



CITY COUNCIL VOTING MEETING MEETING

VOTING MEETING AGENDA

TUESDAY, SEPTEMBER 13, 2022, 3:00 PM

201 S. Cortez Street
Prescott, AZ 86303
City Council Chambers

Phil Goode, Mayor

Cathey Rusing, Mayor Pro Tem

Brandon Montoya, Councilman

Eric Moore, Councilman

Connie Cantelme, Councilwoman

Steve Sischka, Councilman

Clark Tenney, Councilman

The following Agenda will be considered by the Prescott **City Council Voting Meeting** 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.

Viewing & Participation

This meeting may be viewed on Channel 64, Facebook Live or on the City's website: [Live Prescott City Council Videos](#)

Or via Zoom by registering in advance: [Zoom Registration Link](#)

Public comments for Council may be submitted through the City website: [Public Comment Form](#)

- 1. CALL TO ORDER**
- 2. INTRODUCTIONS / ANNOUNCEMENTS**
- 3. INVOCATION - Father Ian Emile Dunn with All Saints Anglican Church**
- 4. PLEDGE OF ALLEGIANCE - Councilman Sischka**
- 5. ROLL CALL**
- 6. PROCLAMATIONS**
 - A. Suicide Prevention Month - September 2022**
 - B. Constitution Week - Sept. 17-Sept. 23**
 - C. Empty Bowls Day - Sept. 18**
 - D. International Day of Peace - Sept. 21**
- 7. PRESENTATIONS**
 - A. ADEQ Voluntary Environmental Stewardship Program Award - Granite Creek Cleanup**

Project

8. OPEN CALL TO THE PUBLIC

The City of Prescott welcomes public engagement and residents may comment & address Council on matters NOT included on the Agenda during the Call to the Public. Please complete a green speaker card and submit it to the City Clerk prior to the meeting being convened. Speakers are limited to four (4) minutes, and the Call to the Public will be limited to forty (40) minutes in total.

Please Note: Pursuant to A.R.S. §38-431.01(H), members of the Council may NOT discuss items that are not specifically identified on the Agenda and, therefore, interaction will be limited to the following:

- 1) Responding to criticism*
- 2) Requests to staff to investigate & report on the matter*
- 3) Request that the matter be scheduled on a future agenda*

9. 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.

Recommended Action: MOVE to approve Consent Agenda Items 9.A. through 9.N.

- A. Approval of Minutes from the August 16, 2022 Special Executive Session, the August 23, 2022 Workshop Session, the August 23, 2022 Study Session, and the August 23, 2022 Voting Meeting.
- B. Approval of the 2023 Council Calendar.
- C. Approval of Acceptance of Two Grants Awarded to the Prescott Police Department by the Governor's Office of Highway Safety in the Total Amount of \$62,500.00 for DUI and Selective Traffic Enforcement Programs.
- D. Approval of City Contract No. 2023-033 with DATAMATX for Utility Billing Printing and Mailing using Hanover County Contract #20-14-2823 in the Approximate Amount of \$32,000 for Printing Costs and \$98,000 for Postage Costs. Funding is Available in the Finance Budget.
- E. Approval of City Contract No. 2023-043 for the Purchase of Two (2) F-150 4x4 Super Cab Pick-Up Trucks from Peoria Ford using State of Arizona Contract No. CTR059322 in the Amount of \$84,059.92. Funding Is Available in the Engineering Fund.
- F. Approval of City Contract No. 2021-085A3, an Amendment to Contract No. 2021-085, with Matrix New World for Hydrogeology and Groundwater Modeling for the City's Designation

of Assured Water Supply Application in the Amount of \$19,280.00. Funding Is Available in the Water Fund.

- G. Adoption of Resolution No. 2022-1840 Approving the Transfer of Certain Fiscal Year 2022 Budget Appropriations.
A RESOLUTION 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 2022 BUDGET
- H. Approval of Payment to Yavapai Family Advocacy Center in the Amount of \$32,617 for FY23 for Support Services to the Prescott Police Department. Funding is Available in the General Fund.
- I. Approval of City Contract No. 2023-049 for a Five-Year Service, Maintenance & Repair Agreement with TK Elevator Cooperation Using Omnia Partners Group Contract # R200502-316989. Funding is Available in the Facilities Budget.
- J. Approval of City Contract No. 2023-051 for the Purchase of One (1) Toro Reelmaster 3100-D using Mohave QMS Contract No:Q98190 in the Amount of \$54,114.50. Funding is Available in the Recreation Services Budget.
- K. Approval of City Contract No. 2023-053 with Vehicle Service Group for the Purchase of One (1) 4-Post 36,000 Pound Vehicle Lift Using NASPO ValuePoint Contract #ADSP019-215114 in the Amount of \$73,520.60 and applicable taxes. Funding is Available in the Recreation Services Fund.
- L. Approval of CSP22-002, a Proposed Comprehensive Sign Plan for Calvary Prescott Chapel. Location: 2313 E State Route 69. Property Owner: Calvary Chapel of Prescott. Applicant: A and B Sign Company Inc.
- M. Approval of CSP22-003, a Comprehensive Sign Plan for Seventh Day Adventist Church and School for a New Digital Monument Sign. Location: 2980 Willow Creek Road. Property Owner: Arizona Conf. Corp Seventh Day Adventists. Applicant: A and B Sign Company Inc.
- N. Approval of City Contract No. 2022-168A7, an Amendment to City Contract No. 2022-168 with Dibble for Planning & Environmental Services - Land Acquisition Support Services (Appraisals) in the Vicinity of Prescott Regional Airport - Ernest A. Love Field in an Amount not to Exceed \$331,542.00. Funding is Available in the Airport Fund.

10. CONSENT ORDINANCE

Recommended Action: MOVE to adopt Consent Ordinance Item 10.A.

- A. Adoption of Ordinance No. 2022-1811, Approving City Contract No. 2023-045, a Cellular Site Lease Agreement with T-Mobile West LLC, for a Wireless/Cellular Communications

Facility Located on a Part of City Real Property located at APN 105-07-001B.

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, APPROVING A CELLULAR SITE LEASE AGREEMENT, CITY CONTRACT NO. 2023-045 WITH T-MOBILE WEST LLC, A DELAWARE LIMITED LIABILITY COMPANY, FOR A WIRELESS COMMUNICATIONS FACILITY LOCATED ON A PART OF CITY-OWNED REAL PROPERTY APN # 105-07-001B; AND AUTHORIZING THE MAYOR AND STAFF TO EXECUTE ANY AND ALL DOCUMENTS TO EFFECTUATE SAID ACCEPTANCE

11. REGULAR AGENDA

- A. Discussion and Possible Action Regarding Retaining the Law Firms of Baron & Budd, P.C., Cossich, Sumich, Parsiola & Taylor LLC and the Law Office of Joseph C. Tann, PLLC to Represent the City in Pursuing Litigation Regarding Damages Due to PFAS and PFOS.

Recommended Action: MOVE to approve or deny retaining the following law firms related to PFAS and PFOS damages: 1) Baron & Budd, P.C.; 2) Cossich, Sumich, Parsiola & Taylor LLC; and 3) Law Office of Joseph C. Tann PLLC

- B. Approval of City Contract No. 2023-032 with Southwest Slurry Inc. for the FY23 Pavement Preservation - Micro Seal Project in an Amount not to Exceed \$1,366,131.00, Utilizing the City Standard Cooperative Contract. Funding is Available in the Streets Fund.

Recommended Action: MOVE to approve City Contract No. 2023-032

- C. Approval of Multiple Contracts for the Streets Division Snow Equipment Facility as Follows: 1) City Contract No. 2023-026 with Danson Construction, LLC, for the Construction of the Streets Division Snow Equipment Facility in an Amount not to Exceed \$2,437,789.85; and 2) City Contract No. 2022-082A2, an Amendment to City Contract No. 2022-082 with Kimley-Horn for Post-Design Services in the Amount of \$69,210.00. Funding is Available in the Streets Fund.

Recommended Action: 1) MOVE to approve City Contract No. 2023-026; and 2) MOVE to approve City Contract No. 2022-082A2

- D. Approval of Multiple Contracts for the Juniper & Karen Drives Water Main Replacement Project as Follows: 1) City Contract No. 2023-027 with Asphalt Paving and Supply, Inc., in the Amount of \$3,507,570.00; and 2) City Contract 2018-118A5, an Amendment to City Contract No. 2018-118 with Shepard-Wesnitzer Inc., for Post-Design Services in the Amount of \$90,930.00. Funding Is Available in the Water Fund.

Recommended Action: 1) MOVE to approve City Contract No. 2023-027; and 2) MOVE to approve City Contract No. 2018-118A5

- E. Approval of City Contract No. 2023-044 for the Purchase of Three (3) GridSmart Video Detection Systems & Data Collection Modules from Clark Transportation Solutions in the

Total Amount of \$49,423.86. Funding is Available in the Streets Fund.

Recommended Action: MOVE to approve City Contract No. 2023-044

- F. Approval of City Contract No. 2023-054 for the Purchase of One Hundred Fifty (150) 2022 Club Car Tempo L1 Golf Carts and One (1) CAF'E Express Beverage Cart from Club Car LLC using the Indigo Golf National Account at a Net Cost of \$577,200.50 Plus Applicable Taxes. Funding is Available in the Recreation Services Budget.

Recommended Action: MOVE to approve City Contract No. 2023-054

- G. Approval of City Contract No. 2023-042 with Managing for Results LLC to Provide Professional Services for Strategic Plan Facilitation for Completion of the Fire Department Strategic Plan Update in the Amount of \$34,990.00. Funding is Available in the Fire Department Fund.

Recommended Action: MOVE to City Contract No. 2023-042

- H. Approval of Acceptance of a Participating Agreement Between the City of Prescott and the United States Department of Agriculture (USDA) Prescott National Forest.

Recommended Action: MOVE to approve acceptance of the Participating Agreement

- I. Approval of Multiple Items Related to the Runway 3L-21R Lighting & Signage and Precision Approach Path Indicator (PAPI) Projects at Prescott Regional Airport as Follows: 1) City Contract Number 2023-046 with Rural Electric, Inc., to Perform Construction Services in the Amount of \$713,214.50; 2) City Contract No. 2019-069A37 with Dibble for Construction Management Services in an Amount not to Exceed \$186,344.00; 3) Additional Grant Funding in the Amount of \$17,550.00 from ADOT on Grant E2S1L01D; 4) The City's 10% Share of \$1,755.00 Associated with the Increase in Grant ES1L01D; and 5) Night Work.

Recommended Action: 1) MOVE to approve City Contract No. 2023-046; 2) MOVE to approve City Contract No. 2019-069A37; 3) MOVE to approve receipt of an additional \$17,550.00 in ADOT Grant E2S1L01D; 4) MOVE to approve the City's 10% Match on the Increased Grant Amount; and 5) MOVE to approve night work.

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



Sarah M. Siep, City Clerk