



CITY COUNCIL VOTING MEETING MEETING

VOTING MEETING AGENDA

TUESDAY, AUGUST 9, 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

Vacant Seat

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 - Matt Kottman with Solid Rock Christian Fellowship**
- 4. PLEDGE OF ALLEGIANCE - Councilman Montoya**
- 5. ROLL CALL**
- 6. PRESENTATIONS**

A. ADEQ Voluntary Environmental Stewardship Program Award - Granite Creek Cleanup Project

- 7. 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*

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.

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

- A. Approval of Minutes from the July 19, 2022 Joint Council-Planning & Zoning Commission Meeting, the July 26, 2022 Executive Session, the July 26, 2022 Study Session and the July 26, 2022 Voting Meeting.
- B. Approval of City Contract No. 2023-018 for the Purchase of One (1) Cat Forklift from Naumann/Hobbs using the Sourcewell Contract No. 091520-MCF in the Amount of \$46,099.19. Funding is Available in the Fleet Services Budget.
- C. Approval of City Contract No. 2023-008 a Memorandum of Understanding Between the Prescott Police Department and the United States Marshals Service to Provide Personnel & Case Referrals for Violent Fugitives on the Part of the Prescott Police Department in Exchange for Investigation Services of Referred Cases and Overtime Reimbursement for Personnel Assigned to Work with United States Marshals Service Regional Fugitive Taskforce.
- D. Adoption of Resolution No. 2022-1837 Approving City Contract No. 2023-030 an Updated Mutual Aid Compact with the State of Arizona and the Arizona Department of Emergency and Military Affairs.
A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, COUNTY OF YAVAPAI, STATE OF ARIZONA AUTHORIZING THE CITY TO ENTER INTO AN UPDATED MUTUAL AID COMPACT WITH THE STATE OF ARIZONA AND THE ARIZONA DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS. (CITY CONTRACT NO. 2023-030); AND AUTHORIZING THE MAYOR AND STAFF TO TAKE ANY AND ALL STEPS NECESSARY TO ACCOMPLISH THE ABOVE
- E. Approval of City Contract No. 2023-021 with 139Fire to Provide On-Site Aircraft Rescue

Firefighting Training for Maintenance of Annual Certifications in the Amount of \$27,304.20. Funding is Available in the Airport Suppression Fund.

- F. Adoption of Resolution No. 2022-1834, Approving City Contract No. 2023-016, an Intergovernmental Agreement with the Yavapai County Flood Control District for Reimbursement of Design & Construction Costs Related to Various Drainage Improvement Projects in the City of Prescott for FY2023.

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AUTHORIZING THE CITY OF PRESCOTT (“CITY”) TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT (“IGA”) (CITY CONTRACT NO. 2023-016) WITH THE YAVAPAI COUNTY FLOOD CONTROL DISTRICT (“DISTRICT”) FOR FINANCIAL CONTRIBUTIONS FROM THE DISTRICT TO THE CITY FOR FISCAL YEAR 2022-2023; AND AUTHORIZING THE MAYOR AND STAFF TO TAKE ANY AND ALL STEPS NECESSARY TO ACCOMPLISH THE ABOVE

- G. Approval of CSP22-001, a Comprehensive Sign Plan for the Prescott Center for the Arts located at 222 N Marina Street. Property Owner: Prescott Fine Arts Association. Applicant: Morgan Sign/Signtific LLC.
- H. Approval for the City of Prescott Police Department to Apply for Various FY23 Grant Funding Opportunities.
- I. Approval of City Contract No. 2023-029 with FX Tactical LLC for the Purchase of Budgeted Duty Equipment and Uniforms Using State Contract ADOC 18-192870 in the Estimated Amount of \$48,000 During FY23. Funding is Available in the Police Department Budget.

9. CONSENT ORDINANCE

Recommended Action: MOVE to adopt Consent Ordinance Item 9.A.

- A. Adoption of Ordinance No. 2022-1806 Authorizing the Acceptance of a Public Water Line Easement Agreement from CBH Properties Prescott, LLC.

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AUTHORIZING THE ACCEPTANCE OF A PUBLIC WATER LINE EASEMENT AGREEMENT FROM CBH PROPERTIES PRESCOTT, LLC, AND AUTHORIZING THE MAYOR AND STAFF TO EXECUTE ANY AND ALL DOCUMENTS TO EFFECTUATE SAID ACCEPTANCE

10. REGULAR AGENDA

- A. Approval of City Contract No. 2023-019 for the Purchase of Three (3) Cat 420XE-07 Backhoes from Empire Machinery Using City of Tucson RFP #161534 in the Amount of \$421,014.81. Funding is Available in the Streets, Water and General Fund.

Recommended Action: MOVE to approve City Contract No. 2023-019

- B. Adoption of Resolution No. 2022-1838 Updating the Council's Policy for the Formation of Community Facilities Districts.

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, ADOPTING AN UPDATED COUNCIL POLICY REGARDING THE FORMATION OF COMMUNITY FACILITIES DISTRICTS

Recommended Action: MOVE to adopt Resolution No. 2022-1838

- C. Adoption of Resolution No. 2022-1839 Committing an Additional \$6,840,000 of Fund Balance in the Streets Special Revenue Fund for Acquisition of Open Space.

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, COMMITTING AN ADDITIONAL PORTION OF THE FUND BALANCE IN THE STREETS SPECIAL REVENUE FUND FOR THE ACQUISITION OF OPEN SPACE

Recommended Action: MOVE to adopt Resolution No. 2022-1839

- D. Adoption of Ordinance No. 2022-1807 Approving City Contract No. 2023-024 Authorizing the Purchase of Real Property from Sundog Ranch a General Partnership; and Adoption of Ordinance No. 2022-1808 Approving City Contract No. 2023-025 Authorizing the Purchase of Real Property from the Seaver Living Trust Both for the Purpose of Natural Open Space in the Granite Dells.

Ordinance No. 2022-1807

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY FROM SUNDOG RANCH AN ARIZONA GENERAL PARTNERSHIP FOR OPEN SPACE AND AUTHORIZING THE MAYOR AND STAFF TO EXECUTE ANY AND ALL DOCUMENTS TO EFFECTUATE SAID PURCHASE

Ordinance No. 2022-1808

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY FROM SEAVER LIVING TRUST, FOR OPEN SPACE AND AUTHORIZING THE MAYOR AND STAFF TO EXECUTE ANY AND ALL DOCUMENTS TO EFFECTUATE SAID PURCHASE

Recommended Action: 1) MOVE to adopt Ordinance No. 2022-1807; and 2) MOVE to adopt Ordinance No. 2022-1808

- E. Approval of Multiple Items Related to Phase 3 of the Taxiway C Relocation Construction Project at Prescott Regional Airport as Follows: 1) Approval and Acceptance of Federal Aviation Administration Grant 3-04-0030-053-2022 in the Amount of \$7,404,300; 2) Approval of City Contract No. 2019-069A35, an Amendment to City Contract No. 2019-069 with Dibble for Construction Administration Services, in an Amount Not to Exceed \$593,855; 3) Approval of City Contract No. 2023-028 with Fann Contracting in an Amount not to Exceed \$7,194,000 for Project Construction; 4) Approval and Acceptance of Arizona Department of Transportation Grant for their 2.5% Project Share of \$194,850; 5) Approval of the City's 2.5% Project Share for \$194,850; and 6) Approval of Night Work.

Recommended Action: MOVE to approve acceptance of Federal Aviation Administration

Grant 3-04-0030-053-2022 in the amount of \$7,404,300; 2) MOVE to approve City Contract No. 2019-069A35; 3) MOVE to approve City Contract No. 2023-028; 4) MOVE to approve acceptance of Arizona Department of Transportation Grant for their 2.5% Project Share of \$194,850; 5) MOVE to approve the City's 2.5% Project Share for \$194,850; and 6) MOVE to approve night work.

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

Sarah M. Siep, City Clerk