



# CITY COUNCIL MEETING

## VOTING MEETING AGENDA

**TUESDAY, JUNE 12, 2018, 3:00 PM**

Council Chambers, 201 South Cortez Street  
Prescott AZ 86303  
(928) 777-1100

Greg Mengarelli, Mayor

Billie Orr, Mayor Pro Tem

Steve Blair, Councilman

Phil Goode, Councilman

Jim Lamerson, Councilman

Alexa Scholl, Councilwoman

Steve Sischka, Councilman

The following Agenda will be considered by the Prescott **City Council** at its **Voting Meeting** pursuant to the Prescott City Charter, Article II, Section 13. Notice of the meeting is given pursuant to Arizona Revised Statutes, Section 38-431.02. One or more members of the Council may be attending the meeting through the use of a technological device.

1. **CALL TO ORDER**
2. **INTRODUCTIONS/ANNOUNCEMENTS**
3. **INVOCATION**

Senior Pastor Dan Hurlbert with Prescott Unified Methodist Church

4. **PLEDGE OF ALLEGIANCE**

Councilman Lamerson

5. **ROLL CALL**

6. **CONSENT AGENDA**

***Items listed on the Consent Agenda may be enacted by one motion and one vote. If discussion is required by members of the governing body, the item will be removed from the Consent Agenda and will be considered separately.***

- A. Approval of Amendment No. 4 to City Contract No. 2017-064A4 with Fann Contracting for Solid Waste Hauling Services for an additional \$100,000.00 for the remainder of FY18, and increasing the annual amount for the remaining 3-years of the contract to \$835,000.00 due to the CPI, fuel adjustments, an increase in haul tonnage, etc. Funding is available in the Solid Waste Fund.

- B. Approval of 2018/2019 Elections Services Intergovernmental Agreement (IGA) with Yavapai County Department of Elections. (Contract No. 2018-238).
- C. SUP18-00001, Special Use Permit (SUP) for motorcycle dealership within the Downtown Business District (DTB); Property owner: James Knaup. Site 113-15-100. Location: 143 N. Montezuma Street.
- D. Approval of a three (3) year contract for HVAC Preventative Maintenance, Repair and Related Services (City Contract No. 2018-215) for a total of \$95,000.00 a year. Funding is available in the Facilities Management Fund.
- E. Special Use Permit (SUP18-00003) for the installation of a Cell Tower at 1845 Campbell Avenue; APN 116-12-025: Owner is Prescott School District #1. No public objections were received at the Planning and Zoning Commission Meeting.
- F. Special Use Permit (SUP18-00002) for the installation of a Cell Tower at 2797 Willow Creek Road; APN 106-23-058A: Owner is Free Methodist Church of Prescott, Inc. No public objections were received at the Planning and Zoning Commission Meeting.
- G. Approval of Annual Support and Licensing Agreement with Tyler Technologies (City Contract No. 2017-383A1) in the amount of \$128,195.00 for the MUNIS Financial System (Various City Funds).

***Recommended Action: MOVE to approve Consent Agenda Items 6.A. through 6.G.***

## **7. ORDINANCES CONSENT**

- A. Adoption of Ordinance No. 2018-1619 approving a right-of-way easement to Arizona Public Service Co. (APS) for electrical infrastructure improvements to avoid conflicts with future utilities. There is no cost to the City for the granting of this easement.

ADOPT ORDINANCE NO. 2018-1619 OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AUTHORIZING THE GRANTING OF A RIGHT OF WAY EASEMENT TO ARIZONA PUBLIC SERVICE COMPANY, AN ARIZONA CORPORATION AND AUTHORIZING THE MAYOR AND STAFF TO EXECUTE ANY AND ALL DOCUMENTS TO EFFECTUATE SAID EASEMENTS.

***Recommended Action: MOVE to adopt Ordinance No. 2018-1619.***

## **8. LIQUOR LICENSE AGENDA**

### **A. NEW LICENSES**

1. Public Hearing and consideration for a New Series 12 Restaurant liquor license and Interim Permit application from Shawna Zerbest, applicant, for Barbudos Grill and Cantina, located at 1042 Willow Creek Rd. #107.

***Recommended Action: 1) MOVE to close the Public Hearing; 2) MOVE to approve/deny/make no recommendation for Liquor License Application No.19335 for a new Series 12 Restaurant liquor license, for Barbudos Grill and Cantina: 1042 Willow Creek Rd. #107.***

## **B. PERMANENT EXTENSION OF PREMISES**

1. Approval of Permanent Change for Area of Service on an Extension of Premises/Patio License No. 14130009 Series 14 Private Club Liquor License from Harry Oberg, applicant for Bucky O'Neill VFW Post 541 Location: 202 N. Arizona Avenue.

***Recommended Action: MOVE to approve/deny/make no recommendation for Permanent Change of area of service on an Extension of Premises/Patio License No.14130009 for a Series 14 Private Club liquor license, for Buck O'Neill VFW Post 541, Location: 202 N. Arizona Avenue.***

## **C. SPECIAL EVENTS**

1. Approval of a Series 15 Special Event Liquor License Application for the Launch Pad Teen Center; Event: Prescott High School Thirty (30) Year Reunion; Event Location: Holiday Courtyard, 150 S. Montezuma Street; Applicant: Courtney Osterfelt; City Application No. 18-030; Date/Time of Event Liquor Sales: Saturday, July 28, 2018, 5:00 p.m. to 12:00 a.m.
2. Approval of a Series 15 Special Event Liquor License Application for the Boys and Girls Club of Central Arizona; Event: Mile High Brewfest; Event Location: Mile High Middle School Field, 300 S. Granite Street; Applicant: Molly Fernow; City Application No. 18-029; Date/Time of Event Liquor Sales: Saturday, August 11, 2018, 3:00 p.m. to 9:00 p.m.
3. Approval of a Series 15 Special Event Liquor License Application for the Northern Arizona Blues Alliance; Event: Master of the Blues Harp Concert; Event Location: 2875 S, Goldwater Lake Road; Applicant: Christian Michael Berry; City Application No. 18-028; Date/Time of Event Liquor Sales: Saturday, September 1, 2018, 12:00 p.m. to 4:00 p.m.
4. Approval of a Series 15 Special Event Liquor License Application for the Prescott Frontier Rotary Foundation; Event: Grapes for Grades Fundraiser. Event Location: Walters Garden Center, 1815 W. Iron Springs Road; Applicant: Michael Payson; City Application No. 18-027; Date/Time of Event Liquor Sales: Sunday, June 24, 2018, 5:00 p.m. to 8:00 p.m.

***Recommended Action: MOVE to forward special event liquor license applications 8.C.1 through 8.C.4. to the Arizona State Liquor Board with a recommendation of approval/denial.***

**9. REGULAR AGENDA**

- A. Award of City Contract No. 2018-201 to Fann Environmental LLC, for drilling, testing and preliminary design services for the Airport Production Well No. 5 Design-Build Project, in the amount of \$875,410.39. Funding is available in the Water Fund.

***Recommended Action: MOVE to award City Contract No. 2018-201.***

- B. Approval of (1) Acceptance of Federal Aviation Administration Grant No. 3-04-0030-038-2018 in the amount of \$5,795,000.00 (City Contract No. 2018-239) for the Runway Rehabilitation of Runway 3R/21L and Mitigation of HotSpot No. 2 at Prescott Municipal Airport (PRC); (2) Approval of Authorization of Services No. 15 (City Contract No. 2014-029) to Dibble Engineering for Construction Administration services for the Runway Rehabilitation and Mitigation of HotSpot No. 2 in the amount not to exceed \$473,694.00; (3) Award of City Contract No. 2018-242 to Fann Contracting, Inc. for the construction services of the Runway Rehabilitation project at PRC; (4) Authorize the expenditure of the local grant match (Airport Fund) in the amount not to exceed \$152,500.00 (2.5% of the total project cost); (5) Authorization for night work to be performed at Prescott Municipal Airport.

***Recommended Action: MOVE to Approve of (1) Acceptance of Federal Aviation Administration Grant No. 3-01-0030-038-2018 (City Contract No. 2018-239) (2) Approve City Contract No. 2014-029A15 (3) Award of City Contract No. 2018-242 (4) Authorize the expenditure of the local grant match (Airport Fund) in the amount not to exceed \$152,500.00; (5) Approve night work to be performed at Prescott Municipal Airport.***

- C. Award of City Contract No. 2018-233 to ALC Underground, LLC for the Mingus and Douglas Lift Stations Abandonment Project for a new sewer main in the amount of \$602,293.25. Funding is available in the Wastewater Fund.

***Recommended Action: MOVE to award City Contract No. 2018-233.***

- D. Adoption of Ordinance No. 2018-1617, authorizing the purchase of real property from Steven William Mertz, purchase and acceptance of easements from Gregory Theno and Sarah Van Bourgondien, the Edwin and May Smith Survivor's Trust, and Martin F. Lenihan for the Zone 24/27 Water Main Project. The total cost will be \$190,088.00, with funding available in the Water Fund.

ADOPT ORDINANCE NO. 2018-1617 OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AUTHORIZING THE PURCHASE OF REAL

PROPERTY FROM STEVEN WILLIAM MERTZ, AND EASEMENTS FROM GREGORY THENO AND SARAH VAN BOURGONDIE, THE EDWIN AND MAY SMITH SURVIVOR'S TRUST, AND MARTIN F. LENIHAN FOR THE ZONE 24/27 WATER MAIN PROJECT; AND AUTHORIZING THE MAYOR AND STAFF TO EXECUTE ANY AND ALL DOCUMENTS TO EFFECTUATE SAID PURCHASES.

***Recommended Action: MOVE to adopt Ordinance No. 2018-1617.***

- E. Award of City Contract No. 2018-230 to Kimley-Horn, for design and other engineering services for the Carleton Street and South Cortez Street Reconstruction Project, in the amount of \$269,125.00. Funding is available in the Streets, Water and Wastewater Funds.

***Recommended Action: MOVE to award City Contract No. 2018-230.***

- F. Award of City Contract No. 2018-234 to Earth Resources, LLC for the Drainage Improvements Project, Bid Packet #1 in the amount of \$393,545.00. Funding is available from the Yavapai County Flood Control District (\$295,158.75) and the Streets Fund (\$98,386.25).

***Recommended Action: MOVE to award City Contract No. 2018-234.***

- G. Award of City Contract Nos. 2019-001 through 2019-038 for 38 "On-Call" Professional Services Providers.

***Recommended Action: MOVE to award the "On-Call" Professional Services Contracts listed on Attachment 1 for FY19 through FY24.***

- H. Approval of a three (3) year contract for off-site fueling service with Bennett Oil Co., City Contract No. 2018-225 and SC Fuels, City Contract No. 2018-237. (Funding is available within the operating budget of each department that utilizes fuel.)

***Recommended Action: MOVE to approve City Contract Nos. 2018-225 and 2018-237.***

- I. Adoption of Resolution No. 2018-1642 approving Transfer of Certain Fiscal Year 2018 Budget Appropriations.

ADOPT RESOLUTION NO. 2018-1642 OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, APPROVING THE TRANSFER OF UNENCUMBERED APPROPRIATIONS BETWEEN VARIOUS DEPARTMENTS AND FUNDS IN THE FISCAL YEAR 2018 BUDGET.

***Recommended Action: MOVE to adopt Resolution No. 2018-1642.***

## 10. 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:

- (1) Discussion or consideration of personnel matters (A.R.S. §38-431.03(A)(1));
- (2) Discussion or consideration of records exempt by law (A.R.S. §38-431.03(A)(2));
- (3) Discussion or consultation for legal advice with the city's attorneys (A.R.S. §38-431.03(A)(3));
- (4) 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));
- (5) 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));
- (6) 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));
- (7) 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)).

**THE CITY OF PRESCOTT ENDEAVORS TO MAKE ALL PUBLIC MEETINGS ACCESSIBLE TO PERSONS WITH DISABILITIES.** With 48 hours advanced notice, special assistance can be provided for sight and/or hearing-impaired persons at this meeting. Reasonable accommodations will be made upon request for persons with disabilities or non-English speaking residents. Please call the City Clerk (928) 777-1272 to request an accommodation to participate in this public meeting. Prescott TDD number is (928) 445-6811. Additionally, free public relay service is available from Arizona Relay Service at 1-800-367-8939 and more information at [www.azrelay.org](http://www.azrelay.org)

**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

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Maureen Scott, MMC, City Clerk