

PRESCOTT CITY COUNCIL
REGULAR MEETING
TUESDAY, APRIL 24, 2012
PRESCOTT, ARIZONA

MINUTES OF THE REGULAR VOTING MEETING OF THE PRESCOTT CITY COUNCIL held on TUESDAY, APRIL 24, 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** Rabbi William Berkowitz, Temple B'rith Shalom

Rabbi Berkowitz said the invocation.

◆ **PLEDGE OF ALLEGIANCE** Councilman Lamerson

Councilman Lamerson 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
Councilman Scamardo

None

◆ **SUMMARY OF CURRENT OR RECENT EVENTS**

City Manager McConnell said that May would be a busy month with Budget Workshops scheduled for May 17th and 24th.

I. 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.

- A. Purchase of a traffic signal controller cabinet from Econolite Control Products, Inc., in the amount of \$12,465.90.

Councilman Arnold asked if they were buying the cabinet to replace another. Mr. Nietupski said yes. Councilman Arnold asked if there would be a battery backup built in. Mr. Nietupski said that it did not have that, but it could be added.

- B. Approval of the Minutes of the Prescott City Council Workshop of April 3, 2012, and the Regular Voting Meeting of April 10, 2012.

COUNCILMAN ARNOLD MOVED TO APPROVE CONSENT AGENDA I-A AND I-B; SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY.

II. REGULAR AGENDA

- A. Appointment of member to the Prescott Planning and Zoning Commission and Unified Development Code Committee, and appointment of Chairman of the Unified Development Code Committee.

Councilman Lamerson thanked Councilman Scamardo and said that with Councilman Scamardo's background, he was a natural in the process of redesigning some of the unified codes.

Councilman Scamardo commended the committee. He said he knew Terry Marshall for over 30 years. He noted that Mr. Marshall became Vice President of Real Estate for the Fry's Stores and was a good appointment. He also said that Tom Menser was a great chairman.

COUNCILMAN LAMERSON MOVED TO ACCEPT THE COUNCIL APPOINTMENT COMMITTEE'S RECOMMENDATION AND APPOINT TERRY MARSHALL TO THE PLANNING AND ZONING COMMISSION, TERM TO EXPIRE MARCH 2016, AND ALSO TO THE UNIFIED DEVELOPMENT CODE COMMITTEE; AND APPOINT TOM MENSER CHAIRMAN OF THE UNIFIED DEVELOPMENT CODE COMMITTEE; SECONDED BY COUNCILMAN BLAIR; PASSED UNANIMOUSLY.

- B. Public Hearing and consideration of a liquor license application from Bryan Mark Nowicki, applicant for Chef Bryan Catering LLC, for a Series 12, *Restaurant*, license for Chef Bryan's Bistro located at 436 Goodwin Street.

Ms. Burke reviewed the application, noting that the property had been posted and no public comment had been received.

Mr. Nowicki said the LLC was under catering and the bistro opened six weeks ago. He said they had been operating with “bring your own booze” with no problems.

COUNCILMAN ARNOLD MOVED TO CLOSE THE PUBLIC HEARING; SECONDED BY COUNCILMAN CARLOW; PASSED UNANIMOUSLY.

COUNCILMAN ARNOLD MOVED TO APPROVE LIQUOR LICENSE APPLICATION FROM BRYAN MARK NOWICKI, APPLICANT FOR CHEF BRYAN CATERING LLC, FOR A SERIES 12, RESTAURANT, LICENSE FOR CHEF BRYAN’S BISTRO LOCATED AT 436 GOODWIN STREET; SECONDED BY COUNCILMAN CARLOW; PASSED UNANIMOUSLY.

- C. Public Hearing and consideration of a liquor license application from Lyndon Dean Edmonson, applicant for Prescott Four, LLC, for a Series 12, *Restaurant*, license for Mama Edda’s Gourmet Pizza located at 221 North Cortez Street.

Ms. Burke reviewed the application, noting that the property had been posted and no public comments had been received.

Mr. Edmonson said they had been open for a long time, but he and his partners had recently bought the business and they were operating under a temporary liquor license.

COUNCILMAN ARNOLD MOVED TO CLOSE THE PUBLIC HEARING; SECONDED BY COUNCILMAN KUKNYO; PASSED UNANIMOUSLY.

COUNCILMAN ARNOLD MOVED TO APPROVE LIQUOR LICENSE APPLICATION FROM LYNDON DEAN EDMONSON, APPLICANT FOR PRESCOTT FOUR, LLC, FOR A SERIES 12, RESTAURANT, LICENSE FOR MAMA EDDA’S GOURMET PIZZA LOCATED AT 221 NORTH CORTEZ STREET; SECONDED BY COUNCILMAN KUKNYO; PASSED UNANIMOUSLY.

- D. Public Hearing and consideration of the Amendment to the 2011 CDBG Annual Action Plan transferring \$45,000 of funding allocation to Project Aware from Adult Care Services.

Ms. Dudek said the Community Development Block Grant (CDBG) program required that any time there was a change in funding that exceeded the 10 percent yearly allocation, she must come to Council as a representative of the Citizens Advisory Committee to request the change.

She noted that there was a roof and ceiling repair scheduled for the Adult Care Services Center, but it did not meet CDBG Housing of Urban Development (HUD) guidelines. She said that in the committee meeting of February 29, the suggestion was made to reallocate the money to Project Aware. She noted that Project Aware was building a complex at Leroux and South Montezuma. Last year CDBG funds helped them fund the purchase of 502 South Montezuma, which was uninhabitable. She said they planned to demolish the structure and replace it with six apartment units of affordable housing for formerly homeless women and their children.

She noted that the 30 day comment period began on March 24, and ended on April 23 with no comments received. She said the money was requested for demolition and to secure the property with fencing.

Councilman Arnold asked why they were allocating from a previous award. Ms. Dudek said the allocations were generally awarded in May and the funding came through in July. She noted that the roof and ceiling were put in without an environmental assessment. She said that once that happened, it was not eligible for the funding. Councilman Arnold asked her to clarify that she was not referring to the Rowle P. Simmons Adult Center on Rosser. Ms. Dudek said it was for the Adult Care Services which would be renamed to the Susan J. Rheem Day Care Center.

Councilman Lamerson said the City had not had any problems with Project Aware and said it was a tribute to the management. He said that he did not see an area that was better suited than Project Aware to receive the money.

Councilman Kuknyo said the project was probably in great demand. He asked how people would apply to live in the apartments. Ms. Dudek said that Mr. Faulk was the manager and was in the audience to answer questions.

Mayor Kuykendall said that he had been to the center many times. He asked if the lack of funds would be a hardship to the Adult Services Center. Ms. Dudek said they did it under the previous Grants Administrator and she was sure that it was a hardship. She said that she told all of the non profits not to proceed with work until they had a letter from the City.

Daniel Matson, Prescott, said that he understood that Project Aware was for homeless families and was not specified for women and children only. He said there was a vacuum of services for intact families and Project Aware was missing a great need. He said the only way to take care of an

intact family was to separate them. He suggested that Project Aware address that need.

Councilman Scamardo asked if the City ever matched funds on the Community Development Block Grant Funds. Ms. Dudek noted that in 2004, Prescott became an Entitlement Community. She noted that each year the City got an allocation that did not require matches.

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

**COUNCILMAN LAMERSON MOVED TO APPROVE THE AMENDMENT
TO THE 2011 CDBG ANNUAL ACTION PLAN TRANSFERRING \$45,000
TO FUNDING ALLOCATION TO PROJECT AWARE FROM ADULT
CARE SERVICES; SECONDED BY COUNCILMAN CARLOW; PASSED
UNANIMOUSLY.**

- E. Approval to purchase one (1) each crisis negotiator phone in the amount of \$31,199.44 from Enforcement Technology Group, Inc.

Lieutenant Reinhardt said the phone they currently had was over 25 years old, inoperable and they could not get the parts for it. He noted that funds were available through the Anti Racketeering Funds. He said there was no financial impact to the General Fund or the City.

**COUNCILMAN KUKNYO MOVED TO APPROVE PURCHASE OF ONE
(1) EACH CRISIS NEGOTIATOR PHONE IN THE AMOUNT OF
\$31,199.44 FROM ENFORCEMENT TECHNOLOGY GROUP, INC.;
SECONDED BY COUNCILMAN ARNOLD; PASSED UNANIMOUSLY.**

- F. Approval of submission of an Arizona Department of Homeland Security grant application in the amount of \$50,300.00 for the enhancement of State radio frequency interoperability.

Lieutenant Reinhardt noted that the Arizona Interagency Radio System (AIRS) was hosted and maintained by Arizona Department of Public Safety (DPS). He said it was a statewide system that gave all public safety agencies the ability to communicate on major incidences. He said that Prescott and surrounding areas lacked full coverage of the system. DPS did not have the money to enhance the system. He said the Department of Homeland Security recognized that fact and offered a funding source and the Prescott Police Department was asking for acceptance of the grant to make the project successful. He said there would be no matching fund required.

Councilman Arnold asked if the funds had already been committed. Lieutenant Reinhardt said the funds had been committed, but an application had to be submitted.

COUNCILMAN ARNOLD MOVED TO APPROVE SUBMISSION OF AN ARIZONA DEPARTMENT OF HOMELAND SECURITY GRANT APPLICATION IN THE AMOUNT OF \$50,300.00 FOR THE ENHANCEMENT OF STATE RADIO FREQUENCY INTEROPERABILITY; SECONDED BY COUNCILMAN SCAMARDO; PASSED 6-0 WITH COUNCILMAN BLAIR ABSENT.

- G. Approval of submission of a U.S. Department of Justice, Bureau of Justice Assistance (BJA), grant application seeking funding in the amount of \$11,571.00 for the purchase of law enforcement equipment.

Lieutenant Reinhardt said the grant funding had been set aside and offered to the City of Prescott. He noted that the funds would be used to purchase ballistic vests, helmets, and firearms training equipment. He said there would be no financial impact to the City.

Councilman Kuknyo asked if it was correct that the vests had an expiration date. Lieutenant Reinhardt said the ballistic material had an industry standard of about five years. He noted that some of their helmets were over 15 years old and many of those were obtained from the military.

Councilman Arnold asked if they would be caught up to where they should be or if those items would just be a piece of the pie. Lieutenant Reinhardt said that it was just a piece of the pie. He noted that the current SWAT team had 16 members. He said they budgeted for replacement materials in the General Fund.

Councilman Arnold asked if these items would be used by the SWAT team more than the police officers. Lieutenant Reinhardt said yes, but the firearms training equipment would be used by both.

Councilman Blair asked what was done with the items when they were retired. Lieutenant Reinhardt said that the City disposed of them. Councilman Blair asked what disposed meant. Lieutenant Reinhardt said they would take body armor to the range to test how they were holding up. He noted that firearms would be auctioned off.

Mayor Kuykendall asked if the extra fines that the State was taking in were helping out the Police Department. Lieutenant said they had about \$15,000 in that fund. He said they were just starting to spend some of it on safety equipment.

COUNCILMAN ARNOLD MOVED TO APPROVE SUBMISSION OF A U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE (BJA), GRANT APPLICATION SEEKING FUNDING IN THE AMOUNT OF \$11,571.00 FOR THE PURCHASE OF LAW ENFORCEMENT EQUIPMENT; SECONDED BY COUNCILMAN KUKNYO; PASSED UNANIMOUSLY.

- H. Adoption of Ordinance No. 4831-1231 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona to supplement the Lease Agreement between the City of Prescott, as Successor, to the Lease between Yavapai County, as Lessor, and Prescott Frontier Days, Inc.

Mr. Fenech noted that the item was for the approval of a one year supplemental agreement to the existing lease and management agreement between the City of Prescott and Prescott Frontier Days Rodeo. He said the agreement would allow the unencumbered use of the Macken Building activity room and restrooms in Barn B, in exchange for scheduling the use of the Macken building activity room, cleaning, maintaining and repairing the premises and paying all associated utilities.

Diane Judge-Cox, Vice President, Prescott Frontier Days, said they were excited to supplement their lease and thanked the Council for their consideration of the item. She said they had acquired some additional carts and people transporters and they needed more storage space. She said they always needed more space for events.

Councilman Arnold said he was excited about the change in responsible parties for the buildings. He said the rodeo was a major part of the City and its history. He asked if they were being asked to vote on an agreement for one fiscal year. Mr. Fenech said he was correct. Councilman Arnold asked if there was a long term commitment.

Ms. Judge-Cox said that they were under that understanding and said it would give the City an opportunity, with the County vacating, to let them take over the facilities for a year. It would give the Council time to determine what would happen with the space after that

Mayor Kuykendall asked if the County was still on target. Mr. Fenech said that they were and they may be out of Barn A earlier than June. Councilman Kuknyo said the supplemental agreement was good and gave both sides time to think through the options.

COUNCILMAN LAMERSON MOVED TO ADOPT ORDINANCE NO. 4831-1231; SECONDED BY COUNCILMAN ARNOLD; PASSED UNANIMOUSLY.

- I. Adoption of Resolution No. 4121-1231 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, adopting the Yavapai County Multi-Jurisdictional Hazard Mitigation Plan 2011.

Darrell Willis said the Disaster Mitigation Act was passed in 2000 by Congress. He said it required local communities and counties to do a risk assessment of the area to determine potential disasters and develop plans to mitigate those disasters.

In 2005 the City of Prescott evaluated and developed a plan relating just to Prescott. He noted that it needed to be updated every five years. He said the State obtained a grant this last year and wanted to go county by county and make individual plans for each jurisdiction. He noted that they had been working with a consultant for the past year about the hazards in the Prescott area and the potential mitigation projects they needed to work on. He said the Plan was available on CD.

Chief Willis noted that in 2010 there was a snow storm in town that created a lot of damage. He said the City obtained about \$300,000 in federal funds because they had the plan and winter storms was one of the identified areas. He said they identified a number of things that needed to be done and said there was financial commitment on the City.

Councilman Carlow asked if the City was eligible to receive federal funding for natural disasters. Mr. Willis said that the City was eligible. He noted that if the City did not approve the plan, the Federal Government could deny any request.

Councilman Lamerson asked what the \$300,000 was used for. Chief Willis noted that it was used for storm sewer and creek bottom infrastructure. He noted that there was a lot of damage in the parks and the emergency response overtime for police officers and firefighters was covered. Councilman Lamerson noted that the money repaired publically owned properties. Chief Willis said that it was specifically for public property.

Councilman Blair asked how they would go about improving the City Hall building security. Chief Willis said that the disc was available at the Fire Department for those who were interested. Councilman Blair asked if they had given their mitigation plans to Risk Management to preview. Chief Willis said that he did not believe so. He noted that Public Works and the Police Department were heavily involved with developing the plan.

Councilman Lamerson said he thought the \$300,000.00 was specifically for the snow damage and then he heard the Chief talking about bullet

proof glass. Chief Willis said if federal money became available, they could apply for it and use the money on the glass project because they had identified it as one of their mitigation projects.

Councilman Scamardo noted that it showed low water crossings in the mitigation plan, estimated at \$383,000.00. He said that it seemed that they were not putting those items in the budget, but they would be targeted item if the funds became available. Chief Willis said he was correct.

Daniel Mattson, Prescott, said he was working on the General Plan update and wondered if they should look at any of the items in the mitigation plan to see if they overlapped.

COUNCILMAN ARNOLD MOVED TO ADOPT RESOLUTION NO. 4121-1231; SECONDED BY COUNCILMAN CARLOW; PASSED UNANIMOUSLY.

J.* Recess into Executive Session.

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

The Prescott City Council recessed at 3:52 p.m.

III.* EXECUTIVE SESSION

A. Discussion or consultation for legal advice with the attorney or attorneys of the public body, pursuant to ARS §38-431.03(A)(3).

1. Employee Benefits

IV. POST EXECUTIVE SESSION

1. Additional discussion / direction re employee benefits.

The Prescott City Council reconvened into Open Session at 5:00 p.m.

Mayor Kuykendall noted that they had been discussing how to structure future employment benefits. He said the Council had played an active role and given staff ideas and directions on items of importance. He asked Ms. Zelms to give a brief synopsis of the conversation. He noted that the information would be forwarded to the employees and Council. He said they would continue to work on the item at a future date.

Ms. Zelms said she had discussed the staff's proposal for some changes to employee benefits. She noted that since the past week's proposal, staff and Council received comments from the public and staff. She noted that the Council wanted to discuss those benefits.

She said the last proposal said the eligible employees who had met the years of service with the City and retirement eligibility requirements as of June 30, 2012, would retain their eligibility and the retirement appreciation bonus. She said the concerns that they had heard requested that they addresses employees that were not within the eligible area for the retirement appreciation bonus.

She said the amended proposal would be to allow those employees who, under the original proposal, were eligible to retain that benefit, to keep that. The employees who were originally not eligible would retain a retirement appreciation bonus, if they met the years of service and retirement eligibility requirements upon separating. She said that retirement bonus payout would be capped at the rate of pay as of June 30, 2012.

She said if Council felt it addressed some of the concerns that had been raised; staff could provide that to the rest of the employees in the City via an email.

Mayor Kuykendall asked when the press and employees might get that information. Ms. Zelms said it would be within the next two days.

##IV. ADJOURNMENT

There being no further business to be discussed, the Regular Voting Meeting of the Prescott City Council held on April 24, 2012, adjourned at 5:05 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 24th 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