



AGENDA

**PRESCOTT CITY COUNCIL
REGULAR VOTING MEETING
TUESDAY, MAY 14, 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** by Pastor Jane Cheek, First Congregational Church of Prescott
- ◆ **PLEDGE OF ALLEGIANCE:** Councilman Kuknyo
- ◆ **ROLL CALL:**

MAYOR AND CITY COUNCIL

Mayor Kuykendall
Councilman Arnold
Councilman Blair
Councilman Carlow

Councilman Kuknyo
Councilman Lamerson
Councilman Scamardo

- ◆ **PROCLAMATION**
 - A. "American Craft Brewers Week"
- ◆ **SUMMARY OF CURRENT OR RECENT EVENTS**
- I. **CONSENT AGENDA**

CONSENT ITEMS I.A. – I. E. 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 Caucus of April 16, 2013; Special Executive Session Meeting of April 23, 2013; Special Meeting of April 23, 2013; and Regular Meeting of April 23, 2013.
- B. Adoption of Resolution No. 4169-1331 providing notice to the Industrial Commission of the change by the City from self insurance to insured by Arizona Municipal Risk Retention Pool (“AMRRP”) for workers’ compensation and employer’s liability coverages.
- C. Authorization to purchase one (1) ea. Kubota articulating loader at auction not to exceed \$15,000.
- D. Approval to purchase public safety microwave radio equipment from Microwave Networks in the total amount of \$13,937.72.
- E. Purchase of ammonium lignin sulfonate from Shilon Corporation in an amount not to exceed \$20,000.00.

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

II. REGULAR AGENDA

- A. Public Hearing and consideration of a liquor license application from Michael Joseph Magee, applicant for WEREFISHY LLC, for a Series 12, Restaurant license, for Prescott Lobster and Seafood Company located at 220 West Goodwin Street #2.

RECOMMENDED ACTION: (1) MOVE to close the public hearing; and, (2) MOVE to approve/deny Liquor License Applicant No.12133552, for a Series 12, Restaurant license, for Prescott Lobster and Seafood Company located at 220 West Goodwin Street #2.

- B. Appointment of members to the Board of Adjustment.

Appointments

MOVE to accept the Council Appointment Committee recommendation to re-appoint Mike Klein and Richard Rosa, and to appoint Phil King, as members of the Board of Adjustment with terms to expire March 2016.

Administration of the Oath of Loyalty

Following the approval of the appointments the City Clerk will administer the Oath.

- C. Amendment to Comprehensive Sign Plan for Centerpointe West Commerce Park (CC13-001; Applicant – HOAMCO; Agent – A&B Sign Co.)

RECOMMENDED ACTION: MOVE to approve Comprehensive Sign Plan Amendment CC13-001 for Centerpointe West Commerce Park.

- D. Adoption of Resolution No. 4168-1330 Approval of Intergovernmental Agreement with the Town of Prescott Valley's for the use of the Glassford Hill communications infrastructure.

RECOMMENDED ACTION: MOVE to adopt Resolution No. 4168-1330.

- E. Acceptance of a grant from the Governor's Office of Highway Safety, for funds in the amount of \$25,244.00 to purchase one (1) ea. equipped Police Motorcycle.

RECOMMENDED ACTION: MOVE to approve acceptance of grant funding from the Governor's Office of Highway safety in the amount of \$25,224.00 for the purchase of one (1) ea. equipped police motorcycle.

- F. Adoption of Resolution 4167-1329 declaring City Code Title II Chapter 2-1: Public Works Department, a public record; and Adoption of Ordinance No. 4856-1313 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 II, CHAPTER 2-1, BY ADOPTING THE PUBLIC RECORD DOCUMENT GENERALLY ENTITLED "CITY CODE, TITLE II, CHAPTER 2-1, PUBLIC WORKS DEPARTMENT."

RECOMMENDED ACTION: By separate motions:

***MOVE to adopt Resolution No. 4167-1329;
and
Move to adopt Ordinance No. 4856-1313,***

- G. Award of bid and contract for the Annual Pavement Marking Project to Traffic Safety, Inc., in an amount not to exceed \$135,000.00 (City Contract No. 2013-183).

RECOMMENDED ACTION: MOVE to award the bid and contract for the Annual Pavement Marking Project to Traffic Safety, Inc., in an amount not to exceed \$135,000.00 (City Contract No. 2013-183).

- H. Award of bid and contract to OPTCO, Inc., to apply a protective coating to The Ranch 1B Lift Station Wet Well in the amount of \$20,500.00 (City Contract No. 2013-184).

RECOMMENDED ACTION: MOVE to award the bid and contract to OPTCO, Inc., to apply a protective coating to The Ranch 1B Lift Station Wet Well in the amount of \$20,500.00 (City Contract No. 2013-184).

- I. Approval of a license agreement with Burro Creek, LLC, for a City trail parking area (City Contract No. 2013-185).

RECOMMENDED ACTION: MOVE to approve a license agreement with Burro Creek, LLC, for a City trail parking area (City Contract No. 2013-185).

- J. Approval of Grant Application Submittal to Bikes Belong for Prescott's Greenways Trail Construction.

RECOMMENDED ACTION: MOVE to approve a grant application to Bikes Belong Foundation for construction of Prescott's Greenways Trails.

- K. Adoption of Resolution No. 4172-1334 approving the First Amendment to City Contract No. 2010-086, Procedural Pre-Annexation Agreement, James Deep Well Ranches #1 and #2.

RECOMMENDED ACTION: MOVE to adopt Resolution No. 4172-1334.

- L. Adoption of Resolution No. 4171-1333 approving a Procedural Pre-Development Agreement with Yavapai Community Hospital Association, an Arizona nonprofit corporation, d/b/a Yavapai Regional Medical Center (City Contract No. 2013-181).

RECOMMENDED ACTION: MOVE to adopt Resolution No. 4171-1333.

- M. Approval of settlement of litigation Case No. CV201200047, Linda and Warren Twelves v City of Prescott.

RECOMMENDED ACTION: MOVE to approve settlement of Twelves v City of Prescott, case number CV201200047 in the amount of \$135,000.

- N. Discussion/direction re downtown issues identified at Council Caucus of April 16, 2013.

RECOMMENDED ACTION: Council discussion and direction; no formal action to be taken.

- O. 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