



AGENDA

**PRESCOTT CITY COUNCIL
REGULAR VOTING MEETING
TUESDAY, MARCH 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 Lamerson
- ◆ **ROLL CALL:**

MAYOR AND CITY COUNCIL

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

- ◆ **PROCLAMATIONS**
 - A. "Fair Housing Month"
- ◆ **SUMMARY OF CURRENT OR RECENT EVENTS**

I. CONSENT AGENDA

CONSENT ITEM I.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 5, 2013; Workshop of March 5, 2013; Special Meeting of March 12, 2013; and Regular Meeting of March 12, 2013.

RECOMMENDED ACTION: MOVE to approve Consent Agenda Item I.A.

II. REGULAR AGENDA

- A. Approval of Intergovernmental Agreement (“IGA”) (Contract No. 2013-149) with the Town of Chino Valley to provide prosecution services.

RECOMMENDED ACTION: MOVE to approve entering into an IGA (Contract No. 2013-149) with the Town of Chino Valley for prosecution services.

- B. Approval of a Teaming Agreement with the Arizona Commerce Authority for the Unmanned Aircraft System Test Site Selection Project of the Federal Aviation Administration (City Contract No. 2013-156).

RECOMMENDED ACTION: Move to approve the Teaming Agreement with the Arizona Commerce Authority for the Unmanned Aircraft System Test Site Selection Project of the Federal Aviation Administration (City Contract No. 2013-156).

- C. Public Hearing for CDBG 2013-2014 Annual Action Plan.

RECOMMENDED ACTION: Move to close the Public Hearing.

- D. Approval of Preliminary Plat PP12-001 for Madison Park Cottages, a six-lot single-family subdivision (Zoning: Multifamily/Medium Density; Owner: Habitat for Humanity).

RECOMMENDED ACTION: MOVE to approve Preliminary Plat PP12-001 inclusive of the P&Z Commission recommended conditions, but excluding the off-site street improvements to Meany Street;

or,

MOVE to approve Preliminary Plat PP12-001 inclusive of the P&Z Commission recommended conditions with the alternative street improvements as described in the Public Works report.

- E. Approval of night work for replacement of the roof and mechanical equipment on the Yavapai County Courthouse. Owner: Yavapai County.

RECOMMENDED ACTION: MOVE to approve the request for night work on the Yavapai County Courthouse.

- F. Adoption of Resolution No. 4166-1327 declaring the reorganized City Code Title 1, Section 27 a public record, and Ordinance No. 4853-1310,

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AMENDING THE PRESCOTT CITY CODE BY AMENDING CITY CODE TITLE 1, SECTION 27, BY ADOPTING THE PUBLIC RECORD DOCUMENT GENERALLY ENTITLED "CITY CODE, TITLE 1, SECTION 27, CITY OF PRESCOTT PROCUREMENT CODE".

RECOMMENDED ACTION: MOVE to adopt Resolution No.4166-1327; and (2) MOVE to adopt Ordinance No. 4853-1310.

- G. 2012 Annual Water Withdrawal and Use Reports and approval of payment of fees in the amount of \$11,786.74 to the Arizona Department of Water Resources.

RECOMMENDED ACTION: MOVE to approve the payment of fees in the total amount of \$11,786.74 to the Arizona Department of Water Resources for 2012 Annual Water Withdrawal and Use.

- H. Approval of sole source purchase of two (2) traffic signal controller cabinets from Econolite Control Products, Inc., in the total amount of \$24,920.40.

RECOMMENDED ACTION: MOVE to approve the sole source purchase of two (2) traffic signal controller cabinets from Econolite Control Products, Inc., in the total amount of \$24,920.40.

- I. ORDINANCE NO. 4854-1311, AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT YAVAPAI COUNTY, ARIZONA, AMENDING TITLE 8, CHAPTER 8-1, SECTION 8-1-2 OF THE PRESCOTT CITY CODE REGARDING REPAIR AND MAINTENANCE OF SIDEWALKS AND ALLEYS.

RECOMMENDED ACTION: MOVE to adopt Ordinance No. 4854-1311.

- J. Adoption of Resolution No. 4165-1326 approving an Intergovernmental Agreement with the City of Phoenix for temporary use of a Kubota articulated loader and transport trailer for the annual spring clean-up (City Contract No. 2013-157).

RECOMMENDED ACTION: MOVE to adopt Resolution No. 4165-1326.

- K. Adoption of Amendment to Resolution No. 4160-1321 (authorizing the City Clerk to enter into agreements as required for the 2013 Primary, General, and Special Elections) correcting date of Alternative Expenditure Limitation to August 27, 2013.

RECOMMENDED ACTION: MOVE to adopt Amendment to Resolution No. 4160-1321.

- L. Approval of a letter to the Federal Aviation Administration re Essential Air Service to Prescott, Arizona, for the two-year period commencing May 1, 2013.

RECOMMENDED ACTION: MOVE to authorize the Mayor to sign a letter recommending that the U.S. Department of Transportation award the contract for Essential Air Service for the two-year period commencing May 1, 2013, to Great Lakes Aviation, Ltd.

- M. Legislation

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