



CITY COUNCIL MEETING

VOTING MEETING AGENDA

TUESDAY, JUNE 9, 2020, 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
Cathey Rusing, Councilmember
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**

Friar Ian Dunn with All Saints Anglican Church

4. **PLEDGE OF ALLEGIANCE**
5. **ROLL CALL**
6. **PROCLAMATIONS**

A. United States Army 245th Birthday - June 14, 2020

7. **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 May 19, 2020 Budget Workshop, the May 26, 2020 Executive Session and the May 26, 2020 Voting Meeting.

- B. Appointment of Members to the Advisory & Appeals Board, CDBG Citizens Advisory Committee, Fire Board of Appeals, Industrial Development Authority, Pedestrian Bicycle & Traffic Advisory Committee, Planning & Zoning Commission, Public Safety Personnel Retirement System Board - Fire, Public Safety Personnel Retirement System Board - Police, Tourism Advisory Board and Youth Advisory Board; and Appointment of Chair & Vice Chair for the Advisory & Appeals Board, Fire Board of Appeals, Planning & Zoning Commission and Youth Advisory Board.
- C. Approval of City Contract No. 2020-210 with Granicus for PEAK Agenda & Minutes Management Software in the Amount of \$10,200 in FY21, \$10,914 in FY22 and \$11,677.98 in FY23. Funding is Available in the City Clerk Department Fund.
- D. Approval to Donate, or Otherwise Transfer, Fire Engine #1056 to Yavapai College for Use in the Yavapai College Fire Science Program.
- E. Approval of Retention of Outside Legal Counsel to Provide General Water Law Services and Representation in the Gila Adjudication. Funding is Available in the Water Fund.
- F. Approval of City Contract No. 2020-203 with Harris Auction for the Sale of Items at Surplus Auction.
- G. Approval of ADM19-0096 a Preliminary Plat for Prescott City Substation, a Subdivision Plat Incorporating Three (3) Unsubdivided Parcels, Creating or Revising a Number of Access and Utility Easements and Resulting in Two Lots. Site Zoning: Industrial Light (IL). Location 300 N. Granite Street. Property Owner/Applicant: Arizona Public Services; APN 113-14-058C, 113-14-056C and 113-14-060.
- H. Approval of FNP20-006 Final Plat for Prescott City Substation, a Subdivision Plat Incorporating Three Unsubdivided Parcels, Creating or Revising a Number of Access and Utility Easements and Resulting in Two Lots. Site Zoning: Industrial Light (IL). Location: 300 N. Granite Street. Property Owner/Applicant: Arizona Public Services; APN 113-14-058C, 113-14-056C and 113-14-060.

Recommended Action: MOVE to approve Consent Agenda Items 7.A. through 7.H.

8. CONSENT ORDINANCE

- A. Adoption of Ordinance No. 2020-1717 Authorizing the Acceptance of a Water Line Easement Agreement, and a Right-of-Entry and Temporary Construction Easement Agreement from Yavapai County, a Political Subdivision of the State of Arizona.

ADOPT ORDINANCE NO. 2020-1717 OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AUTHORIZING THE ACCEPTANCE OF A WATER LINE EASEMENT AGREEMENT, AND A RIGHT OF ENTRY AND

TEMPORARY CONSTRUCTION EASEMENT AGREEMENT FROM YAVAPAI COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF ARIZONA, AUTHORIZING THE MAYOR AND STAFF TO EXECUTE ANY AND ALL DOCUMENTS TO EFFECTUATE SAID ACCEPTANCES.

- B. Adoption of Ordinance No. 2020-1718 Approving City Contract No. 2020-201, a Lease Agreement with Prescott Antique Auto Club, Inc.

ADOPT ORDINANCE NO. 2020-1718 OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, APPROVING A LEASE AGREEMENT, CONTRACT NO. 2020-201, WITH PRESCOTT ANTIQUE AUTO CLUB, INC., LOCATED ON CITY-OWNED PROPERTY; AND AUTHORIZING THE MAYOR AND STAFF TO EXECUTE ANY AND ALL DOCUMENTS TO EFFECTUATE SAID ACCEPTANCE.

Recommended Action: MOVE to adopt Consent Ordinance Items 8.A. and 8.B.

9. LIQUOR LICENSE AGENDA

A. NEW LICENSES

1. Public Hearing and Consideration for a New Series 12 Restaurant Liquor License Application from Skyler Reeves, Applicant, for Taco Don's. Location: 624 Miller Valley Road.

Recommended Action: 1) MOVE to close the Public Hearing; and 2) MOVE to approve/deny/make no recommendation for Liquor License Application No. 95694 for a new Series 12 Restaurant liquor license, for Taco Don's; Location: 624 Miller Valley Road.

10. REGULAR AGENDA

- A. City of Prescott and Arizona Eco Development Letter of Intent

Recommended Action: MOVE to approve the Letter of Intent between the City of Prescott and Arizona Eco Development LLC

- B. Adoption of Resolution No. 2020-1749 in Support of the World's Oldest Rodeo in Prescott from June 29-July 5, 2020.

Recommended Action: MOVE to adopt Resolution No. 2020-1749.

- C. Approval to Apply for and Accept Funds Appropriated Under the Arizona Corona Aid, Relief, and Economic Security (CARES) Act.

Recommended Action: MOVE to approve application for and acceptance of funds made available under the AZ CARES Act.

- D. Adoption of Resolution No. 2020-1746 Approving Transfer of Certain Fiscal Year 2020 Budget Appropriations.

ADOPT RESOLUTION NO. 2020-1746 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 2020 BUDGET.

Recommended Action: MOVE to adopt Resolution No. 2020-1746.

- E. Adoption of Resolution No. 2020-1747 Adopting the Tentative Budget for Fiscal Year 2021, and Setting the Public Hearing for the Final Budget, Expenditure Limitation and Tax Levies for the City of Prescott.

ADOPT RESOLUTION NO. 2020-1747 OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, ADOPTING A TENTATIVE BUDGET, ADOPTING THE ESTIMATED AMOUNTS REQUIRED TO MEET THE PUBLIC EXPENSES FOR THE CITY OF PRESCOTT FOR THE FISCAL YEAR 2021, AUTHORIZING AND DIRECTING PUBLICATION OF STATEMENTS AND SCHEDULES OF THE TENTATIVE BUDGET, TOGETHER WITH NOTICE OF HEARING ON SAID BUDGET AND NOTICE OF DATE OF FINAL ADOPTION OF SAID BUDGET, AND NOTICE OF DATE OF ESTABLISHMENT OF THE EXPENDITURE LIMITATION, AND NOTICE OF THE DATE FOR FIXING A TAX LEVY.

Recommended Action: MOVE to adopt Resolution No. 2020-1747.

- F. Approval of City Contract No. 2005-293A1, an Amendment to City Contract No. 2005-293 with Waste Management for Solid Waste Disposal (Landfill Services) Increasing the Contract Amount in FY20 by \$500,000.00 and Increasing the Annual Amount from \$1,900,000.00 to \$2,600,000.00. Funding is Available in the Solid Waste Fund.

Recommended Action: MOVE to approve City Contract No. 2005-293A1.

- G. Approval of Construction Cost Reimbursement to Chamberlain Development, L.L.C., in an Amount Not to Exceed \$2,103,097.00 for Construction and Realignment of Willow Creek Road Curve. Funding is Available in the Streets Fund.

Recommended Action: MOVE to approve construction cost reimbursement to Chamberlain Development, L.L.C., in an amount not to exceed \$2,103,097.00.

- H. Approval of PLN20-001 a Preliminary Plat for Luxtor Prescott RV Storage Condominium a 128 Unit Subdivision in an Existing Storage Facility Building. Site Zoning: Industrial Lite (IL) on 4.21 acres. Location: 2899 Venture Drive, APN 103-01-655B. Property Owner/Applicant: Luxtor Prescott LLC.

Recommended Action: MOVE to approve PLN20-001, a Preliminary

Plat for Luxtor Prescott RV Storage Condominium.

- I. Approval of FNP20-004 a Final Plat for Luxtor Prescott RV Storage Condominium a 128 Unit Subdivision in an Existing Storage Facility Building. Site Zoning: Industrial Light (IL) on 4.21 Acres. Location: 2899 Venture Drive, APN 103-01-655B. Property Owner/Applicant: Luxtor Prescott LLC.

Recommended Action: MOVE to approve FNP20-004, a Final Plat for Luxtor Prescott RV Storage Condominium.

- J. Approval of City Contract No. 2019-251A2, an Amendment City Contract No. 2019-251 with the City of Phoenix Increasing the Original Contract Amount in FY20 by \$62,500 and Increasing the Annual Amount from \$150,000 to \$260,000 beginning in FY21. Funding is Available in the Solid Waste Fund, and Increase is Offset by Customer Revenue Received.

Recommended Action: MOVE to approve City Contract No. 2019-251A2.

- K. Approval of City Contract No. 2017-064A7, an Amendment to City Contract No. 2017-064 with Fann Contracting for Solid Waste Hauling Services Increasing the Contract amount in FY20 by \$100,000.00 and Increasing the Annual Amount for the Contract from \$900,000.00 to \$1,200,000.00. Funding is Available in the Solid Waste Fund.

Recommended Action: MOVE to approve City Contract No. 2017-064A7.

11. 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

Sarah M. Siep, City Clerk