



# AGENDA

**PRESCOTT CITY COUNCIL  
REGULAR VOTING MEETING  
TUESDAY, APRIL 23, 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** Rabbi Bill Berkowitz, Temple B'rith Shalom
- ◆ **PLEDGE OF ALLEGIANCE:** Councilman Arnold
- ◆ **ROLL CALL:**

MAYOR AND CITY COUNCIL

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

- ◆ **PROCLAMATION**
  - A. "Youth Week" May 1-7
- ◆ **PRESENTATION**
  - A. Annual Rodeo Report by Prescott Frontier Days®, Inc. - Overview of 2012 Rodeo, upcoming 2013 Rodeo, and lease, development, and use of City facilities.
- ◆ **SUMMARY OF CURRENT OR RECENT EVENTS**

**I. CONSENT AGENDA**

**CONSENT ITEMS I.A. – I.D.** 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 Workshop of April 2, 2013; Special Meeting of April 9, 2013; and Regular Meeting of April 9, 2013.
- B. Award of a contract for real property appraisal services to BERGTHOLD AG SERVICES (City Contract No. 2013-161) for rights-of-way and easements required for the Park Avenue Improvement Project in the amount of \$11,000.
- C. Approval of a contract in an amount not to exceed \$19,167.28, with Cummins Rocky Mountain (City Contract No. 2013-173), for the rebuild of the diesel engine in Fire Engine 75 (COP Eq#1156).
- D. Approval to purchase four (4) each tires for the Aircraft Rescue Fire Fighting (ARFF) vehicle from Phoenix Tire, Inc., in the amount of \$15,011.32.

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

**II. REGULAR AGENDA**

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

**RECOMMENDED ACTION: (1) MOVE to close the public hearing; and, (2) MOVE to approve the CDBG 2013-2014 Annual Action Plan.**

- B. Presentation of the Wastewater Pretreatment Program including discussion of comments received, cost-benefit analysis, and proposed sewer use ordinance.

**RECOMMENDED ACTION: For discussion/direction only. An Ordinance amending the City Code will be brought back at a subsequent meeting.**

- C. Award of bid and contract for the FY 13/14 Pavement Rehabilitation Project to Asphalt Paving & Supply, Inc., in the amount of \$2,096,260.00 (City Contract No. 2013-170).

**RECOMMENDED ACTION: MOVE to award the bid and contract for the FY 13/14 Pavement Rehabilitation Project to Asphalt Paving &**

***Supply, Inc., in the amount of \$2,096,260.00 (City Contract No. 2013-170).***

- D. Approval of a professional services agreement with J2 Engineering and Environmental Design, LLC, (City Contract No. 2013-172) for FEMA Studies Finalization, Updates, and Outreach Projects in an amount not to exceed \$135,257.00 (Yavapai County Flood Control District funded).

***RECOMMENDED ACTION: MOVE to approve a professional services agreement with J2 Engineering and Environmental Design, LLC, for FEMA Studies Finalization, Updates, and Outreach Projects in an amount not to exceed \$135,257.00 (City Contract No. 2013-172).***

- E. Approval of a joint letter from the City of Prescott and Yavapai County to the State Transportation Board in support of widening State Route 89 from State Route 89A to Deep Well Ranch Road, and a separate letter from the City Council supporting the same.

***RECOMMENDED ACTION: MOVE to approve a joint letter from the City of Prescott and Yavapai County to the State Transportation Board in support of widening State Route 89 from State Route 89A to Deep Well Ranch Road, and a separate letter from the City Council supporting the same.***

- F. Award of three professional services agreements for on-call quality assurance and testing services for City capital construction projects to: (1) Ninyo & Moore (City Contract No. 2013-167), (2) Western Technologies, Inc. (City Contract No. 2013-168), and (3) Engineering & Testing Consultants Inc. (City Contract No. 2013-169), each in an amount not to exceed \$80,000.00.

***RECOMMENDED ACTION: MOVE to award separate contracts for quality assurance and testing services for City capital construction projects to: (1) Ninyo & Moore (City Contract No. 2013-167), (2) Western Technologies, Inc. (City Contract No. 2013-168), and (3) Engineering & Testing Consultants Inc. (City Contract No. 2013-169), each in an amount not to exceed \$80,000.00.***

- G. Approval of a professional services agreement with Lyon Engineering & Surveying, Inc., for the Sundog Wastewater Trunk Main Master Plan & Phase 1 Design, in an amount not to exceed \$541,385.00 (City Contract No. 2013-171).

***RECOMMENDED ACTION: MOVE to approve a professional services agreement with Lyon Engineering & Surveying Inc., for the Sundog Wastewater Trunk Main Master Plan and Phase 1 Design, in an amount not to exceed \$541,385 (City Contract No. 2013-171).***

- H. Approval of purchase and installation of public safety radio console dispatching equipment from Zetron for the Prescott Regional Communications Center in the amount of \$340,762.91 using State contract pricing.

**RECOMMENDED ACTION: MOVE to approve purchase and installation of public safety radio console dispatching equipment from Zetron for the Prescott Regional Communications Center in the amount of \$340,762.91 using State contract pricing.**

- I. Acceptance of a grant from the University of Illinois, Center for Public Safety and Justice, for funds in the amount of \$50,000.00 to implement a pilot program addressing persons with Alzheimer's disease.

**RECOMMENDED ACTION: MOVE to approve acceptance of a grant from the University of Illinois, Center for Public Safety and Justice, for funds in the amount of \$50,000 to implement a pilot program addressing persons with Alzheimer's disease.**

- J. Acceptance of a grant from the Arizona Governor's Office of Highway Safety, for funding in the amount of \$30,000.00 to implement a DUI educational, training, awareness, and enforcement campaign.

**RECOMMENDED ACTION: MOVE to approve acceptance of a grant from the Arizona Governor's Office of Highway Safety for funding in the amount of \$30,000.00 to implement a DUI educational, training, awareness, and enforcement campaign.**

- K. Approval to transfer grant funds from the Gila River Indian Community to the Arizona Wildfire and Incident Management Academy for operation of the 2013 training event.

**RECOMMENDED ACTION: MOVE to approve the transfer of \$50,000.00 of grant funding from the Gila River Indian Community to the Arizona Wildfire and Incident Management Academy, for reimbursement of 2013 event expenses.**

- L. Approval of Intergovernmental Agreement (City Contract No. 2013-149) with the Town of Chino Valley for prosecution services.

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

- M. Participation in the Yavapai County Water Advisory Committee in Fiscal Year 2014.

**RECOMMENDED ACTION: MOVE to approve sending the attached letter pertaining to Fiscal Year 2014 dues and activities to the Yavapai Water Advisory Committee.**

- N. Approval of Final Plat FP13-001 for The Meadows at Lynx Lake PAD, a 17 lot single-family home subdivision on 6.3 acres located on Walker Road south of State Route 69. APPLICANT/OWNER: Scot Lee, Lee Ltd., 300 N. Lee Blvd., Prescott, AZ 86301

**RECOMMENDED ACTION: MOVE to approve Final Plat FP13-001 for The Meadows at Lynx Lake PAD.**

- O. Legislation

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

- P. Public hearing regarding the Alternative Expenditure Limit – Home Rule Election at the August 27, 2013, City primary election.

**RECOMMENDED ACTION: MOVE to close the public hearing.**

### 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