



# AGENDA

**PRESCOTT CITY COUNCIL  
REGULAR VOTING MEETING  
Tuesday, June 7, 2016  
5:30 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** Rev. Kimball Arnold  
St. Luke's Episcopal Church

◆ **PLEDGE OF ALLEGIANCE** Councilman Sischka

◆ **ROLL CALL**

MAYOR AND CITY COUNCIL

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

◆ **ANNOUNCEMENTS**

◆ **PROCLAMATION**

- A. Proclaiming June 2016, as National Safety Month
- B. Proclaiming June 14, 2016, as A Day of Recognition for Private Reece D. Moreno, Specialist Tenzin L. Samten, and all of Yavapai County's Fallen Servicemen

◆ **PRESENTATIONS**

- A. Chamber of Commerce - Introduction of new businesses

## **I. CONSENT AGENDA**

**CONSENT ITEMS I.A. – I.G.** 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 City Council meetings held on May 12, 2016, May 17, 2016 and May 26, 2016
- B. Adoption of Resolution No. 4329-1538, approving an Intergovernmental Agreement with the State of Arizona, through the Arizona State Forester, for the protection of forest, wild and rural lands, and structures (City Contract No. 2016-280; General Fund 100%)
- C. Approval to purchase 15 ea. replacement Smart Bin control boxes from Tech Logic Corporation in the amount of \$17,755.86 (City Contract No. 2016-303; Yavapai County Free Library District Automation Fund)
- D. Approval of submission of an application for a U.S. Department of Justice COPS Hiring Program grant to fund three (3) entry-level police officer positions for three years (Grant 75%, General Fund 25%)
- E. Approval of Amendment No. 1 to City Contract No. 2016-175A1, an agreement with Stanley Consultants, Inc., for engineering services for the Carleton-Alarcon Pavement Reconstruction Project, in an amount not to exceed \$19,100.00 (Streets Fund)
- F. Approval of purchase of UPS battery backup, installation, and electrical services from Titan Power, in the amount of \$10,052.86, using State of Arizona Contract No. ADSP012-026687 pricing (City Contract No. 2016-307; cost-allocated to Various Funds)
- G. Approval of purchase of airport ARFF truck radio equipment from Durham Communications in the amount of \$11,534.17 using State of Arizona Contract No. ADSP013-036881 pricing (City Contract No. 2016-308; Grant Fund (97.5%); Airport Fund (2.5%))

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

## **II. LIQUOR LICENSE CONSENT AGENDA**

- A. Application for a Series 15 Special Event Liquor License

Yavapai Big Brothers Big Sisters  
Holiday Courtyard of the Grand Highland Hotel, 150 S. Montezuma  
Street  
Applicant: Michael Smith  
City Application No. 16-0043S  
Date/Time of Event Liquor Sales: Friday, July 22, 2016, 9:00 am - 10:00  
pm

The application has been reviewed and determined to be in compliance  
with City requirements.

B. Application for a Series 15 Special Event Liquor License

2016 Prescott Rodeo Dance  
Prescott Frontier Days Community Service Foundation  
BMO Harris Bank Parking Lot, 303 N. Montezuma Street  
Applicant: Richard James Warinner  
City Application No. 16-0044S  
Date/Time of Event Liquor Sales:  
Thursday, June 30, 2016, 8:00 am - 11:59 pm  
Friday and Saturday, July 1 and 2, 2016, 12:00 am - 2:00 am, and 10:00  
am - 11:59 pm  
Sunday, July 3, 2016, 12:00 am - 2:00 am, and 8:00 am - 8:00 pm

The application has been reviewed and determined to be in compliance  
with City requirements.

C. Application for a Series 15 Special Event Liquor License

2016 World's Oldest Rodeo  
Prescott Frontier Days, Inc.  
Prescott Rodeo Grounds, 840 Rodeo Drive  
Applicant: Christopher John Graff  
City Application No. 16-0045S  
Date/Time of Event Liquor Sales: Monday, June 27, 2016 through  
Monday, July 4, 2016, 8:00 am - 11:59 pm

The application has been reviewed and determined to be in compliance  
with City requirements.

***RECOMMENDED ACTION: MOVE to forward special event liquor license  
applications II.A. through II.C. to the Arizona State Liquor Board with a  
recommendation of approval/denial.***

### III. REGULAR AGENDA

- A. Public Hearing and consideration of a Series 15, Special Event Liquor License application for the Whiskey Row Street Dance, applicant Gerald Szoskak for the Boys and Girls Club of Central Arizona

**RECOMMENDED ACTION:** (1) *MOVE to close the Public Hearing; and (2) MOVE to forward Whiskey Row Street Dance Special Event Liquor License Application No. 16-0040S to the Arizona State Liquor Board with a recommendation of approval between the hours of 4:00 p.m. to \_\_\_\_\_ p.m., or denial.*

- B. Public Hearing and consideration of a new liquor license application for a Series 18, In-state craft distillery from Dana Anita Murdock, applicant for Thumb Butte Distillery, located at 400 N. Washington

**RECOMMENDED ACTION:** (1) *MOVE to close the Public Hearing; and (2) MOVE to approve/deny/make no recommendation for Liquor License Application No. 18133001, for a Series 18 In-house craft distillery, for Thumb Butte Distillery, located at 400 N. Washington.*

- C. Public Hearing and consideration of a new liquor license application for a Series 12, Restaurant Liquor License from Randy D. Nations, applicant for Far From Folsom, located at 214 S. Montezuma Street

**RECOMMENDED ACTION:** (1) *MOVE to close the Public Hearing; and (2) MOVE to approve/deny/make no recommendation for Liquor License Application No. 12133660, for a Series 12 Restaurant Liquor License, for Far From Folsom, located at 214 S. Montezuma Street.*

- D. (1) Acceptance of an Economic Strength Program (ESP) Grant Award (ADOT GRT-16-0005843) in the amount of \$500,000.00 from the Arizona Commerce Authority (ACA) and Arizona Department of Transportation (ADOT); (2) Approval of an Economic Development Agreement with Arizona Eco-Development, LLC (City Contract No. 2016-305) (3) Approval of a Grant Agreement No. GRT-16-0005843 with ADOT for construction of the Corsair Connection (Corsair Avenue to Wilkinson Drive) (City Contract No. 2016-309); and (4) Adoption of Resolution No. 4338-1547

**RECOMMENDED ACTION** (one motion): *MOVE to (1) accept the Economic Strength Project grant in the amount of \$500,000.00; (2) approve the Economic Development Agreement with Arizona Eco*

***Development, LLC (City Contract 2016-305); (3) approve the Grant Agreement with ADOT (City Contract No. 2016-309); and (4) adopt Resolution No. 4338-1547.***

- E. Adoption of Ordinance No. 4980-1518, Amending City Code, Title II; Ordinance No. 4981-1519, Amending City Code, Title VIII; Ordinance No. 4982-1520, Amending City Code, Title X; Ordinance No. 4983-1521, Amending City Code, Title XVI; Ordinance No. 4984-1522, creating a new Title XVII and adopting the “General Engineering Standards”; and Resolution No. 4333-1542 adopting the “General Engineering Standards” as a public record

ORDINANCE NO. 4980-1518 AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AMENDING TITLE II, CHAPTER 2- 1 (“PUBLIC WORKS DEPARTMENT”), SECTION 2-1-9 (“UTILITIES DIVISION; ABBREVIATIONS AND DEFINITIONS”) OF THE PRESCOTT CITY CODE; ADDING A SEVERANCE CLAUSE; AND PROVIDING FOR PENALTIES.

ORDINANCE NO. 4981-1519 AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AMENDING TITLE VIII, CHAPTER 8-1, SECTIONS 8-1-1 AND 8-1-4; AND AMENDING CHAPTER 8-2, SECTIONS 8-2-1, 8-2-4, 8-2-5, 8-2-6, 8-2-7, 8-2-8, 8-2-10, AND 8-2-17; ADDING A SEVERANCE CLAUSE; AND PROVIDING FOR PENALTIES.

ORDINANCE NO. 4982-1520 AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AMENDING TITLE X (“DEVELOPMENT REGULATIONS”), CHAPTER 10-1 (“LAND DEVELOPMENT CODE”), AMENDING ARTICLE 6 (“GENERAL DEVELOPMENT STANDARD”) OF THE LAND DEVELOPMENT CODE; AMENDING ARTICLE 7 (“SUBDIVISION AND LAND SPLIT STANDARDS”) OF THE LAND DEVELOPMENT CODE; AMENDING ARTICLE 8 (“REVIEW BODIES”) OF THE LAND DEVELOPMENT CODE; AMENDING ARTICLE 9 (“ADMINISTRATION AND PROCEDURES”) OF THE LAND DEVELOPMENT CODE; AND AMENDING ARTICLE 11 (“DEFINITIONS”) OF THE LAND DEVELOPMENT CODE.

ORDINANCE NO. 4983-1521 AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AMENDING TITLE XVI, DELETING CHAPTER 16-1 (“STANDARD SPECIFICATIONS AND DETAIL DRAWINGS AND UNIFORM STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION”); DELETING CHAPTER 16-2 (“DRAINAGE REGULATIONS”), DELETING CHAPTER 16-3 (“DRAINAGE CRITERIA MANUAL”); AMENDING CHAPTER 16-4 (“2007 CITY OF PRESCOTT CONSTRUCTION SITE EROSION AND SEDIMENT”); AMENDING CHAPTER 16-5 (“2007 CITY OF PRESCOTT ILLEGAL DISCHARGE AND ILLEGAL CONNECTION STORMWATER CODE”);

AMENDING CHAPTER 16-6 ("2007 CITY OF PRESCOTT POST CONSTRUCTION STORMWATER RUNOFF CODE"); ADDING A SEVERANCE CLAUSE; AND PROVIDING FOR PENALTIES.

ORDINANCE NO. 4984-1522 AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT YAVAPAI COUNTY, ARIZONA, CREATING A NEW TITLE XVII, CHAPTER 17-1, SECTIONS 17-1-1 AND 17-1-2 OF THE PRESCOTT CITY CODE ADOPTING GENERAL ENGINEERING STANDARDS FOR THE CITY OF PRESCOTT; ADOPTING PENALTIES FOR VIOLATION OF TITLE XVII, CHAPTER 17-1; AND ADOPTING A SEVERANCE CLAUSE.

**RECOMMENDED ACTION (separate motions): MOVE to adopt:**

- (1) Ordinance No. 4980-1518 Amending City Code, Title II**
- (2) Ordinance No. 4981-1519 Amending City Code, Title VIII**
- (3) Ordinance No. 4982-1520 Amending City Code, Title X**
- (4) Ordinance No. 4983-1521 Amending City Code Title XVI**
- (5) Ordinance No. 4984-1522 creating a new Title XVII and adopting the "General Engineering Standards"**
- (6) Resolution No. 4333-1542 adopting the "General Engineering Standards" as a public record.**

- F. Award of City Contract No. 2016-297 to Earth Resources Corporation, for construction of the Autumn Breeze Street Improvement Project, in the amount of \$44,982.00 (Streets Fund)

**RECOMMENDED ACTION: MOVE to award City Contract No. 2016-297.**

- G. Approval of Water Service Agreement No. 14-009 (City Contract No. 2016-292) with Embry-Riddle Aeronautical University for campus development

**RECOMMENDED ACTION: MOVE to approve Water Service Agreement No. 14-009 (City Contract No. 2016-292).**

- H. Adoption of Resolution No. 4324-1533 approving the Amended and Restated Effluent Sale Agreement with The Club at Prescott Lakes, LLC, City Contract No. 2002-208A1

**RECOMMENDED ACTION: MOVE to adopt Resolution No. 4324-1533.**

- I. Approval of City Contract No. 2016-296 with Southwest Groundwater

Consultants, Inc., in the amount of \$104,588.00 to assess or design long-term monitoring wells for the Big Chino Sub-Basin Data Collection and Monitoring Plan (Alternative Water Fund)

**RECOMMENDED ACTION: MOVE to approve City Contract No. 2016-296.**

- J. Adoption of Resolution No. 4334-1543 authorizing application for a Clean Water State Revolving Fund Loan from the Water Infrastructure Financing Authority of Arizona (WIFA)

**RECOMMENDED ACTION: MOVE to adopt Resolution No. 4334-1543.**

- K. Adoption of Resolution No 4336-1545, revising the City budget policy

**RECOMMENDED ACTION: MOVE to adopt Resolution No. 4336-1545.**

- L. Adoption of Resolution No. 4337-1546 committing \$3,800,000.00 of fund balance in the Streets Special Revenue Fund for acquisition of open space

**RECOMMENDED ACTION: MOVE to adopt Resolution No. 4337-1546.**

- M. Discussion and possible approval of changes to the Council meeting schedule

**RECOMMENDED ACTION: Presented for Council discussion and possible approval of changes to the Council meeting schedule.**

- N. Acceptance of City Manager resignation and direction on filling the position permanently, as well as management leadership course in the interim

**RECOMMENDED ACTION: To be determined by Council.**

- O. Adoption of Resolution No. 4335-1544, adopting the Tentative Budget for Fiscal Year 2017, and setting the Public Hearing for the Final Budget Expenditure Limitation and Tax Levies for the City of Prescott

**RECOMMENDED ACTION: MOVE to adopt Resolution No. 4335-**

**1544.**

#### **IV. 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. DeLong, CMC, City Clerk