



CITY COUNCIL MEETING

VOTING MEETING AGENDA

TUESDAY, OCTOBER 8, 2019, 3:00 PM

Council Chambers, 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

Pastor Jesse Burke with Sanctuary Covenant Church

4. PLEDGE OF ALLEGIANCE

Councilman Lamerson

5. ROLL CALL

6. PROCLAMATIONS

A. Domestic Violence Awareness Month October 2019

B. Colonial Heritage Month October 2019

7. PRESENTATIONS

A. Friends of Jersey Lilly - Courthouse Lighting Fundraiser

B. Citizens Academy 4th Class

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 September 24, 2019 Special Meeting/Executive Session, the September 24, 2019 Study Session and the September 24, 2019 Voting Meeting.
- B. Approval of the 2020 Council Meeting Calendar.
- C. Adoption of Resolution 2019-1720, Approving a Sewer Service Reimbursement Agreement, District #93, for the Old Kettle Dr. Sewer Reimbursement District.

ADOPT RESOLUTION NO. 2019-1720 OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, APPROVING A SEWER SERVICE REIMBURSEMENT AGREEMENT BETWEEN WILLIAM W. WATSON AND STANLEY L. MOORE, AND THE CITY OF PRESCOTT, AND AUTHORIZING THE MAYOR AND STAFF TO TAKE ANY AND ALL STEPS DEEMED NECESSARY TO ACCOMPLISH THE ABOVE.

- D. Approval of City Contract No. 2020-074 with Desert Mountain Corporation for Supply and Delivery of Solid De-Icer Materials, in an Amount not to Exceed \$50,000.00. Funding is available in the Streets Fund.
- E. Approval for the Purchase of one (1) Greensmaster 3150-Q Mower in an Amount not to Exceed \$35,417.53, and one (1) Workman HDX-4WD in the Amount of \$32,017.26 (City Contract No. 2020-072). Funding is Available in the Golf Course Maintenance Fund.

Recommended Action: MOVE to approve Consent Agenda Items 8.A. through 8.E.

9. CONSENT ORDINANCE

- A. Adoption of Ordinance No. 2019-1692 authorizing the Purchase and Acceptance of a Public Sewer Easement and Real Property, from James 110 Investment LLC.

ADOPT ORDINANCE NO. 2019-1692 OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AUTHORIZING THE PURCHASE AND ACCEPTANCE OF A PUBLIC SEWER EASEMENT, AND REAL PROPERTY FROM JAMES 110 INVESTMENT LLC, AND AUTHORIZING THE MAYOR AND STAFF TO EXECUTE ANY AND ALL DOCUMENTS TO EFFECTUATE SAID PURCHASES AND ACCEPTANCES.

- B. Adoption of Ordinance No. 2019-1691 for Acceptance of a Division Street Quitclaim Deed from Yavapai County.

ADOPT ORDINANCE NO. 2019-1691 OF THE MAYOR AND COUNCIL OF THE CITY

OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AUTHORIZING THE ACCEPTANCE OF YAVAPAI COUNTY OWNED PORTIONS OF DIVISION STREET AND AUTHORIZING THE MAYOR AND STAFF TO EXECUTE ANY AND ALL DOCUMENTS TO EFFECTUATE SAID ACCEPTANCE OF REAL PROPERTY.

Recommended Action: MOVE to adopt Consent Ordinance Items 9.A. and 9.B.

10. LIQUOR LICENSE AGENDA

A. NEW LICENSE

1. Public Hearing and Consideration for a new Series 19 Remote Tasting Room liquor license from Richard Edwin Skladzien, applicant, for Del Rio Springs Vineyard; Location: 220 W. Goodwin Street, Suite #2.

Recommended Action: 1) MOVE to close the Public Hearing; and 2) MOVE to approve/deny/make no recommendation for Liquor License Application No. 19-350 for a New Series 19 Remote Tasting Room for Del Rio Springs Vineyard; Location: 220 W. Goodwin Street, Suite #2.

OWNER TRANSFER

2. Public Hearing and Consideration for an Owner Transfer Liquor License Application for a Series 6 Bar Liquor License from Amy S. Nations, applicant, for The Point Bar & Lounge; Location: 114 N Montezuma Street.

Recommended Action: 1) MOVE to close the Public Hearing; and 2) MOVE to approve/deny/make no recommendation for Liquor License No. 06130031 for an Owner Transfer for a Series 6 Bar Liquor License for The Point Bar & Lounge; Location: 114 N Montezuma Street.

PERMANENT EXTENSION OF PREMISES

3. Consideration for a Permanent Extension of Premises Liquor License Application for a Series 7 Beer & Wine Bar Liquor License from Nikhil Patel, applicant, for Hotel Vendome; Location: 230 S Cortez St.

Recommended Action: MOVE to approve/deny/make no recommendation for Liquor License Application No. 19-008 for a Permanent Extension of Premises for a Series 7 Beer & Wine Bar liquor license, for Hotel Vendome; Location: 230 S Cortez Street.

11. REGULAR AGENDA

- A. Adoption of Ordinance No. 2019-1690 Approving the Sale and Execution and Delivery of a Pledge Revenue Refunding Obligation, Series 2019, and Declaring an Emergency.

ADOPT ORDINANCE NO. 2019-1690 OF THE MAYOR AND COUNCIL OF CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY BY THE CITY OF A FIRST PURCHASE AGREEMENT, A FIRST TRUST AGREEMENT, AN ESCROW TRUST AGREEMENT AND OTHER NECESSARY AGREEMENTS, INSTRUMENTS AND DOCUMENTS; APPROVING THE EXECUTION AND DELIVERY BY CITY OF PRESCOTT MUNICIPAL PROPERTY CORPORATION OF A SECOND AMENDMENT TO THIRD SUPPLEMENT TO TRUST INDENTURE; APPROVING THE SALE AND EXECUTION AND DELIVERY OF PLEDGED REVENUE REFUNDING OBLIGATIONS, SERIES 2019, EVIDENCING ALL THE INTERESTS OF THE OWNER THEREOF IN THE PURCHASE AGREEMENT; ADOPTING POST-ISSUANCE TAX COMPLIANCE PROCEDURES IN CONNECTION WITH ISSUANCE OF OBLIGATIONS OF THE CITY; DELEGATING AUTHORITY TO THE BUDGET AND FINANCE DIRECTOR OF THE CITY TO DETERMINE CERTAIN MATTERS AND TERMS WITH RESPECT TO THE FOREGOING; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS ORDINANCE AND DECLARING AN EMERGENCY.

Recommended Action: MOVE to adopt Ordinance No. 2019-1690.

- B. Approval of the Proposed Settlement in Hidden Heights v. City of Prescott (Contract No. 2020-081).

Recommended Action: MOVE to approve settlement agreement with Hidden Heights, LLC. (Contract No. 2020-081).

- C. Award of City Contract No. 2020-057 to Fann Contracting, Inc. for Construction of the Airport Trunk Main Phase 2B Project in an Amount not to Exceed \$10,130,181.00 and Award of City Contract No. 2020-056 to Lyon Engineering in an Amount not to Exceed \$395,195.00 for Post Design and Engineering Services for the Airport Trunk Main 2B Project and Approval of night work.

Recommended Action: 1) MOVE to award City Contract No. 2020-057 to Fann Contracting Inc.; and 2) MOVE to award City Contract No. 2020-056 to Lyon Engineering; and 3) MOVE to approve night work.

- D. Approve Amendment No. 1 to City Contract No. 2018-201 (City Contract No. 2018-201A1) to Fann Environmental, LLC, for Phase 2 Design of the Airport Production Well No. 5 Design-Build Project, in the Amount of \$211,083.00. Funding is Available in the Water Fund.

Recommended Action: MOVE to Approve City Contract No. 2018-201A1.

- E. Approval of City Contract No. 2020-064 with Civiltec Engineering, Inc., for Design and Other Engineering Services for the Public Safety Drill Grounds Drainage and Utilities Improvements Study, in the amount of \$97,784.00. Funding is Available in the General Fund.

Recommended Action: MOVE to approve City Contract No. 2020-064 with Civiltec Engineering, Inc., for engineering services for the Public Safety Drill Grounds Drainage and Utilities Infrastructure Study in the amount of \$97,784.00.

- F. Award of City Contract No. 2020-075 to BuiltRite Manufacturing for the Purchase, Delivery and Installation of a Replacement Boom Crane for the Transfer Station in a Total Amount not to Exceed \$322,848.50. Funding is available in the Solid Waste Fund.

Recommended Action: MOVE to Award City Contract No. 2020-075.

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