

PRESCOTT CITY COUNCIL
REGULAR VOTING MEETING
TUESDAY, MAY 14, 2013
PRESCOTT, ARIZONA

MINUTES OF THE REGULAR VOTING MEETING OF THE PRESCOTT CITY COUNCIL HELD ON MAY 14, 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 Kuknyo

◆ **ROLL CALL:**

Present:

Absent:

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

None

◆ **PROCLAMATION**

A. "American Craft Brewers Week" May 13 – 17, 2013

Councilman Arnold read the proclamation and presented to six representatives of local craft brewers, Prescott Brewing Company and Granite Mountain Brewing. Kathleen Gillis, representing Boys and Girls Club of Central Arizona, introduced herself and thanked the brewers for putting on the 2nd Mile High Brewfest and for other events they participate in to support the Boys and Girls Club.

◆ **SUMMARY OF CURRENT OR RECENT EVENTS**

No summary given.

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.

Councilman Kuknyo asked that item C is removed due to having a conflict of interest.

- 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. Approval to Purchase of ammonium lignin sulfonate from Shilon Corporation in an amount not to exceed \$20,000.00

COUNCILMAN BLAIR MOVED TO APPROVE CONSENT AGENDA ITEM I.A., B, D., and E.; SECONDED BY COUNCILMAN ARNOLD; PASSED UNANIMOUSLY.

COUNCILMAN ARNOLD MOVED TO APPROVE CONSENT AGENDA ITEM I.C; SECONDED BY COUNCILMAN LAMERSON; PASSED 6-0, WITH COUNICLMAN KUKNYO ABSTANING DUE TO A CONFLICT OF INTEREST.

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.

City Clerk Mulhall reported that the property was posted for the required 20 days and the application was routed through Police and Community Development and no protests have been received.

Michael Magee, applicant, presented himself to answer questions. Mayor Kuykendall questioned the dba and asked what the name on the license would be. Mr. Magee said the Prescott Lobster and Seafood is the dba and WEREFISHY is the LLC.

COUNCILMAN LAMERSON MOVED TO CLOSE THE PUBLIC HEARING; SECONDED BY COUNCILMAN SCAMARDO; PASSED UNANIMOUSLY.

COUNCILMAN ARNOLD QUESTIONED THE BUSINESS NAME AND MOVED TO APPROVE LIQUOR LICENSE APPLICATION NO.12133552, FOR A SERIES 12, RESTAURANT LICENSE, FOR WEREFISHY LLC, DBA/PRESCOTT LOBSTER AND SEAFOOD COMPANY LOCATED AT 220 WEST GOODWIN STREET #2; SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY.

B. Appointment of members to the Board of Adjustment.

City Clerk Mulhall reported that three terms on the Board of Adjustment expired in March and the vacancies were posted on the City website. The Council Appointment Committee met two times to review the five applications received and are recommending the reappointment of Mike Klein and Richard Rosa and the appointment of Phil King.

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

City Clerk Mulhall administered the Oath to the new appointees.

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

Tom Guice, Community Development Director presented. The request proposes to increase total wall signage from 40 square feet up to 100 square feet per individual business, based on building frontage, as allowed by the Land Development Code. The number of permitted wall signs is proposed to increase from one to two. Mr. Guice reported the Planning and Zoning Commission voted unanimously to approve this at their April 25, 2013 meeting.

COUNCILMAN ARNOLD MOVED TO APPROVE A COMPREHENSIVE SIGN PLAN AMENDMENT CC13-001 FOR CENTERPOINTE WEST COMMERCE PARK; SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY.

- D. Adoption of Resolution No. 4168-1330 Approval of Intergovernmental Agreement with the Town of Prescott Valley for the use of the Glassford Hill communications infrastructure (City Contract No. 2013-188).

Andy Reinhart, Deputy Chief of Police presented. Approval of this Intergovernmental Agreement (IGA) will allow City access to the Town of Prescott Valley's Glassford Hill site communications tower / shelter for public safety communications, which will eliminate the dead spots we are experiencing now. The only cost to the City of Prescott is for maintenance for a total yearly cost of \$562.50.

COUNCILMAN LAMERSON MOVED TO ADOPT RESOLUTION NO. 4168-1330; SECONDED BY COUNCILMAN ARNOLD; PASSED UNANIMOUSLY.

- 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.

Police Chief Monahan presented. He reported that the funds will be used to purchase a police motorcycle, and outfit it with police equipment, to further the Department's ongoing Driving While Under the Influence (DUI) enforcement efforts. The new motorcycle will replace the primary response unit which is the oldest and has the most miles. The one replaced will, in turn, become the operational spare. There are no requirements for local matching funds associated with this grant award.

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

- 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."

Mark Nietupski, Public Works Director, said the item is pulled and will be brought back to Council at the May 28, 2013 Council Meeting,

- 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).

Mark Nietupski, Public Works Director, presented. This project provides for annual maintenance of striping and pavement markings on City streets. Re-striping of the Central Business District and all other striping, including several City owned parking lots and on-street parking stalls, will be completed by the end of June, 2013.

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

- 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).

Mark Nietupski, Public Works Director, presented. Microorganisms naturally present in wastewater systems convert hydrogen sulfide in wastewater to sulfuric acid. Over time sulfuric acid attacks concrete structures within wastewater systems (pipes, manholes, wet wells, lift stations). Protective coatings have been successfully applied to these structures to prevent premature deterioration and failure. This extends the service life of the facility, Mr. Nietupski said.

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

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

Joe Baynes, Parks and Recreation Director, presented. In 2012, the Centennial Trail was constructed and added to the City's Mile-High Trail System. The western terminus along Westridge Drive has the most convenient access from Gail Gardner Way, however, on-street parking has created some safety issues.

Burro Creek, LLC, has offered public use of 0.6 acres along Westridge Drive for the City to establish an unpaved area to benefit trail users by providing off-street parking. The license agreement allows the City to use the private property for renewable five-year periods, to make basic improvements, and provide public parking. The cost to the City is \$1.00 per year.

Tom Devereaux, owner of the property, was available to answer questions. Councilman Arnold questioned potential liability. Mr. Paladini said the City will be under Risk Pool coverage and the Pool would cover this type of use. The Pool will do an analysis on the parking site.

Council was unanimous in their appreciation and thanks to Mr. Devereaux for the use of his property.

Mr. Devereaux said the trail is a big success and this parking site will make it safer. The Parks crew does a great job maintaining the trails and keeping the area clean.

COUNCILMAN KUKNYO MOVED TO APPROVE A LICENSE AGREEMENT WITH BURRO CREEK, LLC, FOR A CITY TRAIL PARKING AREA (CITY CONTRACT NO. 2013-185); SECONDED BY COUNCILMAN BLAIR; PASSED UNANIMOUSLY.

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

Joe Baynes, Parks and Recreation Director, introduced the item and reported this item is a request to submit a grant application to Bikes Belong for \$10,000 to construct Phase III of Prescott's Greenways Trails.

Bikes Belong Foundation is a 400-member foundation of bicycle suppliers and retailers, whose primary mission is to increase bicycling opportunities. They are based in Boulder, Colorado, and have a \$7.5 million budget supported by their membership.

Prescott's Greenways Trails are the recreation and transportation trails within the Mile-High Trail System located interior to the City which utilize various creek corridors. These trails provide off-street, bicycle-pedestrian opportunities connecting neighborhoods, schools, parks, businesses, and other points of interest. The Greenways Trails are a collaborative effort among the City and non-profit partner organizations. Phase I was constructed and opened in 2001 and Phase II in 2009. The present request for grant application approval is to secure funding for construction of Phase III.

Information about the property has been mailed to neighboring property owners regarding lease or licensing agreements for the path corridors.

Councilman Arnold reported he had an opportunity to see this route and also attended a Dexter Neighborhood meeting. This is great and anything we can do to support the effort is good.

Councilman Kuknyo called attention to the fact this is from Boulder, Colorado and that they are investing in our City. He thanked Mr. Baynes for bringing this forward.

Councilman Lamerson echoed Councilman Kuknyo's comments. He pointed out this is funded through membership dues.

COUNCILMAN ARNOLD MOVED TO APPROVE A GRANT APPLICATION TO BIKES BELONG FOUNDATION FOR CONSTRUCTION OF PRESCOTT'S

GREENWAYS TRAILS; SECONDED BY COUNCILMAN KUKNYO; PASSED UNANIMOUSLY.

- 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.

City Manager McConnell presented. The First Amendment adds the North Airport Annexation Area northwest of Prescott Love Field to the West Airport Annexation Area, which was the subject of the Procedural Pre-Annexation Agreement, City Contract No. 2010-086, approved in November 2009. The 2009 agreement laid the groundwork for incremental annexations into the City for up to 1,900 acres of Deep Well Ranch property.

The resolution approves the first amendment to an existing agreement and will add approximately 586 acres to the west airport annexation area. This is not a vote on an annexation, Mr. McConnell said, it is a map amendment. The City has initiated the first annexation and therefore must comply with Proposition 400, approved by the voters in November of 2005. Per Prop 400, the Financial Review Committee is looking at the cost benefit analysis.

Councilman Arnold asked why it is the City's responsibility to meet requirements of Prop 400. Mr. McConnell said it is an annexation initiated by the City.

Daniel Mattson, Prescott resident, said he supports this amendment.

COUNCILMAN ARNOLD MOVED TO ADOPT RESOLUTION NO. 4172-1334; SECONDED BY COUNCILMAN KUKNYO; PASSED UNANIMOUSLY.

- 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).

Craig McConnell, City Manager, presented. Deep Well Ranch has entered into a contract with Yavapai Regional Medical Center (YRMC) to convey a 180 acre parcel located within the North Airport Annexation Area to YRMC, which intends to develop a hospital on the site. YRMC would like this property to be located within the City of Prescott. Tim Barnett, representing YRMC, is present to answer questions, Mr. McConnell said.

Deep Well Ranch is amiable to the City annexing approximately 499 acres. The purpose of the resolution is to set forth mutual understandings between the City and YRMC regarding rezoning and development of the property following the annexation as part of the 499 acres of Deep Well Ranch property. The City is not obligated to facility financing.

Mr. McConnell displayed the master plan as relates to the water system. The plan identifies the infrastructure.

Deep Well Ranch supports the development of the YRMC North Campus and will contribute a credit of 29 acre-feet per year from the block of water established by the Water Settlement Agreement. At their meeting of April 30, 2013, the Council Water Issues Committee discussed the YRMC request and related credit, and is recommending approval to the Council.

Mr. Tim Barnett, said he appreciates the detailed work staff has put into this. YRMC is ready to take the next step getting the property conveyed. The area will be a good location for medical services, he said.

Councilman Lamerson extended his appreciation to YRMC and the James Family.

Councilman Blair asked if YRMC will have flexibility to make changes or if they will have to go to Planning and Zoning and then Council.

Tom Guice, Community Development Director, said they want to provide the greatest amount of flexibility possible so YRMC can work within the conformance of the Master Plan. If there are significant changes they will have to go through the current process.

Councilman Blair asked if YRMC could use the wells on Deep Well Ranch for irrigation purposes only.

Mr. McConnell said the water demand has been a subject for discussion. The objective will be to minimize the amount of water for irrigation. Mr. McConnell said the Master Plan and Phase 1 improvements are part of the City Wastewater models.

Councilman Kuknyo said he likes that this is right in the center of the Tri-City area. He thanks Yavapai Regional for their investment in our community.

Daniel Mattson, Prescott resident, said he supports this. Having YRMC there is a benefit to the City.

COUNCILMAN BLAIR MOVED TO ADOPT RESOLUTION NO. 4171-1333; SECONDED BY COUNCILMAN ARNOLD; PASSED UNANIMOUSLY.

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

City Attorney Paladini said this case has been in existence since January, 2011. The Plaintiff filed an initial Notice of Claim in the amount of \$400,000. The parties entered into settlement negotiations and mediation, beginning in February

2013. As a result, Plaintiffs have agreed to settle their claim in the amount of \$135,000. If the settlement is approved by Council, the Plaintiffs have agreed to sign a full and final release of all claims in exchange for settlement funds. This settlement does not constitute an admission of liability or fault by the City.

COUNCILMAN LAMERSON MOVED TO APPROVE SETTLEMENT OF TWELVES V CITY OF PRESCOTT, CASE NO. CV201200047, IN THE AMOUNT OF \$135,000; SECONDED BY COUNCILMAN SCAMARDO; PASSED 6-1, WITH COUNCILMAN BLAIR VOTING NO.

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

Councilman Kuknyo introduced the item. He summarized several downtown issues discussed at the April 16th Council Caucus and offered suggestions to follow-up on those issues. He previously met with Councilmen Arnold and Blair to put the list together. The items covered are:

- Post office opening
- Parking garage
- City Signage
- Passage way through Whiskey Row to alley way
- Taxi cab parking on whiskey Row
- Painting Center Lane near crosswalks for no parking
- Signal at Granite and Goodwin
- Special Events
- Phoenix media coverage of events
- Courthouse space for events
- Communication with downtown business owners
- Technology to identify first offenders for parking violations downtown

Mayor Kuykendall said Council needs to be cautious and noted the Council's job is to set policy.

Mr. McConnell said every item on the list is worthy of consideration. He thinks these types of efforts benefit from continuing discussion with staff and Council and bringing in businesses.

Daniel Mattson, Prescott resident, said he has concerns that the public cannot speak at the Caucus. He lives close to downtown and has concerns with the loud noise during special events.

Kendall Jackson noted that in the last year the communication between the City and County has been good.

No Action Taken

O. Legislation

Alison Zelms, Deputy City Manager, gave a brief legislative report.

III. ADJOURNMENT

There being no further business to be discussed, the Regular Voting Meeting of May 14, 2013, adjourned 5:05 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 14th day of May, 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