



AGENDA

**PRESCOTT CITY COUNCIL
REGULAR VOTING MEETING
Tuesday, December 15, 2015
3:00 PM**

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

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

- ◆ **CALL TO ORDER**
- ◆ **INTRODUCTIONS**
- ◆ **INVOCATION** Chaplin Gary Sheldon
 Patriot Guard Riders
- ◆ **PLEDGE OF ALLEGIANCE** Councilman Lazzell
- ◆ **ROLL CALL**

MAYOR AND CITY COUNCIL

Mayor Oberg	
Mayor Pro Tem Lamerson	Councilwoman Orr
Councilman Blair	Councilman Sischka
Councilman Lazzell	Councilwoman Wilcox

◆ **ANNOUNCEMENTS**

I. CONSENT AGENDA

CONSENT ITEMS I.A. – I.J. LISTED BELOW MAY BE ENACTED BY ONE MOTION. ANY ITEM MAY BE REMOVED AND DISCUSSED IF A COUNCILMEMBER SO REQUESTS.

- A. Approval of minutes for the City Council meetings held on November 24, 2015, and December 1, 2015

- B. Approval of Water Service Agreement No. 14-007 (City Contract No. 2016-009) with SJ Homes, LLC, for the construction of two duplexes (340 Robinson Drive; APN 110-05-002E)
- C. Approval of Water Service Agreement No. 15-015 (City Contract No. 2016-090) with Eureka Apartments, LLC, for the remodel of an extended stay motel into an apartment complex (1141 E. Gurley Street; APN 114-06-084A)
- D. Approval of Water Service Agreement No. 15-006 (City Contract No. 2016-022) with the Jason Orefice 2014 Trust and the Colleen Johnson 2010 Trust for the remodel of a boarding home into an apartment complex (223 E. Willis Street; APN 113-16-067)
- E. Approval of a one-year contract with Fitness Appraisal, LLC, for comprehensive wellness/fitness testing of firefighters in the estimated amount of \$17,400.00 (City Contract No. 2016-091)
- F. Ratification of payment for emergency purchase of one (1) ea. heavy-duty equipment trailer from Titan Machinery, in the amount of \$19,121.89 (Water Fund)
- G. Adoption of Ordinance No. 4961-1499 authorizing purchase and acceptance of public utility easements from The Handley Family Revocable Trust, and from Benn A. Wagner and Karen M. Wagner, husband and wife, for the Smoke Tree Lane Reconstruction Project

ORDINANCE NO. 4961-1499 AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AUTHORIZING THE PURCHASE AND ACCEPTANCE OF PUBLIC UTILITY EASEMENTS FROM THE HADLEY FAMILY REVOCABLE TRUST, AND FROM BENN A. WAGNER AND KAREN M. WAGNER FOR THE SMOKE TREE LANE RECONSTRUCTION PROJECT; AND AUTHORIZING THE MAYOR AND STAFF TO EXECUTE ANY AND ALL DOCUMENTS TO EFFECTUATE SAID PURCHASES AND ACCEPTANCES.

- H. Adoption of Ordinance No. 4960-1498 authorizing acceptance of donations of real property from the Harold James Family Trust and DW1 Investments, LLC, for Willow Creek Road Realignment Project right-of-way

ORDINANCE NO. 4960-1498 AN ORDINANCE OF THE MAYOR AND

COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AUTHORIZING THE ACCEPTANCE OF REAL PROPERTIES GIFTED TO THE CITY FROM THE HAROLD JAMES FAMILY TRUST, AND FROM DW1 INVESTMENTS, LLC, FOR THE WILLOW CREEK ROAD REALIGNMENT PROJECT; AND AUTHORIZING THE MAYOR AND STAFF TO EXECUTE ANY AND ALL DOCUMENTS TO EFFECTUATE SAID ACCEPTANCE.

- I. Approval to accept and acquire an International Navistar MaxxPro Mine Resistant Ambush Protected tactical rescue vehicle from the Law Enforcement Support Office of the Defense Logistics Agency through the National Defense Authorization Act of 1997 for use by the Police Department
- J. Approval to accept a grant award from the Arizona Department of Public Safety Victims of Crime Act, of \$101,571.00 for a one-year Victim Advocate position and related equipment and training

RECOMMENDED ACTION: MOVE to approve Consent Agenda Items I.A.- I.J.

II. REGULAR AGENDA

- A. Public hearing and consideration of a new liquor license application for a Series 10 Beer & Wine Store license from Linda Gail Novak, applicant for D'Vino, located at 109 Grove Avenue

RECOMMENDED ACTION: (1) MOVE to close the Public Hearing; and (2) MOVE to approve/deny/make no recommendation for Liquor License Application No.10133298, for a Series 10 Beer & Wine Store license, for D'Vino, located at 109 Grove Avenue.

- B. Approval of a Water Fees Settlement Agreement with Yavapai-Prescott Indian Tribe (YPIT)

RECOMMENDED ACTION: MOVE to approve the Water Fees Settlement Agreement with Yavapai-Prescott Indian Tribe.

- C. Approval of the City of Prescott's 2016 Legislative Agenda

RECOMMENDED ACTION: MOVE to approve the City of Prescott's 2016 Legislative Agenda.

- D. Discussion of Council meeting schedule for 2016

RECOMMENDED ACTION: Presented for Council discussion/

direction.

III. 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:

- (i) Discussion or consideration of personnel matters (A.R.S. §38-431.03(A)(1));
- (ii) Discussion or consideration of records exempt by law (A.R.S. §38-431.03(A)(2));
- (iii) Discussion or consultation for legal advice with the city's attorneys (A.R.S. §38-431.03(A)(3));
- (iv) 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));
- (v) 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));
- (vi) 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));
- (vii) 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)).

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.

Dana R. DeLona. CMC. City Clerk