



CITY COUNCIL MEETING

VOTING MEETING AGENDA

TUESDAY, MAY 14, 2019, 3:00 PM

City Hall, 201 South Cortez Street
Prescott AZ 86303
(928) 777-1272

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

Charlotte Evans, Church of Jesus Christ of Latter Day Saints

4. PLEDGE OF ALLEGIANCE

Mayor Pro Tem Orr

5. ROLL CALL

6. PRESENTATIONS

2019 World's Oldest Rodeo Update

7. PROCLAMATIONS

- A. Prescott Heritage Trail History Hunt
- B. Motorcycle Safety & Awareness Month
- C. Memorial Day

8. 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 minutes for the April 23, 2019 Special Meeting/Executive Session and the April 23, 2019 Voting Meeting.
- B. Award of City Contract 2019-196 to Ridgeline Builders in the amount of \$91,190.99 for the construction of restrooms at the Constellation Trail trailhead. Funding is available in Transient Occupancy (bed) tax.
- C. Award of contract to Southern Tire Mart and Prescott Tire Pros utilizing Arizona State Contract No. CTR042117-1 for an annual amount of \$300,000.00 (City Contract No. 2019-220).
- D. Award City Contract 2019-222 to Test America Laboratories, Inc. for Water and Wastewater Analytical Services in an amount not to exceed \$75,000.00 annually. Award City Contract 2019-223 to Legend Technical Services of Arizona, Inc. for Water and Wastewater Analytical Services in an amount not to exceed \$75,000.00 annually. Funding is available in the Water and Wastewater Funds.
- E. Award of City Contract No. 2019-219 to Asphalt Paving & Supply, Inc., for the Prescott Lakes Parkway Water Main Extension Project, in the amount of \$155,855.55. Funding is available in the Water Fund.
- F. Award of City Contract No. 2019-227 to Natina Products for the Willow Creek and Bashford Court Wall Treatments Project, in the amount of \$30,467.00. Funding is available in the Streets Fund.
- G. Adoption of Resolution No. 2019-1688 for appointment of Fire Chief Dennis B. Light as Applicant Agent on Behalf of the City of Prescott Cost Recovery Efforts Regarding Winter Storm of February 21-22, 2019.

ADOPT RESOLUTION NO. 2019-1688 OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, DESIGNATING THE PRESCOTT FIRE CHIEF AS THE APPLICANT AGENT TO THE ARIZONA DIVISION OF EMERGENCY MANAGEMENT FOR COST-RECOVERY EFFORTS; AND AUTHORIZING THE MAYOR AND STAFF TO TAKE ANY AND ALL STEPS NECESSARY TO ACCOMPLISH THE ABOVE.

- H. Adoption of Resolution No. 2019-1693 approving the use of eminent domain to acquire property necessary for improvements to the Government Canyon Bridge.

ADOPT RESOLUTION NO. 2019-1693 OF THE MAYOR AND COUNCIL OF THE

CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, APPROVING THE USE OF EMINENT DOMAIN TO ACQUIRE PROPERTY NECESSARY FOR IMPROVEMENTS TO THE GOVERNMENT CANYON BRIDGE.

- I. Adoption of Resolution No 2019-1692 approving the use of eminent domain to acquire property necessary for the Hope Street drainage improvements.

ADOPT RESOLUTION NO. 2019-1692 OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, APPROVING THE USE OF EMINENT DOMAIN TO ACQUIRE PROPERTY NECESSARY FOR THE HOPE STREET DRAINAGE IMPROVEMENTS.

- J. Approval of EBSCO Information Services Contract No. 2019-215 in the amount of \$12,500.00 per year. Funding is available in the General Fund.
- K. Approval for the Fire Department to apply for various Fiscal Year 2020 grant funding opportunities.
- L. RVP19-007, Revision of Plat of Foothill Meadows Unit I, subdividing one existing parcel into two parcels; Zoning is Single-Family 35 (SF-35). Owner: Matthew Sullivan; APN 106-07-021D. Location: 3217 Jack Drive.
Recommended Action: MOVE to approve Consent Agenda Items 8.A. through 8.L.

9. CONSENT ORDINANCE

- A. Adoption of Ordinance No. 2019-1661 authorizing the Quit Claim of a portion of Sam Hill Property to Prescott College, Inc.

ADOPT ORDINANCE NO. 2019-1661 OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AUTHORIZING THE QUIT CLAIM TO PRESCOTT COLLEGE, INC. ALL RIGHT, TITLE OR INTEREST IN THE REAL PROPERTY DESCRIBED IN THE ATTACHED QUIT CLAIM DEED, AND AUTHORIZING THE MAYOR AND STAFF TO EXECUTE ANY AND ALL DOCUMENTS TO EFFECTUATE SAID QUIT CLAIM.

Recommended Action: Move to adopt Ordinance No. 2019-1661.

10. LIQUOR LICENSE AGENDA

A. NEW LICENSES

1. Public Hearing and consideration for a New liquor license application for a Series 9 Liquor Store liquor license from Kim Kenneth Kwiatkowski, applicant, for Circle K Store #9525; Location: 940 Willow Creek Road.

Recommended Action: 1) MOVE to close the Public Hearing; 2) MOVE to approve/ deny/make no recommendation for Liquor

License Application No. 56734 for a new Series 9 Liquor Store liquor license, for Circle K Store #9525; Location: 940 Willow Creek Road.

2. Public Hearing and consideration for a New liquor license application for a Series 12 Restaurant liquor license from Bao Myia Vang, applicant, for Fujiyama Japanese Restaurant & Sushi Bar; Location: 1781 East Hwy 69 #15.

Recommended Action: 1) MOVE to close the Public Hearing; 2) MOVE to approve/ deny/make no recommendation for Liquor License Application No. 59591 for a New Series 12 Restaurant liquor license, for Fujiyama Japanese Restaurant & Sushi Bar; Location: 1781 East Hwy 69 #15.

11. REGULAR AGENDA

- A. Appointment of Members to the Board of Adjustment and the Pedestrian, Bicycle and Traffic Advisory Committee.

Recommended Action: MOVE to approve the recommendations of the Council Subcommittee for Appointments for appointments to the Board of Adjustment and the Pedestrian, Bicycle & Traffic Advisory Committee as presented in Attachment 1.

- B. Public Hearing for City of Prescott's Community Development Block Grant (CDBG) Program Draft PY2019 Annual Action Plan and Adoption of CDBG Annual Action Plan (Resolution No. 2019-1685).

ADOPT RESOLUTION 2019-1685 OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AUTHORIZING SUBMISSION OF THE ANNUAL ACTION PLAN FOR PROJECT YEAR 2019 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS ("CDBG"), CERTIFYING THAT SAID PLAN MEETS THE COMMUNITY'S PREVIOUSLY IDENTIFIED FIVE YEAR CONSOLIDATED PLAN GOALS AND AUTHORIZING ALL ACTIONS NECESSARY TO IMPLEMENT AND COMPLETE THE ACTIVITIES OUTLINED IN SAID PLAN.

Recommended Actions: 1) CLOSE the final Public Hearing on the CDBG Annual Action Plan for PY19 Hearing and 2) MOVE to adopt Resolution No. 2019-1685.

- C. Award of City Contract No. 2019-209 to Cactus Transport, Inc DBA: Cactus Asphalt for the FY19 Pavement Preservation - Chip Seal, in the amount of \$548,314.57. Funding is available in the Streets Fund.

Recommended Action: MOVE to approve City Contract No. 2019-209.

- D. Award of City Contract No. 2019-208 to Sunland Asphalt & Construction Inc. including night work for the SR89 Pavement Rehabilitation Project, in the amount of \$1,222,722.00.00. Funding is available in the Streets Fund.

Recommended Action: MOVE to award City Contract No. 2019-208 to Sunland Asphalt & Construction Inc.

- E. Resolution No. 2019-1689 Declaring the document titled "Chapter 3-14: Development Fees" a public record, and Ordinance No. 2019-1662 Amending the IIP and LUA, and adopting updated Development Impact Fees.

ADOPT RESOLUTION NO. 2019-1689 OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED "CHAPTER 3-14: DEVELOPMENT FEES", WHICH DOCUMENT AMENDS PRESCOTT CITY CODE TITLE III, CHAPTER 3-14 ("DEVELOPMENT FEES").

ADOPT ORDINANCE NO. 2019-1662 OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AMENDING TITLE III, CHAPTER 3-14 ("DEVELOPMENT FEES"); ADOPTING DEVELOPMENT FEES; ADDING A SEVERANCE CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

Recommended Action: 1. MOVE to adopt Resolution No. 2019-1689; and 2. MOVE to adopt Ordinance No. 2019-1662.

- F. Adoption of Resolution No. 2019-1691, approving the Kile Street Water Line Development Agreement with Westridge Preserve LLC, City Contract 2019-226.

ADOPT RESOLUTION NO. 2019-1691 OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, APPROVING A DEVELOPMENT AGREEMENT WITH WESTRIDGE PRESERVE, LLC.

Recommended Action: MOVE to adopt Resolution No. 2019-1691 and approve City Contract 2019-226.

- G. Award of City Contract No. 2019-225 to Fann Contracting, Inc. for the Yavapai Hills Drainage Improvements Project in an amount of \$169,444.53. Funding is available in the Streets Fund.

Recommended Action: MOVE to approve City Contract No. 2019-225.

- H. Legislative Update

12. 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 72 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

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

Maureen Scott, MMC, City Clerk