



AGENDA

**PRESCOTT CITY COUNCIL
REGULAR VOTING MEETING
TUESDAY, FEBRUARY 26, 2013
3:00 P.M.**

**Council Chambers
201 South Cortez Street
Prescott, Arizona 86303
(928) 777-1100**

The following Agenda will be considered by the Prescott City Council at its **Regular Voting Meeting** pursuant to the Prescott City Charter, Article II, Section 13. Notice of this meeting is given pursuant to Arizona Revised Statutes, Section 38-431.02. One or more members of the Council may be attending this meeting through the use of a technological device.

- ◆ **CALL TO ORDER**
- ◆ **INTRODUCTIONS**
- ◆ **INVOCATION** Pastor Jane Cheek, First Congregational Church of Prescott
- ◆ **PLEDGE OF ALLEGIANCE:** Councilman Carlow
- ◆ **ROLL CALL:**

MAYOR AND CITY COUNCIL

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

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

- I. **CONSENT AGENDA**

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

RECOMMENDED ACTION: MOVE to approve Consent Agenda Items I.A.-I.F.

- A. Approval of the minutes of the Prescott City Council Special Meeting of February 5, 2013; Workshop of February 5, 2013; Special Meeting of February 12, 2013; and Voting Meeting of February 12, 2013.

- B. Purchase of one (1) ea. Allied Model 2112 pedestal boom system base assembly with bolt kit for stationary boom crane from Tucson Tractor Sales in the total amount of \$11,729.58, for the Solid Waste Transfer Station.
- C. Authorization of payment in the amount of \$12,300.00 to CRW Systems, Inc., for TRAKIT Annual Technical Support and Software Maintenance Renewal.
- D. Adoption of ORDINANCE NO. 4849-1306, AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AUTHORIZING THE PURCHASE OF A SEWER EASEMENT FROM THE CONAN L. & CRYSTAL K. QUICK FAMILY TRUST, IN THE VICINITY OF LOT 450 YAVAPAI HILLS UNIT II, AUTHORIZING THE MAYOR AND STAFF TO EXECUTE ANY AND ALL DOCUMENTS TO EFFECTUATE SAID PURCHASE.
- E. Adoption of ORDINANCE NO. 4852-1309, AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, GRANTING A NONEXCLUSIVE ACCESS EASEMENT FOR THE BENEFIT OF LOTS 105-04-011B and 105-04-011C.
- F. Adoption of Resolution No. 4162-1324 regarding contracts with City Council members or employees.

II. REGULAR AGENDA

- A. Appointment of members to the Prescott Preservation Commission.

RECOMMENDED ACTION: MOVE to accept the Council Appointment Committee recommendation to appoint Trinidee Shelton, and to reappoint Robert Burford, Michael Todd, and Russell Buchanan with terms to expire March 2016 and for Mike Todd to continue as the Chairman of the Commission.
- B. Appointment of members to the Advisory and Appeals Board.

RECOMMENDED ACTION: to accept the Council Appointment Committee recommendation to appoint Steve Childers to the Advisory and Appeals Board with a term to expire March 2015.
- C. Public Hearing and consideration of a liquor license application from William Kenneth Smoot, applicant for Prescott Winery for a Series 13 Domestic Farm Winery, license, located at 216 North Alarcon Street.

RECOMMENDED ACTION: (1) MOVE to close the Public Hearing; and (2) MOVE to approve/deny Liquor License Application No.13133034, for a Series 13, Domestic Farm Winery license, for Prescott Winery located 216 North Alarcon Street.

- D. Approval of a grant application to the Governor's Office of Highway Safety seeking funding in the total amount of \$27,000.00 for a police motorcycle.

RECOMMENDED ACTION: Move to approve submission of a grant application to the Governor's Office of Highway Safety for funding in the amount of \$27,000.00.

- E. Approval of Change Orders 7, 9, and 10 to the contract with A. Miner Contracting, Inc., for construction of the Runway 21L-3R Runway Safety Area Improvement Project at Prescott Municipal Airport.

RECOMMENDED ACTION: MOVE to approve Change Order 7 in the amount of \$12,231.50, Change Order 9 in the amount of \$43,311.42, and Change Order 10 in the amount of \$36,045.75 to the construction contract with A. Miner Contracting, Inc., for the Runway 21L-3R Runway Safety Improvement Project.

- F. Approval of a professional services agreement with Shephard-Wesnitzer, Inc., to provide engineering services for the FY 2014 Pavement Reconstruction Program in an amount not to exceed \$266,540.00.

RECOMMENDED ACTION: MOVE to approve a professional services agreement with Shephard-Wesnitzer, Inc., to provide engineering services for the FY 2014 Pavement Reconstruction Program in an amount not to exceed \$266,540.00.

- G. Approval to perform night work along segments of Sheldon Street, Marina Street, and Whipple Street associated with the 2013 Pavement Rehabilitation Project.

RECOMMENDED ACTION: MOVE to approve night work on segments of Sheldon Street, Marina Street, and Whipple Street associated with the 2013 Pavement Rehabilitation Project.

- H. Approval to purchase one (1) ea. 2013 Ford F250 4x4 crew cab pickup truck in the total amount of \$28,987.90 and one (1) ea. six cubic yard Par-Kan Easy Dump collection container in the total amount of \$14,429.19.

RECOMMENDED ACTION: MOVE approve the purchase one (1) ea. 2013 Ford F250 4x4 crew cab pickup truck in the total amount of \$28,987.90 and one (1) ea. six cubic yard Par-Kan Easy Dump collection container in the total amount of \$14,429.19.

I. Solid waste management organization, responsibilities, and requirements

- (1) Adoption of Resolution No. 4162-1322, A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED "CHAPTER 2-13, FIELD AND FACILITIES SERVICES DEPARTMENT".

RECOMMENDED ACTION: MOVE to adopt Resolution No. 4162-1322.

- (2) Adoption of Ordinance No. 4848-1305, AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AMENDING THE PRESCOTT CITY CODE AMENDING CHAPTER 2-13 BY ADOPTING THE PUBLIC RECORD DOCUMENT ENTITLED "CHAPTER 2-13, FIELD AND FACILITIES SERVICES" AND DECLARING AN EMERGENCY; and

RECOMMENDED ACTION: MOVE to adopt Ordinance No. 4848-1305, with the emergency clause.

- (3) Adoption of Resolution No. 4163-1324, A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, ESTABLISHING THE AMOUNTS FOR FEES FOR SERVICES AND ACTIVITIES PROVIDED UNDER PRESCOTT CITY CODE, CHAPTER 2-13, FIELD AND FACILITIES SERVICES DEPARTMENT, REFUNDING CERTAIN FEES, AND PRORATING CERTAIN FEES.

RECOMMENDED ACTION: MOVE to adopt Resolution No. 4163-1324.

J. Adoption of Resolution No. 4164-1325 declaring Zeitz, Germany, a Sister City.

RECOMMENDED ACTION: MOVE to adopt Resolution No. 4164-1325.

K. Approval of Supplemental Agreement No. 2013-141-A1 with the Elks' Theatre and Performing Arts Center, Inc. (Elks' Center), re the booking and management of certain performances.

RECOMMENDED ACTION: MOVE to approve Supplemental Agreement No. 2013-141-A1 with the Elks' Theatre and Performing Arts Center.

L. Legislative Update

RECOMMENDED ACTION: Council can discuss and provide direction. No formal action will be taken.

III. ADJOURNMENT

EXECUTIVE SESSION

Upon a public majority vote of a quorum of the City Council, the Council may hold an executive session, which will not be open to the public, regarding any item listed on the agenda but only for the following purposes:

- (i) Discussion or consideration of personnel matters (A.R.S. §38-431.03(A)(1));
- (ii) Discussion or consideration of records exempt by law (A.R.S. §38-431.03(A)(2));
- (iii) Discussion or consultation for legal advice with the city's attorneys (A.R.S. §38-431.03(A)(3));
- (iv) Discussion or consultation with the city's attorneys regarding the city's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions conducted in order to avoid litigation (A.R.S. §38-431.03(A)(4));
- (v) Discussion or consultation with designated representatives of the city to consider its position and instruct its representatives regarding negotiations with employee organizations (A.R.S. §38-431.03(A)(5));
- (vi) Discussion, consultation or consideration for negotiations by the city or its designated representatives with members of a tribal council, or its designated representatives, of an Indian reservation located within or adjacent to the city (A.R.S. §38-431.03(A)(6));
- (vii) Discussion or consultation with designated representatives of the city to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property (A.R.S. §38-431.03(A)(7)).

Confidentiality

Arizona statute precludes any person receiving executive session information from disclosing that information except as allowed by law. A.R.S. §38-431.03(F). Each violation of this statute is subject to a civil penalty not to exceed \$500, plus court costs and attorneys' fees. This penalty is assessed against the person who violates this statute or who knowingly aids, agrees to aid or attempts to aid another person in violating this article. The city is precluded from expending any public monies to employ or retain legal counsel to provide legal services or representation to the public body or any of its officers in any legal action commenced for violation of the statute unless City Council takes a legal action at a properly noticed open meeting to approve of such expenditures prior to incurring any such obligation or indebtedness. A.R.S. §38-431.07(A)(B).

CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Prescott City Hall on _____ at _____ m. in accordance with the statement filed by the Prescott City Council with the City Clerk.

Lynn Mulhall, MMC, City Clerk