same requirement on the other utility companies to relocate. He said that it rubbed him the wrong way to pay the extra costs for out of town labor.

Councilman Blair said they should find out when the bridge was going to be opened before they released it. He noted that they were expected to fast track the current project but had been waiting for a bridge for a long time. Mr. Nietupski said that ADOT and Yavapai County were working with the contractor to come to some resolution. He noted that it was a County project.

Councilman Lamerson said that he would support the current issue even though he was aggravated about the bridge.

Mayor Kuykendall asked if the construction would be done concurrently with the roadwork. Mr. Nietupski said the division for project would be that it would be completed just prior to the ADOT construction. Mayor Kuykendall asked how much the construction portion would cost. Mr. Nietupski said they anticipated about \$685,000, which was an existing 6 inch line that would be upsized to a 12 inch line.

Councilman Blair asked if there would be a need for the project if it were not for ADOT redoing that portion of the road. Mr. Nietupski said the project was identified in the water model; however, it would not have been done in the next five years.

COUNCILMAN ARNOLD MOVED TO APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH DIBBLE ENGINEERING TO COMPLETE WHITE SPAR ROAD WATER UTILITY RELOCATION DESIGN IN AN AMOUNT NOT TO EXCEED \$69,166.00; SECONDED BY COUNCILMAN CARLOW; PASSED 5-1 WITH COUNCILMAN BLAIR CASTING THE DISSENTING VOTE.

- C. Approval of contract with Southwest Ground-water Consultants Inc., for remediation and long-term monitoring of an underground fuel storage tank site at the Old City Yard on North Mount Vernon Avenue in an amount not to exceed \$311,684.00.

Mr. Nietupski said the project dated back many years. He said the two tanks were removed from this site in 1989 and the objective was to reduce residual levels of petroleum compounds in the ground and to remediate the site and gain closure of the Arizona Department of Environmental Quality (ADEQ) case.

He noted that the City was required to develop a corrective action plan, which was submitted in 2005. The action plan was not approved until 2009. He said it required additional sampling which was done in 2011. The results were contained in a report and information was provided to ADEQ. He said the intent was to see what type of natural attenuation would occur with respect to time, based on prior activities that had taken

place in clean up of the site. He said the City was required to continue the clean up and restore the quality of the ground water to regulatory requirements by removing the contaminants. That would be done over a six month period, twice per month. He said they would determine the effectiveness of the process at the end of that time. He noted that the clean up could go on for up to five years.

Councilman Blair asked what type of ongoing costs they would have if it was not cleaned up in six months. Mr. Nietupski said the initial costs for full phase extraction and reporting in the meetings was \$159,000. He said that if it was ineffective, another \$72,000 could be spent for the additional extraction process that would be conducted in the subsequent six months. He said if they met the regulatory requirements they would expect to spend, over the next five years another \$81,000 for the monitored natural attenuation. He noted that if at any time during the process, the levels were found to be in excess of the regulatory requirements, it was a potential that additional extraction may be required. He said that it was a process that they City must go through, anticipating those costs.

Councilman Blair said they would be spending \$144,000 to \$150,000 for the next 5-10 years. He asked how they would budget for it knowing that the chances were good that they would have to come up with \$150,000 per year. Mr. Nietupski said the budget came from the Water, Wastewater and Streets Funds. He said that they would budget accordingly as they understood what would be involved each year.

Councilman Carlow asked if they could cancel the contract if the corrective action plan was successful. Mr. Nietupski said they would have the obligation to monitor the natural attenuation for at least five years. Councilman Carlow said that he read a clause that they would pay an extra five percent increase for professional fees if they cancelled the contract early.

Mr. Nietupski said there would be a need to implement Phase I. He said they could reduce the scope of the work based on the results that they obtained. Councilman Lamerson asked if they were obligated to do the procedure. Mr. Nietupski said yes.

Councilman Arnold asked if the \$ 80,960 was an annual cost or for the full five years. Mr. Nietupski said it was for the five year period. He said they were asking for full approval.

Mayor Kuykendall asked if the tanks were out of the ground. Mr. Nietupski said yes.

Daniel Mattson, Prescott, asked what would happen if they voted no.

Mr. Kidd said that under the regulatory framework there were penalties that would be assessed against the City. He said it would be a huge amount of money and they could also institute injunctive action.

Councilman Blair asked how long the well had been monitored and if there was a decrease in the elements. Mr. Nietupski said that he could provide him with the sampling reports.

Councilman Kuknyo asked how far down the fuel went. Mr. Nietupski said he would get him that answer.

COUNCILMAN ARNOLD MOVED TO APPROVE THE CONTRACT WITH SOUTHWEST GROUND-WATER CONSULTANTS, INC., FOR REMEDIATION AND LONG-TERM MONITORING OF AN UNDERGROUND FUEL STORAGE TANK SITE AT THE OLD CITY YARD ON NORTH MOUNT VERNON AVENUE IN AN AMOUNT NOT TO EXCEED \$311,684.00; SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY.

- D. Recess into Executive Session.

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

The Prescott City Council recessed into Executive Session at 3:40 p.m.

IV. EXECUTIVE SESSION

- A. Discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body, except that, with the exception of salary discussions, an officer, appointee or employee may demand that the discussion or consideration occur at a public meeting. The public body shall provide the officer, appointee or employee with written notice of the executive session as is appropriate but not less than twenty-four hours for the officer, appointee or employee to determine whether the discussion or consideration should occur at a public meeting, pursuant to ARS §38-431.03(A)(1).
1. Review of applications submitted for vacancy on City Council.
- 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, pursuant to ARS §38-431.03(A)(4).

1. Chino Valley Transportation Tax Issue

V. POST EXECUTIVE SESSION

- A. Consideration and possible appointment of new Council member from among the applicants.

The Prescott City Council reconvened into Open Session at 5:28 p.m.

Mayor Kuykendall said the Council had the opportunity to discuss all of the applicants. He said they could adjourn and go home, make a motion to select a candidate, or make a motion to do something differently.

COUNCILMAN BLAIR MOVED TO APPOINT LEN SCAMARDO TO REPLACE JOHN HANNA FOR THE REASONS HE HAD DONE IT BEFORE, DID A GOOD JOB THEN AND WAS VERY VERSED WITH WHAT WAS GOING ON IN THE CITY; SECONDED BY COUNCILMAN KUKNYO.

Councilman Arnold said that he was appreciative of the time all of the applicants took to fill out the applications. He said that it was good to see that there was a wide variety of people in the community who had an interest in serving the community. He noted that a lot of thought and consideration had gone into where he would land. Councilman Lamerson thanked them all for volunteering to do what the others would not do. Councilman Carlow said that he was also glad to see the interest in the position and noted that a lot of thought went into their choice.

Mayor Kuykendall said that they would like to see any of the applicants run for office in two years.

MOTION PASSED UNANIMOUSLY.

Mayor Kuykendall asked Council when they would like to swear Mr. Scamardo in. Councilman Carlow said the beginning of the next meeting on April 17, 2012.

Mr. Scamardo thanked the Council for their confidence.

Mr. Wilhelm, Prescott, asked why they did not swear him in then. Mr. Kidd said that it was not on the agenda. Mr. McConnell noted that the pre oath items needed to be completed.

VI. ADJOURNMENT

There being no further business to be discussed, the Prescott City Council Regular Voting Meeting of April 10, 2012, adjourned at 5:34 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 10th day of April, 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