

PRESCOTT CITY COUNCIL
REGULAR VOTING MEETING
TUESDAY, NOVEMBER 27, 2012
PRESCOTT, ARIZONA

MINUTES OF THE REGULAR VOTING MEETING OF THE PRESCOTT CITY COUNCIL HELD ON NOVEMBER 13, 2012, 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** City Manager McConnell introduced Mel Preston, Public Communications & Public Affairs Manager.

◆ **INVOCATION** by Reverend Julia McKenna Johnson, Spiritual Architect & Pastor of Each One Reach One Ministries

◆ **PLEDGE OF ALLEGIANCE** by Councilman Lamerson

◆ **ROLL CALL:**

Present:

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

Absent:

None

◆ **ANNOUNCEMENTS**

I. CONSENT AGENDA

- A. Approval of the minutes of the Prescott City Council Special Meeting of July 24, 2012; Workshop of August 7, 2012; Workshop of November 6, 2012; Special Meeting of November 13, 2012; and Regular Voting Meeting of November 13, 2012.

- B. Adoption of Resolution 4154-1315, accepting \$6,200.00 from the Arizona Department of Homeland Security for rescue equipment and supplies.
- C. Approve purchase of software upgrades for the Water and Wastewater Models in the total amount of \$10,735.00.

COUNCILMAN ARNOLD MOVED TO APPROVE CONSENT AGENDA ITEMS 1.A.-I.C; SECONDED BY COUNCILMAN SCAMARDO; PASSED UNANIMOUSLY.

II. REGULAR AGENDA

- A. Presentation and discussion of City-wide mowing operations – Joe Baynes

Joe Baynes, Director of Parks and Recreation, gave a presentation about City-wide mowing operations, which included providing details of the purposes for mowing, the mowing season, mowing by functional areas, mowing standards, workloads and budgets, types of mowers and uses, mowing resources, sharing of resources, and limitations to sharing resources.

Mr. Baynes said several options have been considered, one of which is contracted mowing. After researching the different components, he concluded that current operations provide quality service levels at good value. A second option, creating a citywide department, was considered. After looking at the various components he concluded that current operations provide the best year-round productivity at a reasonable cost.

Mr. Baynes reported that two new mowers (one for Parks and one for Streets) will be requested in the FY 2013 budget.

- B. Public Hearing for a Substantial Amendment to the CDBG 2010-2014 Consolidated Plan.

Kathy Dudek, Grants Administrator, presented and explained the reason for this agenda item. The Citizen Participation Plan requires that any change in the City of Prescott's CDBG 2010-2014 Consolidated Plan requires a substantial amendment. Two adjustments are being proposed to the Plan: 1) a substantive change to raise the threshold requiring an amendment when 20% of the annual allocation is changed; and, 2) a housekeeping" item correcting the address of the Grants Administrator Office where CDBG documents may be viewed by the public.

This requires a 30-day public comment period which began on October 26, 2012. The substantial amendment will more closely align the City of

Prescott's CDBG Consolidated Plan requirements to those established by other entitlement communities throughout the state, all having a 20% minimum requirement to trigger CDBG funding changes: Avondale, Chandler, Flagstaff, Mesa, Peoria, Surprise and Maricopa County.

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

COUNCILMAN LAMERSON MOVED TO APPROVE THE SUBSTANTIAL AMENDMENT TO THE CDBG 2010-2014 CONSOLIDATED PLAN; SECONDED BY COUNCILMAN ARNOLD; PASSED UNANIMOUSLY.

- C. Re-election of members to the City of Prescott Industrial Development Authority (IDA).

Barry Cline, Legal Counsel for City of Prescott IDA, was available to answer questions. There are nine members and three members are elected every other year for staggered terms. There are currently two vacancies in addition to the two being considered at the meeting today. Mr. Cline said the Prescott IDA has not had much action in the past two years due to the economy. The IDA is a conduit organization. Money is loaned by banks. We need applicants and industry who want to pursue financing.

Jerry Brady, Prescott citizen, pointed out the U.S. Department of Agriculture Real Economic Development Commission recently redefined all towns in the county as rural areas for the purpose of funding. In August, there was a three day seminar in Prescott, which included people from the motion picture industry. This area had one of the first motion picture studios and more than 32 motion pictures were made here in town. Prescott has a history of supporting this type of industry. The City has received a proposal in this regard.

COUNCILMAN KUKNYO MOVED TO ACCEPT COUNCIL APPOINTMENT COMMITTEE RECOMMENDATION TO RE-ELECT STEVEN R. BURTON AND WILLIAM T. HEPBURN, TO THE PRESCOTT INDUSTRIAL DEVELOPMENT AUTHORITY, TERMS TO EXPIRE NOVEMBER 2018; SECONDED BY COUNCILMAN CARLOW; PASSED UNANIMOUSLY.

- D. Approval to purchase: (a) 2 ea. Type One fire trucks from Rosenbauer South Dakota, L.L.C., using HGAC pricing in the total amount of \$1,032,108.34; (b) 2 ea. radio packages from Motorola Solutions using Arizona State Contract pricing in the total amount of \$13,994.37; and (c) 1

ea. mobile data computer and associated components from various vendors in the estimated total amount of \$7,200.00.

Fire Chief Fraijo presented the item. Replacement of the two current trucks is needed at this time due to accelerating deterioration of the mechanical condition and maintenance costs of both units. Chief Fraijo pointed out that the proposal submitted by Rosenbauer South Dakota, LLC., used Houston Galveston Area Council (HGAC) cooperative pricing. Delivery of the trucks will be in 300 calendar days of the order, which is a customary timeframe for this type of engine.

Councilman Arnold reported that several Councilmen had the opportunity today to look over the existing trucks and to learn about the process. He asked the Chief to provide information on the process. Councilman Arnold said a lot of thought went into the replacement of these trucks.

Don Davendorf, Fire Marshall/Fire Administration Battalion Chief, reported that for many years the City went through a competitive bidding process. During the initial process, they found that Rosenbauer was the most compliant bidder with the best price. The City was not able to make the purchase at that time due to several reasons. When going through the process again, they found out Rosenbauer was on the HGAC contract. This is the easiest and most fiscally responsible way to make this purchase.

Mr. Davenport said radios are the only thing that will need to be installed once the fire trucks are delivered. Our city shop has a relationship with Rosenbauer and we are able to do our own work.

Councilman Lamerson asked about the mileage on the trucks. Chief Fraijo said we serve an area as far as Prescott Valley and beyond and Chino Valley and beyond because we are on an automatic response system. We respond to an area larger than the City of Prescott.

The Chief said the fire truck is a tool box. They have all the tools necessary for any issue that comes up at the time. They are first responders and it is important to keep their units intact.

Councilman Carlow encourages research for purchase of an emergency vehicle. Mr. McConnell said we plan on doing an analysis on this issue as these are the greatest number of calls we get.

Councilman Kuknyo asked if we can sell our engine to one of partner communities rather than dumping it at a nothing price.

Mayor Kuykendall called attention to the miles put on the truck and wonders if our fire stations are in the wrong place. As we expand, grow and contract, it may be cheaper to build a new fire station. We need to look at the big picture. How can we do a better job that costs the taxpayers less money?

COUNCILMAN ARNOLD MOVED TO APPROVE THE PURCHASE: (A) 2 EA. TYPE ONE FIRE TRUCKS FROM ROSENBAUER SOUTH DAKOTA, L.L.C., USING HGAC PRICING IN THE TOTAL AMOUNT OF \$1,032,108.34; (B) 2 EA. RADIO PACKAGES FROM MOTOROLA SOLUTIONS USING ARIZONA STATE CONTRACT PRICING IN THE TOTAL AMOUNT OF \$13,994.37; AND (C) 1 EA. MOBILE DATA COMPUTER AND ASSOCIATED COMPONENTS IN THE ESTIMATED TOTAL AMOUNT OF \$7,200.00; SECONDED BY COUNCILMAN CARLOW; PASSED UNANIMOUSLY.

- E. Approval of a professional services agreement with Tetra Tech-BAS for repair and maintenance of the Sundog Landfill final cap in an amount not to exceed \$90,699.00.

Councilman Arnold said the staff memo for this item mentions that this company is partnering with Fann Environmental and he asked Mr. Neil if he had a conflict of interest due to this. The City Attorney said he looked it over and does not feel there is a conflict.

Stephanie Miller, Director of Field and Facilities Services, presented. Tetra-Tech has partnered with Fann Environmental to provide solid waste engineering and construction support services for the project. The landfill was officially closed on February 21, 2002. Post-closure activities are dictated in part by federal regulations. The Solid Waste Division, with the assistance of Street Maintenance, has maintained the area. However, over the years natural causes have caused grades and slopes of the cap to fall outside the specifications approved by ADEQ. Tetra Tec-BAS is the best qualified due to their extensive specialized experience in landfill closure and post closure maintenance, Ms. Miller said.

Todd Livermore from Tetra Tech-BAS was in audience to answer any technical questions.

Mayor Kuykendall questioned the process. Ms. Miller explained that there are not a lot of people who have experience with landfills. She said it was very important to have someone who was familiar with ADEQ requirements with experience in landfills.

COUNCILMAN KUKNYO MOVED TO APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH TETRA TECH-BAS FOR REPAIR AND

MAINTENANCE OF THE SUNDOG LANDFILL FINAL CAP IN AN AMOUNT NOT TO EXCEED \$90,699.00; SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY.

- F. Award of two contracts to provide aggregate materials for maintenance operations to separate vendors: 1) Asphalt Paving and Supply, Inc., in an amount not to exceed \$750,000; and 2) Cemex LLC, in an amount not to exceed \$300,000.

Mark Netupski introduced this item, saying that there are two contracts being requested to supply aggregate materials for the maintenance of City streets, utilities, parks, and other infrastructure. He pointed out that aggregate materials are an annually budgeted item, necessary for City operations.

COUNCILMAN ARNOLD MOVED TO AWARD TWO CONTRACTS TO PROVIDE AGGREGATE MATERIALS FOR MAINTENANCE OPERATIONS TO SEPARATE VENDORS: 1) ASPHALT PAVING AND SUPPLY, INC., IN AN AMOUNT NOT TO EXCEED \$750,000; AND 2) CEMEX LLC, IN AN AMOUNT NOT TO EXCEED \$300,000; SECONDED BY COUNCILMAN KUKNYO; PASSED UNANIMOUSLY.

- G. A request by Yavapai College for a variance to City Code, Title 8-6-2 to allow the placement of an electronic monument sign within the public right-of-way; and to grant an exception to the Land Development Code Article 6.12, pertaining to the size and height of the sign; and a License Agreement (tabled item from 10/23/12 meeting).

Mark Nietupski, Public Works Director introduced this item, calling attention to the concerns addressed at the previous Council meeting. An Engineering Analysis has been completed. The report was unable to predict consequences of a sign at this location.

Councilman Arnold thanked staff and the College for the time spent on this item. Based on the results of the report, he will not support the item at this time.

Mayor Kuykendall said this issue has generated a lot of dialog. It seems that when the college was built there was not a need for this. The need for the sign came to promote the performance hall. He agrees with Councilman Arnold and is not sure this is the best solution. He does see a need for the overall marketing of the college. We offered the City's involvement looking at Ruth Street and Gurley Street and offering our best effort to enhance an overall package that would benefit the entire college instead of just the performance hall. We want to work with the college.

Daniel Mattson, Prescott resident, said he has had numerous occasions to look at the triangle and he thinks that particular location would be good. He is in favor of advertising the college, but he recommends placing it in the triangle area. It is asking for disaster in the proposed area.

Councilman Kuknyo said we need signage for an entrance to Prescott and we should get all our colleges involved in the process.

Sandra Smith, Prescott resident, agrees with Mr. Mattson, to locate the sign in the triangle.

COUNCILMAN BLAIR MOVED TO DENY YAVAPAI COLLEGE REQUEST FOR A VARIANCE FROM CITY CODE TITLE 8-6-2 TO PLACE A SIGN WITHIN THE PUBLIC RIGHT-OF-WAY AT THE LOCATION REQUESTED; SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY.

- H. Request to officially rename the 100 Block of South Montezuma Street to “Historic Whiskey Row”.

Mayor Kuykendall asked for direction from the City Attorney. Eight or ten years ago he secured a domain name, thinking of possible marketing opportunities. The name is WhiskeyRowAZ.com, and it is possible that he would benefit from the street name change. Mr. Neil said it was the Mayor’s choice.

Mayor Kuykendall declared a conflict of interest and stepped down from the dias at 4:37 P.M.

Cat Moody, Historic Preservation Commission staff liaison introduced this item. The request came to Council in September and moved through the process. Ms. Moody reviewed the steps taken ending with a presentation to the Historic Preservation Commission. Since this block is part of both a National Register District and a local Historic Preservation District, the Historic Preservation Commission reviewed the request. The Commission denied the request at their November meeting by a vote of 5-2. Property owners and businesses were contacted regarding the request.

Dave Michelson, citizen of Prescott and owner of the Palace Saloon, showed a petition where all business owners on Whiskey Row had signed. He reported that Whiskey Row was mentioned in the Daily Courier 190 times and Montezuma Street was not mentioned. He said he has not heard one good reason not to change the name.

Daniel Mattson, Prescott resident, pointed out this road already has four name changes, which makes it confusing. He sees no need to change the

name of that section because everyone knows it is Whiskey Row. He said to advertise it, but not add to the already existing confusion. Additionally, there is a cost associated with a street name change, which is another reason not to change the name.

David Siegler, owner of Devils Pantry, said he has had 37 people come into his business to ask him where is Whiskey Row. He said he appreciates that the merchants are looking at what is best for them.

Mark Favour, resident of Prescott, said he wrote two letters to council, voicing his objection to this proposal. He does not think it is necessary. He is for historic Whiskey Row, but thinks this is an issue for marketing Whiskey Row. He said changing the name is not going to bring any benefit to the merchants. They need to promote Whiskey Row. They need to unite and come up with a successful pointed marketing plan. Mr. Favour said we don't need to come up with magic because Prescott is the old west. We are the first territorial capital, have the oldest rodeo; the history is here.

Councilman Kuknyo said he hears a lot of division on this subject. Everyone has their own ideas. Council received many letters from both sides. Everyone knows it is Whiskey Row. Downtown is a collection of streets and we need to maximize all of downtown. He would like to see a group of people coming together to discuss the downtown. We need to think big. We have the Downtown Partnership, the Chamber, the merchants, we need to form a committee and think big. Do we need one lane and no parking so we can have dining outside? We need to take advantage of Whiskey Row.

Councilman Arnold said he is surprised that he has gotten hammered on this more than any other item. His question is, is this the solution? He would like to see a committee look at this. Is changing the name the key? He is inclined to sit down with all players, and look at all options. We can set meetings up and have conversations. We owe it to property owners and the merchants. What is the solution to make downtown better? It is the downtown that draws people here. He said he does not know if it is the government's job. We are a participant. He would like to revisit in 90 days.

Councilman Scamardo said there are good ideas being thrown around, but, he doesn't think the name change is a good idea. This is not worth a major conversation. He will vote whichever way Council wants to go. This is not worth an argument.

Tommy Meredith, Prescott resident, said he doesn't care. He likes the idea to postpone. He said he has not heard a good reason not to change

the name. The fact is no one has come up with one good reason. It is only emotion and history. We are not talking about the merchant's benefiting. There isn't a City in the country that wouldn't pay to have a tag that says Whiskey Row.

Steve Blair called for the question.

Sandra Smith, Prescott resident, said it is not just a matter of changing the name. Advertise the merchant location on the famous Whiskey Row on South Montezuma Street.

Mayor Pro-tem Lamerson called for the question.

COUNCILMAN ARNOLD MOVED TO DENY THE REQUEST TO OFFICIALLY RENAME THE 100 BLOCK OF SOUTH MONTEZUMA STREET TO "HISTORIC WHISKEY ROW"; SECONDED BY COUNCILMAN BLAIR; PASSED 6-0.

Mayor Kuykendall returned to the dais at 5:16 P.M.

I. Appointment of Mayor Pro Tempore

COUNCILMAN BLAIR MOVED TO REAPPOINT JIM LAMERSON AS MAYOR PRO TEMPORE; SECONDED BY COUNCILMAN ARNOLD; PASSED UNANIMOUSLY.

III. ADJOURNMENT

There being no further business to be discussed, the Regular Voting Meeting of November 27, 2012, adjourned at 5:17 p.m.

MARLIN D. KUYKENDALL, Mayor

ATTEST:

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 27th day of November, 2012. I further certify the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____, 2012.

AFFIX
CITY SEAL

LYNN MULHALL, City Clerk