

PRESCOTT CITY COUNCIL
REGULAR VOTING MEETING
TUESDAY, MARCH 26, 2013
PRESCOTT, ARIZONA

MINUTES OF THE REGULAR VOTING MEETING OF THE PRESCOTT CITY COUNCIL HELD ON MARCH 26, 2013, 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** by Pastor Jane Cheek, First Congregational Church of Prescott

◆ **PLEDGE OF ALLEGIANCE** by Councilman Lamerson

◆ **ROLL CALL:**

Present:

Absent:

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

None

◆ **PROCLAMATION**

A. "Fair Housing Month"

Councilman Kuknyo read the proclamation and presented it to Councilwoman Suttles, Miriam Haubrich and Jerry Jones from Community Development Block Grant (CDBG).

Former Councilwoman Suttles thanked Council, on behalf of CDBG, and said there is a Fair Housing workshop on Thursday, March 28, from 1:00 P.M. to 4:00 P.M.

◆ **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.

COUNCILMAN ARNOLD MOVED TO APPROVE CONSENT AGENDA ITEM I.A; SECONDED BY COUNCILMAN KUKNYO; PASSED UNANIMOUSLY.

II. REGULAR AGENDA

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

City Attorney Paladini requested that the item be removed from the agenda.

- 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).

Jeff Tripp, Airport Manager, presented. This is a request for the approval of a team agreement between the City and the Arizona Commerce Authority which will have the airport acting as a primary team member in cooperation with Embry-Riddle to use the Prescott airport and Embry-Riddle campus as a test range. He discussed the following:

- ▶ The Federal Aviation Administration Modernization and Reform Act of 2012 directed the Federal Aviation Administration (FAA) to develop a program to integrate unmanned aircraft systems (UAS) into the national airspace system at six (6) test ranges throughout the United States. The FAA subsequently issued an Unmanned Aircraft System Test Site Selection Screening Information Request (UASTSS SIR).
- ▶ This year the Arizona Senate reiterated interest in being selected, and designated the Arizona Commerce Authority (ACA) to lead the state's application effort.
- ▶ The Teaming Agreement continues the process Council approved last year to officially enter into an agreement with the ACA to continue on with this process.

Councilman Lamerson asked about the kinds of planes we are looking at testing. Mr. Tripp said the size of the aircraft will not exceed 55 pounds at the Prescott location. These tests are limited to flight tests; they will not be testing opticals or sensors. He noted that they will not be flying over residential areas.

Mayor Kuykendall said the Department of Defense started putting out proposals a few years ago. They were looking for areas with very little airport traffic. The path will be from our area to Seligman. This can be a great industry for our area.

Councilman Kuknyo said we are trying to be one of the six areas in the country to be chosen. This fits into our vision for the airport area. It will be good for our economy and provide good jobs. Councilman Scamardo said he concurs with Councilman Kuknyo's comments.

Mr. Tripp said the selection will be later this year.

COUNCILMAN SCAMARDO MOVED 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); SECONDED BY COUNCILMAN CARLOW; PASSED UNANIMOUSLY.

Dennis Duvall, Prescott resident, said the County voted on this. He said drones are easily abused by law enforcement and there are no policies for it. There should be public hearings and public comments. Mr. Paladini said it has been properly agendized and properly set for a decision by the Council. He said the City is not required to have a public hearing and this is the opportunity for the public to comment. Mr. Duvall said there is strong opposition to the use of drones as domestic surveillance.

Mayor Kuykendall explained this item is to ask the Federal Government to consider this as one of six testing sites in the United States. He said the unmanned aircraft is not a drone; it is an unmanned aerial vehicle platform. Mr. Tripp said if Prescott is not selected, someone else will get it and the jobs will go there. He noted that public input and participation will be a big part of this.

Yvonne Dorman, Prescott resident, said she is very concerned with drones. She feels the public needs to know if they are being built for something more than looking over empty fields. She does not think this is right.

Mayor Kuykendall said the item is to reach an agreement with Embry-Riddle and the Arizona Commerce Authority to work together in developing a system that will allow them to test aerial vehicles in this area.

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

George Worley, Community Development Planning Manager, introduced the public hearing at 3:25 P.M. This is the first of two public hearings. The second public hearing will be April 9, 2013. The recommendation comes from the Citizen Advisory Committee. Following the public hearing on April 9th, Council will be asked to take action. The purpose of this meeting is for public comment.

Councilman Kuknyo asked how people know that funds are available for use. Mr. Worley said through the organizations who are recipients, through publications and workshops. Councilman Blair asked if the \$40,850 administration fee paid for a City employee. Mr. Worley said the majority of it did. Councilman Carlow, who represents Council on the Advisory Committee, reported that we only received 14 responses to all of the advertising they did.

There being no public comments, the public hearing closed at 3:30 P.M.

COUNCILMAN KUKNYO MOVED TO CLOSE THE PUBLIC HEARING FOR CDBG 2013-2014 ANNUAL ACTION PLAN; SECONDED BY COUNCILMAN BLAIR; PASSED UNANIMOUSLY.

- 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).

George Worley, Community Development Planning Manager, presented. This is a preliminary plat to create six single-family lots located between Madison and Meany Streets west of Short Street. The terrain is difficult due to a large rock outcropping running east-west through the site. The zoning would allow up to 14 dwelling units if developed as multi-family dwellings, but significant grading would be required.

Habitat constructs single family homes and has designed a subdivision plat creating six single family residential lots. Four of which front Meany Street and parking for all six lots is proposed to be on Meany Street, due to the slope of the street. There are already three Habitat homes in the vicinity. There have been some concerns regarding the narrowness of the street. Habitat worked with the Public Works Department as well as Planning and Zoning who are in favor of the project with minor changes. Neighbors have concerns about the narrowness of Meany Street. The Planning and Zoning Commissioners recommended in favor of the preliminary plat and asked that Meany Street be brought up to a city street standard. Mr. Worley said there is a significant cost and could have potential impact on Habitat's development. Being a "not for profit" they do not have the option to raise more money. Habitat worked with the Public Works department to discuss alternatives for Meany Street. The Public Works department does not think any additional work needs to be done on Meany Street but suggests more of a rural standard for the street.

Miriam Haubrich, representing Habitat, asked the Habitat support group to stand up and be recognized. She provided the history of the property and Habitat, a nonprofit organization. They work with low income families to keep them in affordable housing. She asked Council to help them build the houses because they are important to the community. This is a grouping of houses on an infill lot in the Dexter School neighborhood. They will be bringing six families into the community who will shop in Prescott.

Councilman Arnold said this is a positive thing in the community. He shared his concerns as relates to Meany Street. He asked if there are comments from the Fire Department. Mr. Worley said no comments had been received. Councilman Arnold said he is okay with existing conditions but would like to see some improvements for a turnaround for emergency vehicles. He is pleased to see the infill project taking place.

Councilman Carlow called attention to the alternative design and asked if Planning and Zoning discussed it. Mr. Worley said there was minimal discussion.

Councilman Blair said this fits the bill for him. He has concerns with sidewalks from the parking area to each house. Mr. Worley said that will be presented with the Final Plat. Staff has discussed this with Habitat. The preliminary plat looks at easements and parking areas, and the final plat will have more detail.

Councilman Scamardo said he attended all the meetings of the Planning and Zoning Commission. They did discuss the fact that the Council has the option to modify the stipulations. They are comfortable putting in a 24 foot street. He visited the site several times, and is in favor of the Planning and Zoning decision to pass it with Council having the right to modify the requirements in the Land Development Code.

Councilman Lamerson said the property has been here for a long time. He said that he has not heard there is a public health and safety issue. Each year more people get pushed out of Prescott due to the lack of affordable housing. He would like to hear from the Police and Fire Chiefs and Public Works about safety issues.

Councilman Kuknyo called attention to the Planning and Zoning recommendation. He pointed out a car parking on one side of the street and the problem if another car parked across the street. He asked if we could run a blade down the street and add four to five feet to the width of the street, or restrict parking to only one side of the street. He supported Councilman Arnold's idea of having a turn around. He feels this is a good project, but we have to be fair to the other residents in the area.

Councilman Lamerson asked Ms. Haubrich to explain the process of what Habitat does and how the homes transfer when one owner leaves. Ms. Haubrich said Habitat does not give houses away. The families have to do 250-500 hours of sweat equity toward the house. Once they move in they have a 30 year mortgage at zero interest. The first five years they have no equity in the home and if they leave, the house goes back to Habitat. After six years if they sell, Habitat has first right of refusal. The other piece in their mortgage documents prohibits them to rent out rooms or sublease the house. It cannot be made into a group home.

Scott Tkach, City Engineer, said staff recommends removing the road and building a rural street with 24 feet of pavement with a thickened edge to constrain asphalt. Regarding the turnaround, he is not sure there is room to make a turnaround that would meet requirements. Councilman Arnold wanted to know what is set in stone and what can be looked at and brought back with the final plat.

Mr. Worley explained the difference between the preliminary and final plat. Mr. Tkach said if the chip seal was laid down three years ago, based on the number of cars traveling on the road, we will probably get five years before repairs will be needed.

Councilman Arnold said the City would spend more money on a substandard, chip sealed street, over asphalt. He would like to have more conversations concerning the road and be assured that the City is not creating a health and safety issue. Almost one third of the street is already blocked. Mr. Worley said police and fire are involved in the review process. Our police department has the authority to post no parking signs.

Councilman Scamardo said it looks like there will be a lot of site work done, and Meany Street will get chopped up. Mr. Tkach said there will be costs associated with putting in water and sewer services. He supports the concept, but is concerned with health and safety. Councilman Lamerson said the people who are responsible for basic service delivery need to be heard from.

Councilman Blair said he thinks the fire department needs to answer all the questions. It is wrong to let Habitat move forward without Council hearing the answers to their questions. Council supports the project, but would like to have their questions relating to public safety answered.

Ms. Haubrich pointed out that the initial CDBG proposal was for \$30,000.00 to team up with Coalition for Compassion and Justice and to do home repairs. She said that they mentioned giving up the \$30,000.00 for home repair and giving it to engineering. She thought that was a terrible decision and said she would rather use the money for critical home repair. Councilman Arnold would like to have Police and Fire in attendance to answer questions. He supports the project but has concerns and wants to go to the site again.

Sandra Smith, a Prescott resident, said she sees serious problems with the street and access to emergency responders.

Fred McFarland, Prescott resident, thinks the City Code has a square foot minimum and he does not feel this meets that requirement. Mr. Worley said there is a minimum lot size which Council can modify under the Planned Area Development (PAD) review. Mr. McFarland said that he calls this incentive zoning and asked if they were going to do it for the entire neighborhood. Mr. Worley said the City allows for lot size and setbacks to be changed, but the density does not change. Mr. McFarland asked what happens if the zoning is approved and Habitat backs out.

Councilman Arnold said nowhere in the report does it say the Council, through a PAD process, is making a modification to the lot size requirement. He asked what else they might be modifying.

Mr. Worley said the lot sizes are decreased below the minimum 6,000 square feet requirement for single family homes and an allowance for offsite parking. Councilman Arnold said he would like that information included in the memo.

Tony Van Setten, Prescott resident, owns property just to the West of the property. As of today he has a different opinion of the property. He works for Yavapai County Road Division and has an issue with drainage. Mr. Worley and Habitat addressed his privacy issues. His concerns are at the end of Meany Street where the road goes into a trail. He would like something built to keep the cars from going through his fence.

John Hensley, lives in Phoenix and purchased five lots across the street from the project on Meany. He thinks Habitat is a benevolent organization, but he has two concerns with the project. It rubber stamps his street as low income. He has three Habitat houses next door and a proposed six across the street and fourteen proposed behind him. Twenty units will dramatically reduce the value of his property. This property was a City Park at one time. He has been to meetings with Habitat and Ecosa and the Planning Commission. He is opposed to six houses on that property and said he thinks it would comfortably accommodate three houses.

Mr. Hensley said he has had to move garbage cans off the street to get his truck by on Monday mornings. He is already impacted by the homes on the street and there are currently no homes across from him. He implored Council not to improve the Preliminary Plat. He feels the Commission failed him. If this Plat is approved, he feels the street should be developed to its ultimate width. If any other developer was building here he is sure the City would require a wider street. He reported that everyone uses his driveway to turn around.

Councilman Lamerson asked Mr. Worley about requirements and asked Mr. Paladini if we were creating a situation by holding special requirements for one developer and not another. Mr. Paladini said development requirements can be unique to projects. They have to ask themselves if the new development demands additional improvements to the street. Councilman Lamerson asked if they would be approaching this in the same manner if this were not a nonprofit.

Mr. Worley said they frequently see requests for planned area developments where waivers of standard are part of the design of that development. Usually there is a benefit to the City associated with those, in that open space is provided or significant topographic features are preserved or drainage is resolved. In this case, it would involve the City's water policy.

Mayor Kuykendall asked Mr. Hensley how many houses he thought would be appropriate. Mr. Hensley responded that he would think three houses would help preserve the natural character of the rocks and keep the parking at the house site.

Daniel Mattson, Dexter neighborhood resident, said we need more affordable housing. He agrees the street is substandard for the existing condition. Maybe this street could be added to the list for improvements, he suggested.

COUNCILMAN ARNOLD MOVED TO TABLE THE ITEM TO APRIL 9TH WITH STAFF DEPARTMENT RECOMMENDATIONS AND ASK THE MANAGER TO HAVE STAFF

AVAILABLE TO ANSWER ADDITIONAL QUESTIONS; SECONDED BY COUNCILMAN BLAIR; PASSED UNANIMOUSLY.

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

Mr. Worley, Community Development Planning Manager presented. He said that Bill Otwell is requesting permission to do some night work to rehabilitate the Courthouse building.

Mr. Otwell, Prescott architect, gave some background on the project and noted that the Courthouse Plaza is listed as one of the ten Great Public Spaces in America in 2010, by the American Planning Association. He did an assessment report on the Courthouse in 2002. Last year the Yavapai County Board of Supervisors decided to act on the recommendations in his report. Last year Phase I was completed by repairing the sewer system. Phase II is a 150 day project. We are making this request because the courts are too busy to do the work during the day. They are putting in a CO2 activated system so every room will have heating, cooling and fresh air. A new metal roof will go on the building as well as insulation. There will be minimal noise on the project. Most work will take place inside the building.

Councilman Arnold asked if the Courtyard events were considered when planning the work. Councilman Kuknyo asked about the musical venues. Mr. Otwell said his project would not interrupt the leased space for the events.

COUNCILMAN ARNOLD MOVED TO APPROVE THE REQUEST FOR NIGHT WORK ON THE YAVAPAI COUNTY COURTHOUSE; SECONDED BY COUNCILMAN KUKNYO; PASSED UNANIMOUSLY.

- 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*".

Mark Woodfill, Finance Director, said this is a cleanup of the Procurement Code. This was reviewed with all departments to clean up language.

Councilman Arnold asked for clarification that any contract over \$1,000.00 must be approved by the City Attorney. Mr. Woodfill said that any contract the City enters into has to be approved by the Legal Department. Any professional service for \$1,000.00 or more requires a contract.

COUNCILMAN ARNOLD MOVED TO ADOPT RESOLUTION NO. 4166-1327; SECONDED BY COUNCILMAN BLAIR; PASSED UNANIMOUSLY.

COUNCILMAN ARNOLD MOVED TO ADOPT ORDINANCE NO. 4853-1310; SECONDED BY COUNCILMAN CARLOW; PASSED UNANIMOUSLY.

- 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.

Leslie Graser, Water Resources Specialist, presented. There are two components to the City's water resources: the resource itself and the demand placed on that resource. The City's resources include: groundwater, surface water and treated effluent. The resources are recognized by the State of Arizona in the Decision and Order, which sets forth the City's legal water portfolio. The City is required to submit this report to the Department of Water Resources by March 31, 2013. Funding is available from the Water Fund.

Councilman Lamerson asked about projected water allocation. Ms. Graser said it is 4,670, based on the portfolio. He asked if that is what the City had left for the build out from today into the future. Ms. Graser said that will be based on the current Decision and Order but they need to keep in mind the groundwater side of the portfolio. Councilman Lamerson said that at the current rate we delegate .35 acre foot per residential unit, based on 2.5 people per residential unit.

Councilman Blair asked if we are paying less because we have pumped less water. Ms. Graser said it was twofold; the City pumped slightly less water and with the surface water recharge, the City does not pay for that volume of water or the treated effluent recovery unless it is taken out of a long term storage account. She said we will continue to see reduced use. The City has made great strides for many years to have a Safe Yield Active Management Area.

Councilman Scamardo asked about the water available for future use and the preliminary plats. Ms. Graser said the water has not been allocated until the plats are approved as final. Ground water and the alternative supplies are handled differently in state law.

Mayor Kuykendall asked if the water to the golf course is treated water. Ms. Graser said yes.

COUNCILMAN LAMERSON MOVED 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; SECONDED BY COUNCILMAN BLAIR; PASSED UNANIMOUSLY.

- 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.

Mark Nietupski, Public Works Director, presented. During evaluation practices it was determined that the units at Mr. Vernon Avenue and Gurley Street and Miller Valley

Road and Schemmer Drive need to be replaced. They do not have a secondary power supply, but they do attempt to have one spare controller.

COUNCILMAN LAMERSON MOVED 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; SECONDED BY COUNCILMAN KUKNYO; PASSED UNANIMOUSLY.

- 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.

Mark Nietupski, Public Works Director, reported there are 111 miles of sidewalks in the City. Property owners are required to maintain the property abutting the right-of-way sidewalks. They are responsible to keep them clear of ice and debris and in good order and repair. They are also required to remove debris within the parkway adjacent to buildings, grounds and premises. One issue we face is to provide for and meet community needs. City financial resources do not meet our needs, and Highway User Interface Funds (HURF) monies decline on an annual basis, and the One Cent Sales Tax for Streets and Open Space will be declining to ¾ percent on January 1, 2016.

The sidewalk assets are community assets, which require community involvement to maintain them effectively. In recent months staff has reviewed the code and the new language includes a process for review and a way to notify the property owners to recover the costs. It shall not be the responsibility of the property owner to remove trees in the right-of-way and effect sidewalk repair when the damage is due to tree roots. The major amendment is that it does allow the City discretion to replace, reconstruct or rebuild any sidewalk within the corporate limits, without charge to an abutting property owner, subject to the availability of funds in any given year. That means the City will be able to identify, pending the availability of revenue, segments of sidewalk that are in need of replacement and repair.

Mr. Nietupski said the Council will have the discretion to allocate funding. Repairs could be implemented without charging a property owner, depending on the location and benefit to the community. He pointed out the code in the packet had one minor error in Section E and has been corrected. There was a reference to paragraph C, which should have been paragraph D.

Mr. McConnell said Public Works would do a rolling inventory of the sidewalk system, identify sections that need to be repaired and assign a condition code. The City will contract out on a unit price basis.

Councilman Lamerson said he does not like the code. He does not think it is fair to a property owner who purchased property without a sidewalk to have to pay to maintain a sidewalk that was later installed by the City. He is now hearing that the property owner also has to take care of the City property near the sidewalk. He asked if the property

owner had sole discretion on what they would like to do with the property. Mr. Nietupski said the property owner can request a permit to modify the landscape.

Councilman Scamardo said when you acquire property in the City of Prescott you are in an unwritten contract that if curbs, gutters and sidewalks are required, the developer will put them in and the property owner has the responsibility to maintain the sidewalks. The code benefits the community.

Councilman Arnold said this is a good fix and addresses problems we have. Councilman Kuknyo said this gives freedom to fix the sidewalks and said the sidewalk in front of Sharlot Hall Museum needs repair. Councilman Blair said he will not support it because he lives on a street with no sidewalks.

Sandra Smith, Prescott resident, asked who will repair the sidewalks not abutting private property. Mr. Nietupski said the City will maintain the sidewalks, noted in Chapter 8 of the City Code. It does not make it mandatory but allows for the determination. She asked if it would be possible to meet with staff to determine where sidewalks should be repaired. Mr. Nietupski said he welcomes any input. He noted that there are topographical constraints for American with Disabilities (ADA) compliance.

Jim Knapp, Prescott resident and who volunteers with Prescott Alternative Transportation, is concerned with the pedestrian network. Any sidewalks the City repairs will be joyously received by the citizens. He said there are enough people who value the sidewalks and he may be able to wrangle up some of them to help maintain them, similar to the Over the Hill Gang. As a citizen, sidewalks add value and convenience to property. The City might allow a neighborhood to choose to have sidewalks installed.

Councilman Lamerson agrees that the sidewalks are in bad condition. He thinks public sidewalks and public streets are the responsibility of the City.

Councilman Blair asked that the Staff consider installing sidewalks from Taylor Hicks School down Delano Street to Ruth Street, if we are going to have an ongoing effort to repair and install sidewalks. Mr. Nietupski called attention to the Safe Routes to School Program funded by Arizona Department of Transportation (ADOT) and the Transportation Enhancement Program through the Federal government. The program is still there and he believes that the school may be coming to the front of that program.

COUNCILMAN ARNOLD MOVED TO ADOPT ORDINANCE NO. 4854-1311., IN THE TOTAL AMOUNT OF \$24,920.40; SECONDED BY COUNCILMAN SCAMARDO; PASSED 5-2, WITH COUNCILMEN LAMERSON AND BLAIR CASTING THE DISSENTING VOTES.

- 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).

Councilman Kuknyo declared a potential conflict of interest and left the dais at 5:47 P.M.

Stephanie Miller, Field and Facilities Services Director, presented. She said she would like to borrow the loader from the City of Phoenix for the Annual Bulk Item Clean Up with hopes of faster load up times. The department will evaluate the loader and may pursue the purchase of an articulated loader in the future. Phoenix will not charge the City of Prescott because the loader is surplus.

Councilman Arnold asked her to include the snow plow attachment if she buys one. He supports the purchase.

COUNCILMAN ARNOLD MOVED TO ADOPT RESOLUTION NO. 4165-1326; SECONDED BY COUNCILMAN CARLOW; PASSED 6-0.

Councilman Kuknyo returned to the dais at 5:50 P.M.

- 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.

City Clerk Mulhall explained there is language in Resolution No. 4160-1321 stating the Home Rule election is going to be held in November. The intent has always been to have the Home Rule election on the August ballot. This amendment corrects that language.

COUNCILMAN SCAMARDO MOVED TO ADOPT AMENDMENT TO RESOLUTION NO. 4160-1321; SECONDED BY COUNCIL MAN LAMERSON; PASSED UNANIMOUSLY.

- 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.

City Manager McConnell said there is an inconsistency on the agenda and the item title is to send the letter to Federal Aviation Administration, but the motion is to the Department of Transportation. The motion is correct. The title should have been a letter to the US Department of Transportation.

Jeff Tripp, Airport Manager, said the two year Essential Air Service contract will expire on April 30, 2013. The Department of Transportation issued requests for proposal in January 2013. Great Lakes Aviation currently flies four roundtrip daily flights to Denver and Los Angeles International airports. The minimum requirement for the contract is 18 flights.

The City of Prescott received three proposals. Of these, only Great Lake Aviation currently has code share agreements with major US airlines. Sovereign and SeaPort are both requesting to fly into Phoenix Sky Harbor, Terminal 2. That will require

customers to go through screening again in Phoenix if they are switching terminals to a different airline. Staff recommends the contract go to Great Lakes Aviation for another two year period.

COUNCILMAN ARNOLD MOVED 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; SECONDED BY COUNCILMAN SCAMARDO; PASSED UNANIMOUSLY.

M. Legislation.

Mel Preston, Communications & Public Affairs Manager, gave an update on current bills.

III. ADJOURNMENT

There being no further business to be discussed, the Regular Voting Meeting of March 26, 2013, adjourned at 6:00 P.M.

ATTEST:

MARLIN D. KUYKENDALL, Mayor

LYNN MULHALL, 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 26th day of March, 2013. I further certify the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____, 2013.

AFFIX
CITY SEAL

LYNN MULHALL, City Clerk