



AGENDA

**PRESCOTT CITY COUNCIL
REGULAR VOTING MEETING
TUESDAY, MAY 28, 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** Reverend Julia, Each One Reach One Ministries
- ◆ **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 |

◆ **SUMMARY OF CURRENT OR RECENT EVENTS**

I. CONSENT AGENDA

CONSENT ITEMS I.A. – I.C. 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 meeting of a Special Meeting on May 7, 2013; Workshop of May 7, 2013; Special Meeting of May 14, 2013; and a Regular Meeting of May 14, 2013.

- B. Approval of contract with Prescott Pro Sound, LLC, in the amount of \$14,305.00 for sound reinforcement services (City Contract No. 2013-193).
- C. Authorization to purchase Microwave Communication equipment for the Airport Water Reclamation Facility in the amount of \$14,405.05.

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

II. REGULAR AGENDA

- A. Approval of License Agreement with Sturm, Ruger & Co., Inc., for use of City of Prescott property (City Contract No. 2013-191).

RECOMMENDED ACTION: MOVE to approve a License Agreement with Sturm, Ruger & Co., Inc., for use of City property (City Contract No. 2013-191).

- B. Approval of a Second Amendment to the Facilities Use Agreement between the City of Prescott and the Prescott Chamber of Commerce re property at the Rodeo Grounds (City Contract No. 2012-227A2).

RECOMMENDED ACTION: MOVE to approve a Second Amendment to the Facilities Use Agreement between the City of Prescott and the Prescott Chamber of Commerce (City Contract No. 2012-227A2).

- C. Approval of a Second Supplement to the Lease and Management Agreement between the City of Prescott and Prescott Frontier Days, Inc., for use of various facilities at the Rodeo Grounds (City Contract No. 2011-323A2).

RECOMMENDED ACTION: MOVE to approve the Second Supplement to the Lease and Management Agreement between the City of Prescott and Prescott Frontier Days, Inc. (City Contract No. 2011-323A2).

- D. Approval of a Second Amendment to the Lease Agreement between the City of Prescott and the Northern Arizona Council of Governments re property at the Rodeo Grounds (City Contract No. 2012-228A2).

RECOMMENDED ACTION: MOVE to approve a Second Amendment to the Lease Agreement between the City of Prescott and the Northern Arizona Council of Governments (City Contract No. 2012-228A2).

- E. Adoption of Resolution No. 4170-1332 approving an Intergovernmental Agreement with the City of Phoenix for the disposition of residential recyclable materials (City Contract No. 2013-195).

RECOMMENDED ACTION: MOVE to adopt Resolution No. 4170-1332.

- F. Approval to purchase two (2) each Evapotranspiration Weather Centers and related Oasis system upgrades from John Deere Landscapes in an amount not to exceed \$21,797.20.

RECOMMENDED ACTION: MOVE to approve the purchase of two (2) each Evapotranspiration Weather Centers and related Oasis system upgrades from John Deere Landscapes in an amount not to exceed \$21,797.20.

- G. Adoption of Resolution No. 4173-1335 approving an Intergovernmental Agreement with the Central Yavapai Fire District for use of Glassford Hill communications infrastructure (City Contract No. 2013-190).

RECOMMENDED ACTION: MOVE to adopt Resolution No. 4173-1335.

- H. Approval of banking services contract with Wells Fargo Bank (City Contract No. 2013-186).

RECOMMENDED ACTION: MOVE to approve a contract with Wells Fargo Bank for banking services for three years with three optional one-year extensions (City Contract No. 2013-186), and authorize the Finance Director to finalize the documents necessary to implement the contract.

- I. Approval of Workers' Compensation Third Party Administrator Agreement with Berkley Risk Administrators Company through the Arizona Municipal Risk Retention Pool (City Contract No. 2013-192).

RECOMMENDED ACTION: MOVE to approve the Claim Services Agreement with Berkley Risk Administrators Company through the Arizona Municipal Risk Retention Pool in the annual amount of \$35,000.00 for administration of prior workers' compensation claims (City Contract No. 2013-192).

- J. 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 DOCUMENTS GENERALLY ENTITLED "CITY CODE, TITLE II, CHAPTER 2-1, PUBLIC WORKS DEPARTMENT", "CITY OF PRESCOTT LOCAL LIMITS UPDATE" AND "CITY OF PRESCOTT

CHAPTER 7 ENFORCEMENT RESPONSE PLAN” AND ADOPTING PENALTIES FOR VIOLATIONS THEREOF

RECOMMENDED ACTION: (1) MOVE to adopt Resolution No. 4167-1329; and (2) MOVE to adopt Ordinance No. 4856-1313.

- K. Approval of a Consent Order from the Arizona Department of Environmental Quality for Wastewater Pretreatment Program implementation.

RECOMMENDED ACTION: MOVE to approve the ADEQ Consent Order for Wastewater Pretreatment Program implementation.

- L. 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.

