



CITY COUNCIL MEETING

VOTING MEETING AGENDA

TUESDAY, OCTOBER 24, 2017, 3:00 PM

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

Harry Oberg, Mayor

Jim Lamerson, Mayor Pro Tem

Steve Blair, Councilman

Greg Lazzell, Councilman

Billie Orr, Councilwoman

Steve Sischka, Councilman

Jean Wilcox, Councilwoman

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

3. INVOCATION

Pastor Ron Merrell with Heights Church

4. PLEDGE OF ALLEGIANCE

Mayor Pro Tem Lamerson

5. ROLL CALL

6. ANNOUNCEMENTS

7. PROCLAMATIONS

A. Colonial Heritage Month

B. Charitable Giving Awareness Month

C. Patient Blood Management Awareness Week

D. Hunger and Homelessness Awareness Week

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.

- A. Approval of draft minutes for the June 27, 2017 Study Session, the August 08, 2017 Special Executive Session, the August 08, 2017 Voting Meeting, the August 29, 2017 Study Session and the September 12, 2017 Executive Session.
- B. Adopt Ordinance No. 5047-1587, to purchase a public utility easement from Miller Valley Park LLC (City Contract No. 2018-039) in the amount of \$35,519.00, plus closing costs and rescinding Ordinance No. 5042-1582. Funding is available in the Streets, Water, and Wastewater Fund.

ORDINANCE NO. 5047-1587 OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AUTHORIZING THE PURCHASE OF A PUBLIC UTILITY EASEMENT FROM MILLER VALLEY PARK, LLC, FOR THE SCHEMMER DRIVE RECONSTRUCTION PROJECT AND AUTHORIZING THE MAYOR AND STAFF TO EXECUTE ANY AND ALL DOCUMENTS TO EFFECTUATE SAID PURCHASE AND REPEALS CITY ORDINANCE NO. 5042-1582.
- C. Approval to install three hundred (300) feet of culvert at the Rodeo Grounds in the amount of approximately \$12,580.00 (City Contract No. 2018-068). Funding is available in the Rodeo Grounds Fund.
- D. Approval to Accept Arizona Department of Homeland Security Western Region Award Committee (RAC) Grant towards purchasing body armor and ballistic helmets in an amount not to exceed \$3,300.00 (City Contract No. 2018-076). Funding is available through the Fire Department budget (Grant Fund).
- E. Approval to accept two grants awarded to the Prescott Police Department by the Governor's Office of Highway Safety in the total amount of \$43,000 for enforcement programs.
- F. Approval to accept and expend Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant (AFG) funding in an amount not to exceed \$140,000.00 (\$127,272.00 Federal share/\$12,727.00 City share - City Contract No. 2018-070) for seven complete sets of extrication equipment. Funding is available from the Fire Department budget (Grant Fund).

- G. Approval of City Contract No. 2018-097 for purchase of Accela Civic Platform User Licenses from Carahsoft, in an Amount Not to Exceed \$40,565.12 Using GSA Contract GS-35F-0119Y Pricing. Funding is available in the General and Public Works Funds.
- H. Approval of Agreement for Potable Water with W.D. Properties, LLC, for a 10-unit Apartment Project on APN 113-03-002 at 310 W. Hillside (City Contract No. 2018-077).
- I. Approval of amendments to City Contract No. 2017-336A1 and City Contract No. 2017-345A1 with Ninyo & Moore and Vanir Construction Management Inc. for as-needed hourly construction inspection services. Funding is available in the Streets, Water, and Wastewater Funds.

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

9. LIQUOR LICENSE AGENDA

A. NEW LIQUOR LICENSE

- 1. Public Hearing and consideration for a Series 11 Hotel/Motel liquor license from Andrea Lewkowitz, applicant for La Quinta Inn & Suites Prescott Convention Center. Location: 4499 Highway 69.

Recommended Action: 1) MOVE to close the Public Hearing; (2) MOVE to approve/deny/make no recommendation for Liquor License Application No. 11133041 for a new Series 11 Hotel/Motel liquor license, for La Quinta Inn & Suites Prescott Convention Center located at 4499 Highway 69.

10. REGULAR AGENDA

- A. Award of a Design-Build Services Contract, City Contract No. 2018-037 to AMEC Foster Wheeler (AMEC) for Stage 1 – Pre-Construction Services for the Granite Creek Dam Outlet Rehabilitation Project in the amount of \$170,000.00. Funding is available in the Water Fund.

Recommended Action: MOVE to approve City Contract No. 2018-037.

- B. Approval of City Contract No. 2018-060 with Entellus, Inc., for design and other engineering services for the Mingus and Douglas Lift Station Abandonment Project in the amount of \$120,958.80. Funding is available in the Wastewater Fund.

Recommended Action: MOVE to approve City Contract No. 2018-060.

C. Consideration to move the December 26, 2017 Council Meeting to either December 5th or December 19th.

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 48 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

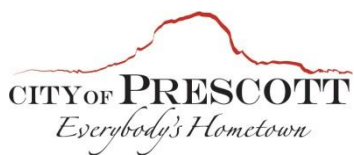
Confidentiality

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

Maureen Scott, MMC, City Clerk

**COUNCIL AGENDA MEMO**

MEETING DATE/TYPE: **VOTING MEETING** **10-24-17**

DEPARTMENT: City Clerk

AGENDA ITEM: Approval of draft minutes for the June 27, 2017 Study Session, the August 08, 2017 Special Executive Session, the August 08, 2017 Voting Meeting, the August 29, 2017 Study Session and the September 12, 2017 Executive Session.

Approved By: Michael Lamar, City Manager

Item Summary

Attached for approval are the City Council minutes for the June 27, 2017 Study Session, the August 08, 2017 Special Executive Session, the August 08, 2017 Voting Meeting, the August 29, 2017 Study Session and the September 12, 2017 Executive Session.

Attachments

1. June 27, 2017 Study Session
2. August 08, 2017 Special Executive Session
3. August 08, 2017 Voting Meeting
4. August 29, 2017 Study Session Minutes
5. September 12, 2017 Executive Session

Recommended Action: **MOVE** to approve the City Council Minutes as presented.

PRESCOTT CITY COUNCIL
STUDY SESSION MEETING
TUESDAY JUNE 27, 2017
PRESCOTT, ARIZONA

Minutes of the Study Session Meeting of the Prescott City Council held on June 27, 2017, in the Council Chambers located at City Hall, 201 South Cortez Street, Prescott, Arizona.

1. CALL TO ORDER

Mayor Oberg called the meeting to order at 1:00 p.m.

2. ROLL CALL:

Present:

Absent/Excused:

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

3. DISCUSSION ITEMS

A. Draft Economic Development Incentive Policy

Michael Lamar, City Manager, said a lot of communities have gone to having a boiler plate on Economic Development policy as a framework to look at economic development incentives. He said there was no money attached to it, since the City was not in a position of giving away anything. It was for discussion purposes for Council to decide if they would like to establish an incentive policy and, if so, was it something they would consider implementing at a future date. He had asked Tyler Goodman, Management Analyst, to come up with draft economic development incentive policy to present to Council for discussion.

Tyler Goodman, Management Analyst, presented the draft Economic Development Incentive Policy. He said they pulled a lot of information from other cities and their own Economic development division prior and put it all together to establish a boiler plate option. He encouraged questions and feedback on the policy and he said the main focus of the policy was to diversify the economic portfolio to attract a variety of businesses to the area. He said the application would go through a review process and each one would come before Council for consideration; it would not apply retroactively and become effective on the date Council adopted it. The following are strategies and targeted business/industries to be considered:

Attachment: June 27, 2017 Study Session (1722 : Approval of Minutes)

- ❖ Work with local institutions of higher education and the private sector to bring focus on Prescott's opportunities to grow technology-related businesses.
- ❖ Attract a conference or event center, especially one located in downtown Prescott, which would strengthen the weekday demand for hotel rooms, bring new vitality to the downtown, and help grow City revenues.
- ❖ Create business incubation space that can utilize the skills and knowledge of graduates from local higher education institutions to create businesses, processes, and products that attract other Targeted Businesses/Industries.
- ❖ Attract destination retailers that command a market extending well beyond Prescott's City limits and the metro area.
- ❖ Make the expansion and retention of existing businesses a priority.
- ❖ Create marketing materials, programs, and policies that support the recruitment of Prescott's Targeted Businesses/Industries and retention of existing businesses with low water usage.
- ❖ The following are examples of Targeted Businesses/Industries (others may be considered):
 - Destination retailers and hotels/event centers
 - Fabricated materials and precision machining
 - Firearms, munitions, and accessory products manufacturing
 - Aircraft parts
 - Plastic products
 - Electronic devices
 - Technology development and processes that use innovative new technologies
 - Cyber security
 - Manufacturing, engineering, distribution
 - Corporate or divisional HQ
 - Advanced business services
 - Back office operations (data centers, etc.)
 - Research and development
 - Bioscience
 - Alternative energy
 - Telecommunications
 - Healthcare
 - Higher education
 - Ecological and heritage-based tourism

Councilman Lazzell said the policy was lengthy. Mr. Goodman said the document was a draft so information can be cut or added and it was up to Council to decide if they wanted to implement it. Mayor Pro Tem Lamerson said the policy had legitimacy for a company to promote whether through the Chamber or Downtown Partnership, but the City as a whole needs to treat everyone equally. Businesses targeting the community could come and talk to them. Councilwoman Orr said the number one priority was to stabilize the General Fund, but it was important to be proactive and it was not all about money. There are ways they could be attractive,

by offering great customer service so when they did come to visit, it was a place they wanted to be. She did not want to spend money on it now or in the future if this was something far way down the road. Councilman Blair said they did need something to showcase what the City has to offer. Councilman Sischka asked with money aside, what incentives would be offered.

Mr. Goodman gave several examples what an incentive could be offered without attaching money to it:

- ❖ Real property lease or acquisition
- ❖ Personal property lease or purchase (e.g. equipment)
- ❖ Site preparation costs
- ❖ On-site infrastructure
- ❖ Off-site infrastructure
- ❖ Other capital investments
- ❖ Job training costs not otherwise reimbursed by grants or tax credits
- ❖ Payment or reduction of site development and building plan review and permit costs
- ❖ Other purposes which bring value to the community as determined by the City on a project-by-project basis

Councilman Sischka said a simple concept was the way to go. Mayor Pro Tem Lamerson felt the free market was already doing the job for the community and they were number one in many categories.

Councilwoman Wilcox said targeting has to be strategic to take advantage of the resources and be aggressive on attracting and keeping people here. Councilwoman Orr said she agreed on targeting strategically, being proactive, and providing great customer service.

Mayor Oberg said he attended a technology conference and they mentioned they needed to sell themselves in order to attract businesses to come into the community or they would not waste time coming. Information about the City should be readily accessible, such as what services the City has to offer. To make them successful and dollars are important, but not everything. They are looking for reasonable housing, quality of life and what their employees would be interested in doing. These are the things they look at and this policy does that.

Mr. Goodman said the return of investment was something they could facilitate through an application process. He outlined a couple of goals, which include net 50 new jobs per year, new jobs that exceed the county median wage from the 2015 Census Bureau of \$44,748.00 and producing at least \$50,000 in sales tax per year. These are adjustable for Council to consider if it was reasonable. He said since the City did not want to put money into the policy but something they might want to consider down the road is for employee training incentive. Councilwoman Wilcox said Northern Arizona Council of Governments (NACOG) has some employee training they may be able to explore. Mr.

Goodman said it would be something they could research and bring back to Council for consideration.

Councilwoman Orr said they are on the right track and she appreciated the work he put into creating the policy; it is competitive and they need to target and show they were diversified.

Councilman Lazzell said, please do not forget all the work that had been put forth from everyone involved in this community. He would like to see the improvement of expediting permits. Councilwoman Orr said she agreed they needed to have good customer service for everyone. Mr. Lamar said they were dead on and he always thought recruitment, retention and expansion was important and this policy would allow for all of these. Councilman Blair said the airport was a good example; they started with three people and look where they are today.

Mayor Pro Tem Lamerson said he echoed Councilman Blair and Lazzell's comments. He said people did put a lot of work into attracting businesses to the area and what attracted those most to the City was how they did not look like the big cities, Las Vegas Los Angeles, or Phoenix. He said they need to stay the best of who they are and not change who they are, and to market them truthfully of what they had to offer.

Mayor Oberg said retaining young people here and attaining the life style that supports them is important and this supports everyone.

Mr. Goodman asked with Council direction they would condense the policy and bring it back for further review. Mayor Oberg said the Economic Development Committee would be interested in reviewing and having input on the policy and it would be nice to bring them on board, since it was an important policy. Mr. Lamar said it was a great suggestion. It would be nice to see if they were on the right track with the private sector. Councilwoman Orr agreed these are the people who have put a lot into the city already and it would be a great place to start. Mayor Oberg said if people could see the benefit, the businessmen may put together an incentive package that could be used to help grow the city.

B. Discussion of Alarm Ordinance

Mayor Pro Tem Lamerson led the discussion. He said the alarm ordinance was created because of the volume of false alarm calls and pulling a police officer off the street from doing his duty to disarm the alarm. He felt charging everyone for having an alarm was invasion of privacy and if they were going to charge everyone for having an alarm they should charge everyone for having a gun or having a vehicle after they committed a violation. He said it was a violation of the second amendment right and he did not have a problem with the penalty portion, but did have a problem with being charged a registration fee. Mayor Oberg asked if this was when they started to charge a penalty for false alarm calls and it did reduce the volume of false alarm calls. Mayor Pro Tem

Lamerson replied yes. Mayor Oberg asked was it at the same time they started to charge a registration fee when the ordinance was approved. Mayor Pro Tem Lamerson replied yes. He would like to readdress it to see how effective it has been.

Police Chief Black explained they only charge a registration fee after the first false alarm and it was common practice. She did eliminate that fee at the last city she worked for, but had not seen how it had effected there false alarm since she had be gone. She said they had 2,100 false alarms in 2016 and only three were actual burglar attempts, which was a lot of work on the Police department as they treat each one as a real false alarm.

Mayor Pro Tem Lamerson said he appreciated treating them as actual alarm calls and the owners should be held accountable, but he did not agree with charging a registration fee. He asked how many false alarms were responded to 2017. Chief Black said year to date it was on track as in 2016. Mayor Pro Tem Lamerson said it does not seem to be effective. Chief Black said in 2011, when the ordinance was approved it did reduce the call volume but it had gone back up, the theory behind it was the \$50.00 was significant enough to change behavior, some business write it into their financial plan. She suggested looking into the businesses that have multiple alarms to go to a Verified Response for chronic abusers. She said Prescott Valley has the same issues and was looking into a Verified Response with their City Council, to address the issue. Mayor Pro Lamerson asked if she had a recommendation on how to reduce the response since it does cost the city a lot time and money.

Chief Black said she did not know what the topic of discussion was going to be and was not prepared with recommendations to Council concerning the alarm ordinance. She said she would need time to research the call volume and collect the data and hear any recommendation from Council and work with the City Manager.

Mayor Pro Tem Lamerson said he wanted to know how effective a policy had been, and if it was not effective, what changes could be made to make it effective.

Mr. Lamar said they wanted to open the dialogue with Council to see if they wanted to revisit the Alarm Ordinance and make necessary changes to reduce the unauthorized disarmament.

Councilman Lazzell said he was in favor of getting rid of the registration fee, and after the first false alarm, there is no penalty and after the second one, they expediently keep charging more, if it continued to happen,

Councilman Sischka asked how many alarms were registered. Chief Black replied she did not have that information. Councilman Sischka asked Mayor Pro Tem Lamerson and Councilman Blair, since they were on Council in 2011, what reasoning was behind approving the fire alarm ordinance. Mayor Pro Tem Lamerson said it was a trial to see if it would reduce false alarms and how effective it would be. It has not been effective and it puts the community into harm's way. There has to be a better way to fix it.

Councilman Sischka asked why a registration fee was added after the first false alarm call. Councilman Lazzell said it was supposed to be charged up front. Councilman Sischka asked what was done about the registration fee in Glendale. Chief Black, said after a year of charging a registration fee, it was dramatically negative from the community and they eliminated the registration fee, but she had not reached back to see what kind of difference it did. She said Phoenix has a robust alarm program and an aggressive penalty for chronic abusers, and it has been successful, but the surrounding communities did not. Councilman Sischka said he would like to know what a successful alarm plan looked like. Chief Black felt the Verify Response was very extreme measure and she did not feel it would work for this community. Councilman Lazzell said there was a difference between fire alarm and burglar alarm systems. Chief Black said they would look at the priority of response to calls to the police department because they responded to alarm calls within thirty-six seconds and this did not give time for the alarm company or owners time to call in and say that it was a false alarm and to not send anyone.

Mayor Oberg asked if they dispatched one or two officers. Chief Black replied two at a minimum and more if it was a larger facility.

Councilwoman Wilcox asked was the purpose of the registration so the officers would know who to contact when the alarm goes off. Chief Black replied yes, but now they have do-it-yourself alarms and they did not have a company to contact to disarm the alarm. With today's technology it was up-to-date information and they would know if someone was really in the building and if they do need to send someone over. Councilwoman Wilcox asked what Verified Response was. Chief Black explained the officer would only respond if they had an audio, or visual or the owner recognizing an entry, otherwise they would not respond.

Councilwoman Wilcox asked if the dispatcher could call if they were registered before sending police to the location. Chief Black said that was not practical and the way it was designed of the registration fee was for accountability and where to send the bill.

Councilman Blair said people were not being responsible and after the first false alarm, send them a bill as high as they were able to jump them. It costs time and money to send police officers. Councilwoman Orr asked Chief Black to do some research and find the best practice. She knows cities and towns have struggled with it and there has to be some success. Chief Black said it would not save the City money, but it will save time for the dispatchers and police officers. Councilman Blair said if they dispatched an officer down to Southview that is twelve miles out and it does cost the City time and money to send an officer there for fuel and the officer's time.

Mayor Pro Tem Lamerson said they needed to fix it, and needed to come up with something that would work. Chief Black said she appreciated the opportunity to look and see what they could do to make people safe, and come back to Council with some recommendations. Councilman Sischka said he wanted something simple and reasonable, to reduce the false alarms. Mayor Pro Tem Lamerson agreed.

Mayor Oberg asked staff to review the ordinance and bring it back to Council with recommendations.

C. Deadly Weapons in City Buildings Policy

Councilman Lazzell led the discussion. He said he had a concealed carry permit to carry a concealed weapon. When he comes to City Hall he puts his weapon in a locker provided by the City. He felt he had a right to protect himself. A lot of decisions were made during a Council meeting and there were a lot of hostile people who may not agree with the decisions they had made.

Jon Paladini, City Attorney, said the issue was the public carrying fire arms into a city facility. The Council could band fire arms in city facilities as long as they provide lockers to put them in, which they did. He said the Human Resource (HR) packet did not allow City employees to enter city facilities with a weapon, but the question was could the public bring in a weapons into a city facility. If it was allowed they would have to do a facility by facility analysis. Mayor Oberg asked if an employee stores their weapon in the car would it be an issue. There is a statue that allowed weapons to be stored in the vehicle. In Arizona there was not a distinction for a concealed weapon carrying and they did not have to have a permit to carry one.

Mayor Pro Tem Lamerson said he had a problem with it and they had the right to protect themselves. Councilwoman Wilcox said there was a much bigger problem out there and there was risk everywhere at anytime, and she was happy with the rule and it followed state law and it should remain in place.

Mayor Oberg asked if Council wanted to bring it back to a vote at a future meeting. Councilman Lazzell said he would like to see a responsible ordinance to vote on, but needed something one way or another. Mayer Pro Tem Lamerson said he agreed.

Mr. Paladini said Southwest Risk the insurer had concerns regarding the employees suffering from anxiety with the public carrying a concealed weapon into facilities but they could not. He said they should do an analysis and a risk assessment at all facilities and draft an ordinance with input from the Police department, management, and staff.

Councilman Sischka asked why they have the security back here. Councilman Lazzell said there had been cases of individuals who did not obey the law. Councilman Sischka said if they have security on top of their game and not allow anyone in carrying a weapon.

Mr. Paladini said if they allow firearms in the City Hall building they would have to allow it during business hours and that was something they had to consider.

Mayor Pro Tem Lamerson asked was there a difference between an elected official and an employee. Mr. Paladini replied yes, but if he were asking whether an elected official would be excluded from the policy and be able to carry a weapon inside a city facility, yet he would have to research it and get back to Council.

Councilwoman Orr asked was there a reason why they were bringing this forward. Mayor Pro Tem Lamerson said in the past they had a situation of someone distracting security and someone else came in and tried to shoot the Mayor. Councilwoman Orr said she appreciated the reason behind bringing this up. Mayor Oberg commented times have changed, and they needed to bring it back and take another look at it.

D. Buxton Consumer Spending Report

John Heiney, Community Outreach Manager, introduced Cheyenne Robertson, representative of Buxton Market Research & Support for Retail/Tourism growth.

Ms. Robertson presented the following:

- Retail experience-3500 clients
- Public Sector Experience-750 communities

Compiled by:

- Who- the best citizens and visitors were as consumers
- Where- the best consumers were found
- Value-of the best customers

Customer profile:

- Resident
- Non-resident
- Age
- Booming and Consuming

Mayor Oberg asked if non-residents were looking at the City. Ms. Robertson said there were 95,000 potential bases that lived within 20 minute radius. Mayor Oberg asked if they looked at debit card use to determine the demographics. Ms. Roberson replied yes.

Ms. Robertson said the value of the best consumers were tourism, restaurants and hotels. The Prescott roadmaps to success were an implementation of outreach, initial contact, networking, and ongoing touch points. She said it was important to support businesses and provide the entrepreneurs with the existing retail businesses. She said Prescott and Buxton Partnership have provided tourism strategies and will continue to provide competitive advantages, respond to opportunities or threats and provide access to a dedicated team.

Councilwoman Wilcox asked if they could segregate each event and see if they were bringing in tourism from the outside. Ms. Robertson said they look at transaction by credit cards and there was limitations, and was not able to look at specific times as they look at the entire year of transactions.

Councilman Lazzell asked if this is an ongoing partnership or an extension. Ms. Robertson said they would support the City through February 2018.

Councilwoman Orr said it was excellent data that the City and others were able to access. Mayor Pro Tem Lamerson said it was an excellent report and asked if they were a private marketer and do not work for the government. Ms. Robertson replied yes.

Mayor Oberg said if they needed further assistance, they could reach out to Mr. Heiney for help.

4. **ADJOURNMENT**

There being no further business to discuss, the Study Session Meeting of June 27, 2017, adjourned at 2:57 p.m.

Harry B. Oberg, Mayor

TTEST:

Maureen Scott, City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Special Meeting of the City Council of the City of Prescott, Arizona held on the 27th day of June 2017. I further certify the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 2017.

AFFIX
CITY SEAL

Maureen Scott, City Clerk

Attachment: June 27, 2017 Study Session (1722 : Approval of Minutes)

PRESCOTT CITY COUNCIL
SPECIAL EXECUTIVE SESSION
MEETING
TUESDAY, AUGUST 08, 2017
PRESCOTT, ARIZONA

Minutes of the Special Executive Session Meeting of the Prescott City Council held on August 08, 2017, In the Lower Level Conference Room located at City Hall, 201 South Cortez Street, Prescott, Arizona.

1. CALL TO ORDER

Mayor Oberg called the meeting to order at 1:00 p.m.

2. ROLL CALL

Present:

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

Absent / Excused:

Staff

Jon Paladini, City Attorney
Maureen Scott, City Clerk
Henry Hash, Public Works Director
Matt Prodacky, Assistant City Attorney
Charles Andrews, City Engineer
Clyde Halstead, Senior Assistant City Attorney
Steve Orosz, Program Development Manager

3. CALL TO ENTER INTO EXECUTIVE SESSION

Upon a public majority vote of the members constituting a quorum, the Council may hold an executive session that is not open to the public for the purposes set forth below. When the executive session ends, Council may adjourn or return to open session.

4. EXECUTIVE SESSION

MAYOR PRO TEM LAMERSON MOVED TO CONVENE INTO EXECUTIVE SESSION; SECONDED BY COUNCILMAN LAZZELL; PASSED 7-0.

The Prescott City Council convened into Executive Session at 1:02 p.m.

Special Meeting
August 08, 2017

Discussion or consultation for legal advice with the city's attorneys (A.R.S. §38-431.03(A)(3));

1. **Downtown Street Project**
2. **Potential Property Donation**
3. **Mountain Artist Guild Claim for Damages/Alarcon Street Project**

4. ADJOURNMENT

There being no further business to discuss, Mayor Oberg adjourned the Special Executive Session Meeting at 1:40 p.m.

HARRY B. OBERG, Mayor

ATTEST

MAUREEN SCOTT, City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Special Meeting of the City Council of the City of Prescott, Arizona held on the 8th day of August 08, 2017. I further certify the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____, 2017.

AFFIX
CITY SEAL

MAUREEN SCOTT, City Clerk

Attachment: August 08, 2017 Special Executive Session (1722 : Approval of Minutes)

PRESCOTT CITY COUNCIL
VOTING MEETING
TUESDAY, AUG 8, 2017
PRESCOTT, ARIZONA

Minutes of the Voting Meeting of the Prescott City Council held on August 08, 2017, in the Council Chambers located at City Hall, 201 South Cortez Street, Prescott, Arizona.

1. CALL TO ORDER

Mayor Oberg called the meeting to order at 3:07 p.m.

2. INTRODUCTIONS

Mayor Pro Tem Lamerson introduced County Attorney Sheila Polk.

3. INVOCATION by Pastor Steve Lummer, Discovery Church

4. PLEDGE OF ALLEGIANCE by Councilman Lazzell

5. ROLL CALL:

Present:

Absent/Excused:

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

6. ANNOUNCEMENTS-None

7. PRESENTATION- Special Recognition for the Prescott Tourism Office

Councilwoman Orr recognized the Prescott Tourism Office staff and stakeholders Heather Hermen, Margo Christensen, John Heiney, Wendy Bridges, and Ann Steward. On July 20, 2017, the Prescott Tourism Office was recognized by the Arizona Office of Tourism. Prescott received the Governor's Tourism Award for Outstanding Marketing Campaign-Rural, for the "Take Another Day" Campaign.

8. PROCLAMATION-Kids at Hope Proclamation

August 8, 2017

Councilman Sischka read and presented the Kids at Hope Proclamation. The Yavapai County Board of Supervisors proclaimed that Yavapai County is a Kids at Hope County where these top five practices are implemented:

- ❖ Surrounding children with adults who BELIEVE all children can succeed, without exception.
- ❖ Demonstrating and practicing the power of POSITIVE SELF-TALK.
- ❖ Validating the multiple intelligences of children which lead to developing their full POTENTIAL.
- ❖ Offering all children the opportunity to “mental time travel” to a future with HOPE.
- ❖ Validating that all children CONNECTED to a caring adult in a meaningful and sustainable manner.

9. **CONSENT AGENDA**

- A. Approval of the Purchase of a Replacement Generator for the Police Department from Empire CAT in an Amount Not to Exceed \$38,254.41 (City Contract No. 2018-009). Funding is Available in the Facilities Management Fund.
- B. Approval to Purchase Fire Department Personal Protective Equipment (Turnouts) from L.N. Curtis and Sons, Using HGAC Contract No. EP11-14 Pricing, in an amount not to exceed \$35,700.00 (City Contract No. 2018-010).
- C. Approval to Use State Contracts ADPS17-149350 and ADOC 13-035674 with FX Tactical, LLC., to Purchase Budgeted Duty Equipment and Uniforms in the Estimated Amount of \$40,000.00, During FY18.
- D. Approval of Payment to OCLC, Inc. in the Amount of \$19,126.00 (City Contract No. 2018-028) for Fiscal Year 2018 for Annual Shared Library Bibliographic Records Subscription.
- E. Award of City Contract No. 2017-356 with Sterling Infosystems, Inc., for Background Checks of Prospective Employees, Board and Commission Appointees, and Volunteers in an Estimated Amount of \$15,600.00.
- F. Award of City Contract No. 2018-112 for the Purchase of Pavement Deicing Agent from Desert Mountain Corporation Using Yavapai County Contract No. 1520447 in an Estimated Annual Amount of \$50,000.00.
- G. Approval to Add RDO-\$15,000.00, CarQuest-\$15,000.00, Interstate Batteries-\$20,000.00 and the Lighthouse-\$15,000.00 to the Approved Contract Listing for OEM Parts. Contract Listing was Approved by Council on December 13, 2016 (City Contract Nos. 2018-017, 2018-018, 2018-019 and 2018-025).

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- H. Approval of Ratification of Payment to RWC (City Contract No. 2018-027) for the emergency repair of the Wastewater Collection Vehicle No. 1172 in the amount of \$14,908.71.
- I. Approval of Payment in the Amount of \$86,141.23 to the Arizona Department of Revenue for Administration and Collections Services.
- J. Approval of Amendment No. 1 to City Contract No. 2017-260 with the Robb Group, LLC for Economic Development Services in the Amount Not to Exceed \$52,800.00. Funding for This Contract is Budgeted in the General Fund, and the Bed Tax Fund Can Potentially be Used for the Marketing Materials as Related to Tourism.

PRO TEM LAMERSON MOVED TO APPROVE CONSENT AGENDA ITEMS 9.A. THROUGH 9.J.; SECONDED BY COUNCILWOMAN ORR; PASSED 7-0.

10. LIQUOR LICENSE AGENDA

A. NEW LICENSES

- 1. **Public Hearing and consideration for a new liquor license for a Series 12 Restaurant liquor license from Jorge Sahagun Moreno, applicant for Guacamayas Mexican Grill, Inc.; Location: 1317 ½ E. Gurley St.**

Maureen Scott, City Clerk, presented. She said the business is already in operation and Mr. Moreno is the new owner of the restaurant. She said it has been determined to be in compliance with the city requirements. The application and license fees have been paid, and the application has been posted at the proposed location for the required twenty days. No public comments have been received.

COUNCILWOMAN ORR MOVED TO CLOSE THE PUBLIC HEARING; SECONDED BY COUNCILMAN SISCHKA; PASSED 7-0.

COUNCILWOMAN ORR MOVED TO APPROVE LIQUOR LICENSE APPLICATION NO. 12133683 FOR A NEW LIQUOR LICENSE FOR A SERIES 12 RESTAURANT, FOR GUACAMAYAS MEXICAN GRILL, INC.; LOCATION: 1317 ½ E. GURLEY ST.; SECONDED BY MAYOR PRO TEM LAMERSON; PASSED 7-0.

B. ACQUISITION OF CONTROL

- 1. **Public Hearing and consideration for an Acquisition of Control for Series 19 Remote Tasting Room liquor license from Jeffrey Lee Herbert, applicant for Superstition Meadery; Location: 120 W. Gurley St.**

Applicant Jennifer Herbert said they recently expanded their operation out to the air park. The Arizona Liquor Law recently changed to allow farm wineries to have two off-site locations. The location at 120 W. Gurley St. will be a wine tasting room only. The Series 13 liquor license is new and it authorizes them to produce up to 40,000 gallons of wine at the 6678 Inter Cal Way location.

COUNCILMAN SISCHKA MOVED TO CLOSE THE PUBLIC HEARING; SECONDED BY COUNCILWOMAN WILCOX; PASSED 7-0.

MAYOR PRO TEM LAMERSON MOVED TO APPROVE LIQUOR LICENSE APPLICATION NO. 19133006 FOR AN ACQUISITION OF CONTROL FOR A SERIES 19 REMOTE TASTING LIQUOR LICENSE, FOR SUPERSTITION MEADERY; LOCATION: 120 W. GURLEY ST.; SECONDED BY COUNCILWOMAN WILCOX; PASSED 7-0.

2. **Public Hearing and Consideration for an Acquisition of Control for a Series 13 Farm Winery Liquor License from Jeffrey Lee Herbert, Applicant for Superstition Meadery; Location: 6678 Inter Cal Way.**

COUNCILWOMAN ORR MOVED TO CLOSE THE PUBLIC HEARING; SECONDED BY COUNCILMAN SISCHKA; PASSED 7-0.

COUNCILWOMAN ORR MOVED TO APPROVE LIQUOR LICENSE APPLICATION NO. 13133053 FOR AN ACQUISITION OF CONTROL FOR A SERIES 13 FARM WINERY LIQUOR LICENSE, FOR SUPERSTITION MEADERY; LOCATION: 6678 INTER CAL WAY.; SECONDED BY COUNCILMAN SISCHKA; PASSED 7-0.

C. PERMANENT EXTENSION OF PREMISES

1. **Public Hearing and Consideration of Permanent Change of Area of Service on an Extension of Premises/Patio Application No. 12133671 for a Series 12 Restaurant Liquor License from Thomas L. Biel, applicant for Touchmark at the Ranch Location: 3150 Touchmark Blvd.**

Applicant Jeff Bancroft said the area for dining is not large enough and they would like to include some private dining areas that could be used for board or conference rooms.

COUNCILMAN BLAIR MOVED TO CLOSE THE PUBLIC HEARING; SECONDED BY COUNCILMAN SISCHKA; PASSED 7-0.

COUNCILMAN SISCHKA MOVED TO APPROVE A PERMANENT CHANGE OF AREA OF SERVICE ON AN EXTENSION OF PREMISES/PATIO APPLICATION; NO. 12133671 FOR A SERIES 12 RESTAURANT LIQUOR LICENSE, FOR TOUCHMARK

August 8, 2017

AT THE RANCH, LOCATION: 3150 TOUCHMARK BLVD.; SECONDED BY COUNCILMAN BLAIR; PASSED 7-0.

D. SPECIAL EVENTS

1. **Approval of a Series 15 Special Event Liquor License Application for Arizona Wildfire Council, Inc.; Event Location: Captain Crossfit, 420 N. 6Th Street; Applicant: Elizabeth A. Reiman; City Application No. 17-064S; Date/Time of Event Liquor Sales: Saturday & Sunday, August 26-27, 2017, 10:00 a.m. to 5:00 p.m.**
2. **Approval of a Series 15 Special Event Liquor License Application for Coalition for Compassion & Justice; Event Location: Holiday Courtyard of the Grand Highland Hotel, 150 S. Montezuma St.; Applicant: Jessi Hans; City Application No. 17-061S; Date/Time of Event Liquor Sales: Sunday, August 13, 2017, 3:00 p.m. to 9:00 p.m.**

COUNCILWOMAN ORR MOVED TO APPROVE SPECIAL EVENT LIQUOR LICENSE APPLICATIONS 10.D.1. AND 10.D.2. TO THE ARIZONA STATE LIQUOR BOARD WITH A RECOMMENDATION OF APPROVAL; SECONDED BY COUNCILMAN SISCHKA; PASSED 7-0.

11. REGULAR AGENDA

A. Review of Bed Tax Budget and TAC Grant 2018 Allocations

John Heiney, Community Outreach Manager, presented. The bed tax allocation is down about 5% this year.

Councilman Blair said there was a line item for Recreation Services for tournaments and wanted to know why it was reduced. Mr. Heiney said the money has been moved to a different line item, but was available, if needed. Councilman Blair asked if this was how they are going to reduce the bed tax expenditures. He suggested reviewing the liquor license tax and getting rid of it. Mr. Heiney said they were currently down 5%. Mr. Lamar said they could bring back the liquor license for their review.

Council consensus was to bring back liquor license tax for further discussion.

Councilman Lazzell asked what the \$3,500 to Sister Cities was for. Mr. Heiney said mainly for membership fees for the Sister Cities program. Councilman Lazzell said the Corvette Car Show is a significant event and they had dropped the award amount quite a bit.

Mr. Heiney presented the TAC (Tourism Advisory Committee) Allocations Tourism Grant Allocations Detail. He said they were not following the process to the letter and it was decided by TAC to hold them to the process and unfortunately there were a few organizations that were severely cut by it.

Mayor Oberg asked who the TAC members are. Mr. Heiney said it is made up of a variety of members or stakeholders and it is not a public body appointed by Council. It is an advisory group that meets on a regular basis. They advise and then come to Council for review and approval. It is a city sponsored committee but not appointed by Council. Mayor Oberg asked how everyone was informed to put in a request and understand what the changes were. Mr. Heiney said the information packets went out in March. The packets were due May 30, 2017.

Mayor Oberg was concerned with finishing up their event for this year, and then starting to plan their budget with this money they received for next year's budget. If the budget planning was sometime during November and December time frame, there won't be a full understanding of the application process changes. He feels once these events become well established and have good sponsors, they should go ahead and be funded by that mechanism; so they could take those dollars and fund new events.

Councilwoman Orr thanked the TAC and invited anyone to see what TAC does and the work they do. In regard to Corvette Club, they met with Jerry Jones, Chairman of the Corvette Club, and they do a lot of in-kind marketing with television national coverage that is donated. She has asked him to help incorporate this into their application for a future modification to show how much an organization has donated for in kind services, and then to be able to relook at allocations.

Councilman Lazzell asked if the TAC made the decision or was Corvette Club amicable to this decision. Mr. Heiney said once the application is submitted, TAC reviews and makes its recommendation and the recipient will then be contacted with the amount of the award. Councilman Lazzell asked if the award amount was enough for the Yavapai County Fair that is coming back to Prescott. Mr. Heiney said the criteria are the dollars being used for marketing, and then TAC gives a rating. The general consensus was the need to provide a little more proof showing more people from outside to the area were coming to the events.

Councilwoman Wilcox asked why the Film Festival wasn't being recommended to receive any allocation. Mr. Heiney said the film festival did not request any funds in the last two years.

Mayor Pro Tem Lamerson said TAC makes the recommendations. This was a deliberation of how bed tax was being spent and it has been a lot smoother since they have come up with the application process. He was okay with the recommendations.

Jerry Jones, Chairman of the Corvette Car Club, said TAC asked him to be involved next year with the process. He wants to make sure the City wanted them to be here. Marketing is pretty cheap using social media. There is other marketing, but it can get expensive. The results have proven significant to the City. All of the donations they raise are distributed locally, and appreciates the City for their involvement in what they do it is a partnership.

Louie Gomez, owner of Prescott Tires, who started the Corvette show, explained how the Corvette show began. They fill every hotel in the tri-city area and it brings in a lot of tourism. A huge amount of money goes to charity, and they wanted it to continue to grow, but still needed help.

Councilman Sischka asked if TAC was penalizing them because they received in-kind marketing contributions. Mr. Heiney said the marketing dollars are important to the entire city. TAC decides if they are going to help promote events, or for equipment and other uses for the funds. They wanted to stick with the original process and the advertising spent did not show up in their finance records. Councilwoman Orr said they wanted the Corvette Show in Prescott.

Mr. Jones said they put in \$20,000 for the show, and asked how much they really did spend on advertising. Mr. Gomez said they spend about \$5,000.00 plus the in-kind which was about another \$10,000 to \$15,000. Mr. Jones said what they submit is strictly from the Vette Sett Charitable Foundation, but they do spend about \$20,000 of their own money for various expenses; for barricades, port-a-johns, and security.

Councilman Blair said they needed to make sure they have a healthy General Fund. Bring in producers, and ask what can the Corvette Club do for us or any other organization or club; the Corvette Club does bring in people and produces revenue for the city. He felt they should give them the \$29,000 and look at what these groups do to bring in revenue into the community.

Councilman Lazzell said he agreed with Councilman Blair. He felt this organization did not know the procedure and next year they will know.

Councilwoman Wilcox asked what the statutory restrictions were in the use of the bed tax. Jon Paladini, City Attorney, said contracts between the city and non-profit organization for promotion of tourism, are broader than an event. He was troubled TAC was not considered a committee. If it is a city sponsored group then it should be a council approved committee and follow open meeting law. He did not know this was how it operated. Procedurally, a future discussion is needed to make sure it follows all the proper procedure.

Daniel Matheson, citizen, said the Corvette Club brings in a lot of bed tax. Why not make it an even \$4,000 and it will make a good investment.

Margo Christianson, citizen, and Ponderosa Hotel Management, is also a member of TAC, said they struggled with the decisions. They heard they needed to follow policy procedure of the grant award process and they did. Councilwoman Orr thanked her for all the work she does on TAC, but the Corvette Club does do a lot for the community and advertises using the in kind advertising and this does not show up on the financials.

Mayor Pro Tem Lamerson agreed with Mr. Paladini. Recognizing the role of taxpayers' dollars, there appears to be no accountability. He asked if a formal committee appointment should have been done through the City. Mr. Paladini said it was not the comment of work or quality on TAC; it just was not done properly. The Council can make the decisions and recommendations. It was not about following statutes but about transparency through the minutes. Mayor Pro Tem Lamerson said if minutes were kept, maybe they would have been able to understand how the money was being awarded or invested.

Councilman Blair said they wanted the best for the community and the process needs to be evaluated. This needs to be looked at as a whole, not in pieces. He thanked TAC for doing what they were told to do, and Council needed to do a better job on giving direction.

Mr. Matheson and Mr. Gomez wanted to see if Hope Fest would be awarded any money. He said the reason an application was not filled out was because the person who normally fills it out recently lost a close family member and did not get a chance to. Hope Fest does bring in a lot of people to the area and it is a great fundraiser.

Mr. Heiney said he was sorry, but an application was not turned in and they were following procedures, but it is up to Council to decide,

Mr. Paladini said a special award could be approved as a separate grant later. Council could do something at a future meeting. He agreed with Mr. Heiney if they did not fill out anything then they should not be awarded.

Councilman Lazzell asked if there was money left over, could they award an organization at a later date.

Mr. Paladini said as long as they wrote a letter with what they are requesting and the amount, he would be more comfortable awarding them if they could turn in an application and if there was money available.

Councilwoman Wilcox said she would like to see staff rework the awarding process and bring it back to Council.

Mr. Heiney was asked to go back to the amounts awarded last year for the three Corvette Car Show, Wild Lights, and Watson Lake.

Councilman Blair motioned for the three organizations that didn't get any money, to go back to what they had the previous year. Then reevaluate the process. This was seconded by Councilwoman Orr.

Councilman Blair withdrew his motion.

Council consensus was to not vote on this item and bring it back to a future meeting.

Councilwoman Orr said TAC, from the beginning, recognized the process was flawed and they were going by the policy given to them.

Michael Lamar, City Manager, said the process needs improvement going forward and getting input by the recipients who are awarded these grants, would help.

Tim Graham, member of TAC, said they shouldn't be funding well established events and this should be considered moving forward.

Councilman Sischka said they need to focus on TAC to get them headed in the right direction. Mr. Heiney said there are flaws and the process needs tightened up.

B. Adopting Resolution No. 4398-1607 to establish an Entertainment District for Prescott.

John Heiney, Community Outreach Manager, presented. He said, since the last meeting, there were adjustments made to the map. Jon Paladini, City Attorney, said there was clear direction to bring back and expand the northern part of the district to include the green belt and water ways in the creek area. If the school or church is out of the district, then the 300 foot limit would still apply.

Councilwoman Wilcox asked what the zoning use was. Mr. Paladini said it was not a zoning type issue and any establishment requesting a liquor license in the entertainment district still has to go through the process and will be done on a case to case basis.

Mayor Pro Tem Lamerson said if they elect to go this way, it doesn't preclude us to add or change it in the future, but it did limit them for one mile parameter total. He asked if they are near the total allowed. Mr. Paladini said no.

Daniel Lohmeier, citizen, said it provides forty jobs and wants Prescott to be a crown jewel where people want to come.

COUNCILWOMAN ORR MOVED TO ADOPT RESOLUTION NO. 4398-1607 TO ESTABLISH AN ENTERTAINMENT DISTRICT FOR PRESCOTT; SECONDED BY COUNCILMAN SISCHKA; PASSED 7-0.

C. Approval of City Contract 2018-026 for an Animal Sheltering Services Agreement with the Yavapai Humane Society for a Three-Year Period in the Total Amount of \$177,450.00: \$57,950.00 for FY2017/18, \$59,109.00 for FY2018/19, and \$60,291.00 for FY2019/20.

Deborah Black, Police Chief, presented. These are reductions from past years. Councilman Blair asked why the reduction. Jason Small, Police Lieutenant, said it was a negotiated process and it is taking cost reduction steps; they are paying per kennel per day. Mayor Oberg asked if the charge was for the number of animals that are brought in. Lt. Small said they look at the total number of impounds that are in the kennels for four to five days. Yavapai pays for any days after the animal is emancipated. In the future, they will be able to track it differently.

COUNCILMAN SISCHKA MOVED TO APPROVE CITY CONTRACT 2018-026 FOR A TOTAL AMOUNT OF \$177,450.00; SECONDED BY COUNCILMAN BLAIR; PASSED 7-0.

D. Approval to Purchase Fire Department Extrication Equipment (Jaws of Life) from Western States Fire Equipment; Using Yuma Contract No. 2013-200001444 Pricing, in the Amount of \$98,445.43 (City Contract No. 2018-011).

Dennis Light, Fire Chief, presented. He said after a catastrophic failure with a piece of equipment, they had the rest of their equipment evaluated and it was discovered the equipment out dated and needed replacement. Mayor Oberg asked if they had five fire engines. Chief Light said they do have five. They have replaced one already, and they have a total of seven, two apparatus and five fire engines. They will take what is best of the remainder of the equipment and use it for the reserve units so they did not have to switch and move equipment around.

COUNCILMAN LAZZELL MOVED TO APPROVE CITY CONTRACT NO. 2018-011 IN THE AMOUNT OF \$98,445.43; SECONDED BY MAYOR PRO TEM LAMERSON; PASSED 7-0.

E. Award of City Contract No. 2018-005 to Capital Improvements, L.L.C. for the Small Water Mains Replacement Dexter Neighborhood Phase 3 Project in the amount of \$3,870,854.00, and approval of Night Work for a portion of the Project.

Steve Orosz, Program Development Manager, said in the third phase of the Dexter neighborhood, staff is trying to work with businesses in the area to minimize and facilitate the work. The project will start in early September and should be completed early next year.

Councilman Lazzell asked if they were replacing the pavement. Orosz said they are doing both. They would be reconstructing several roads in the area. Many streets need resurfaced.

Mayor Pro Tem Lamerson asked if they were putting in new streets. Mr. Orosz said it will be a combination of repairs with three different processes: trench repair, reconstruction which means removing the asphalt and putting down new asphalt, and chip seal.

Councilman Blair asked if it is well documented on what needs to be replaced. Mr. Orosz replied yes.

Councilwoman Wilcox asked about fire protection in the area. Mr. Orosz said they are working with the Fire Department to meet the standards.

Mayor Oberg asked if they are doing only night work, will Miller Valley Road be closed. Mr. Orosz replied yes.

COUNCILWOMAN WILCOX MOVED TO APPROVE CITY CONTRACT NO. 2018-005.; SECONDED BY COUNCILWOMAN ORR; PASSED 7-0.

COUNCILWOMAN WILCOX MOVED TO APPROVE NIGHT WORK FOR THE PROJECT; SECONDED BY COUNCILWOMAN ORR; PASSED 7-0.

F. Approve the Additional Payment of \$579,625.00 to Public Safety Personnel Retirement System.

Mark Woodfill, Finance Director, said the sale of Fire Station on Sixth Street, will go for a payment to PSPRS (Public Safety Personnel Retirement System). There were three lots for sale and all the proceeds will go to PSPRS. Escrow will be closing on the front portion within the next sixty days. Fifty percent will go to the Police Trust Fund and fifty percent will go to Fire Trust Fund.

Mayor Oberg asked if \$1,000,050.00 has already been paid in the Hall case. Mr. Woodfill said those refunds will be paid this week. The interest portion has not been finalized and will be paid out when it is finalized. Mayor Oberg asked if the payment was separate. Mr. Woodfill said yes, this is separate from the other payments and will come out of the reserves.

Mayor Pro Tem Lamerson asked if other properties or assets were predetermined if it goes back into the General Fund, would it go back into paying PSPRS unfunded liability. Mark replied yes.

Richard Steelman, citizen, recommended not sending the money to the PSPRS at this time and waiting until November when the new numbers are available. He would like to see all the cities hold back their money until November. He doesn't want the taxpayers having to face this issue again.

Terri Christianson, citizen, hopes that Council will approve the money to pay down the PSPRS unfunded liability.

Mayor Pro Tem Lamerson asked if there is a mechanism in place to deposit it exclusively so that it is specifically going towards the PSPRS where the rate is different than what is being paid now. Mr. Paladini said there isn't a full consensus if we can deposit the money with the State Treasurer. It is beyond our purview to make that determination. It needs to be between the State Treasurer and the Attorney General's Office.

COUNCILWOMAN ORR MOVED TO APPROVE PAYMENT OF \$579,625.00 TO THE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM; SECONDED BY COUNCILMAN SISCHKA; PASSED 7-0.

12. ADJOURNMENT

Mayor Oberg made closing comments, and read a quote from Patrick Henry, "The liberties of people never were, nor ever will be secure, when the transactions of their rulers may be concealed from them."

There being no further business to be discussed, the Voting Meeting of August 08, 2017, adjourned at 4:55 p.m.

HARRY B. OBERG, Mayor

ATTEST:

Maureen Scott, City Clerk

CERTIFICATION

August 8, 2017

I hereby certify that the foregoing minutes were a true and correct copy of the minutes of the Voting Meeting of the City Council of the City of Prescott, Arizona held on the 08th day of August 2017. I further certify the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____, 2017.

AFFIX

CITY SEAL

Maureen Scott, City Clerk

Attachment: August 08, 2017 Voting Meeting (1722 : Approval of Minutes)

August 8, 2017

PRESCOTT CITY COUNCIL
STUDY SESSION MEETING
TUESDAY, AUGUST 29, 2017
PRESCOTT, ARIZONA

Minutes of the Study Session Meeting of the Prescott City Council held on August 29, 2017, In the Council Chambers located at City Hall, 201 South Cortez Street, Prescott, Arizona.

1. CALL TO ORDER

Mayor Oberg called the meeting to order at 1:00 pm.

2. ROLL CALL:

Present:

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

3. DISCUSSION ITEMS

A. Request by US Vets for an Allocation of City Water to support a proposed redevelopment project at 1040 Whipple St.

Leslie Graser, City Water Resources Manager, presented. The Water Service Agreement Application No. WSA17-009 was submitted on April 14, 2017, by Carole Benedict on behalf of U.S.VETS, requesting an alternative water allocation for conversion of an existing commercial building into a 60-unit low-income apartment complex for veterans and other community members. U.S.VETS sought an Arizona Department of Housing grant to fund the project.

On May 23, 2017, the Council adopted Resolution No. 4385-1594, endorsing the project. However, the grant funding was not obtained. U.S.VETS subsequently submitted a revised project, to be financed by other sources, consisting of 88 studio units, a manager's apartment, a 14-unit shelter with 56 beds, and a commercial kitchen and dining hall, which would require an increased quantity of alternative water from the City.

At their meeting of August 1, 2017, the Council Water Issues Committee referred the revised request of the U.S.VETS to the full Council for a presentation by the applicant at a Study Session, and related discussion.

APNs 115-09-008C, D, and 010A are part of the Gardenland Tract and Hinman Tract Subdivisions, and zoned Business Regional (BR). The project scope consists of interior renovation of the existing buildings for the above-described uses. Review of utility billing records established historical annual usage of two (2.0) acre-feet (AF) of groundwater, which can be applied to offset, in part, the water necessary for the building conversions.

The project will require a total of 14.35 AF of water: the 2.0 AF of grandfathered groundwater, and a new allocation of 12.35 AF of alternative water from the Calendar Year 2017 residential budget. Since this amount, (12.35 AF) is less than 50% of the present remaining 2017 residential budget (25.56 AF), it could be approved by Council within existing water management policy.

At their voting meeting of May 23, 2017, the Council adopted Resolution No. 4385-1594 providing:

- 1 City endorsement of the project. *(Note: As mentioned above, the scope of the project has been expanded.)*
2. A finding of particular benefit to the health, safety, and welfare of the community, pursuant to Policy 16 of the Water Management and Calendar Year 2017 Alternative Water Allocation Policy, as amended.
3. The setting aside of 7.0 acre-feet of alternative water, pending the determination/award of grant funding by the Arizona Department of Housing. *(Note: The volume of 7 AF has been returned to the Calendar Year 2017 Alternative Water budget since the grant was not received, and the project has been revised.)*

Carole Benedict, Executive Director, presented. According to the 2016 Point in Time Survey, 34% of the Yavapai County homeless were veterans. Last year they served 182 veterans; 68% were transitioned into permanent housing. They are working with joint partnerships to help with this project.

Mayor Pro Tem Lamerson confirmed that it is not just for veterans. Ms. Benedict said correct, however, they don't have funding for non-veterans. If they don't receive funding for non-veterans, they will continue to seek funding. Pro Tem Lamerson has always been concerned with homeless. Ms. Benedict said there is staff available 24/7.

Councilwoman Wilcox said Prescott is blessed to have one of the two Veteran hospitals in the state. Prescott has a higher number of homeless veterans. Ms. Benedict said they have about five percent females in the program. They could serve more females. The veterans will have priority.

Dane Beck, with Beck Legacy Group, the developer for the U.S. VETS project, reviewed the project team that is responsible for this project. They have a great collaboration between the development team and U.S. VETS to create a campus style complex serving the needs of transitional veterans and Prescott residents seeking affordable housing. The development team has a proven track record of large projects in Northern Arizona.

The project started out as a grant however this was not feasible. The scope of the project was modified to fit the needs of the U.S. VETS, Veterans in Progress Program and to create a campus atmosphere where U.S. VETS can provide housing, meals, and educational services to 56 transitional veterans in the one location. The 88 dormitory units are designed to meet the Housing Authority Guidelines which is a dormitory type living space. This was the piece that was missing in the first round of discussion. There were four veterans to a room and now it will be two veterans to a room with this model.

Councilwoman Wilcox asked if there would be outdoor community spaces for social areas. He said there will be a community center and there will be outdoor space that will accompany it. Councilwoman Wilcox recommended having rainwater harvesting for the landscaping and using it as a learning opportunity for the veterans.

Councilman Lazzell understood that the majority of the project would be for veterans. Mr. Beck said the dormitory style would be 56 dormitory beds for veterans and then there will be 88 studio units with the Veterans using twenty-five percent of the studio units.

Councilman Blair said this location had water in the past; how much water was originally allotted to the structures and how much water is needed for this use. Ms. Graser said it could carry 2.0 acre feet of water on the groundwater side. In order to make it work, they need 14.35 acre feet. Councilman Blair said with the limited water supply, when this will this be developed? Ms. Graser said this will come back to Council for approval. They will have to follow city policy for projects. Councilman Blair said it needs to be clear to the client on what their obligations are to complete the project. If an extension is needed, how will that be done? Ms. Graser said there is a year to get the building permit and three years to get the certificate of occupancy.

Councilman Sishcka said that 7.0 acre feet is coming back into the portfolio. Is that included in the 25.65 acre feet? Mr. Graser said this project still meets the requirements and it is included in the 25.6 acre feet.

Councilwoman Orr asked what the timing is on this project. Mr. Beck said they need to move quickly.

Councilwoman Orr asked what happens to the Gurley St. location. Ms. Benedict said this project is instead of the Gurley St. location. The area has no space to grow and no room to add housing. The Gurley St. location was once an assisted living facility but she didn't know if the building would go back to that use.

Mayor Pro Tem Lamerson said this is a good project and is long overdue. Will someone be there to man the new location 24/7? Ms. Benedict said yes, they are mandated to have 24 hour staffing. The current location is being manned 24/7.

Councilman Blair asked about the project next to McDonalds. Ms. Graser said they are two separate projects.

Council would like to see the item on a future voting agenda.

B. Presentation by Public Works of Delivery Methods for Downtown Capital Improvement Projects.

Henry Hash, Public Works Director, presented. Currently there are six downtown capital improvement projects that are in various stages of design. Public Works will present a plan for delivering these downtown capital improvement projects more efficiently and cost effective. Staff has discussed to do the downtown projects differently by using a CMAR (Construction Manager at Risk).

Steve Orosz, Project Manager, said there are four ways to deliver projects.

1. Design-Bid-Build (DBB)
 - *Qualifications based on selection for Designer
 - *Low bid-Contractor
2. Design-Build (DB)
 - *Qualifications based on selection for Designer and Contractor (one contract)
 - *Guaranteed Maximum Price
3. Job Order Contracting (JOC)
 - *Predetermined Unit Costs

4. Construction Manager at Risk (CMAR)
 - *Qualifications based on selection for Designer and Contractor (Two Contracts
 - *Guaranteed Maximum Price

Mayor Oberg said this isn't necessarily the lowest bid. Orosz said correct.

Mr. Orosz said it is based on qualifications, not price, when using construction manager at risk process. This is a very equitable process because it is based on qualifications. With the proposed projects, the construction manager at risk would complete the projects in an orderly manner. CMAR's are used for larger, more complicated projects.

Downtown Projects

- *Willis/Cortez Project
- *Alley off of Bashford Courts Parking Area
- *Summit Beech/McCormick near Sharlot Hall
- *Goodwin Project (crosses east and west Goodwin)
- *Carlton/Alarcon Project
- *Cortez Project (between Carlton and Goodwin)

These projects would be done in phases and would be delivered in a much more efficient manner. The CMAR is selected based on qualifications, not price. CMAR's have subcontractors that do various elements of the work.

The funding of these projects are spread out over a number of years. This will help complete the projects in an orderly manner. There is some flexibility when using CMAR. There is funding to cover five of the six projects.

Mayor Oberg said we get a lot of change orders. Under CMAR, are we going to see less change orders? Mr. Orosz said they have to work within the guaranteed maximum price.

Mayor Oberg asked if they will start from scratch or take the design? Orosz said CMAR will take what they have now and evaluate the efficiencies and they can incorporate them so don't start from scratch. The contractor and designer will work collaboratively and if there is a better way to do it, they will make adjustments. It will be included in the scope of work.

Councilwoman Wilcox asked if there is a recommendation to combine some of these projects to get the best economy of scale. Mr. Orosz said the best way to do this is to combine all of the six projects and will cost about \$14 million.

Mayor Pro Tem Lamerson asked who decides the order and criteria of the projects. Mr. Orosz said all of the projects are important and they are considered one project in the downtown area.

Councilwoman Orr said this is reasonable to look at for downtown projects. In cost analysis, is this better for the taxpayer dollar? Mr. Orosz said yes.

Councilman Sischka asked if this opens up these projects to other contractors. Mr. Orosz said yes; this is just one element of the projects. Councilman Sischka asked what the risk is for CMAR. Mr. Orosz said the contractor gives us a maximum price and they stay under the maximum price. There could be a cost savings and could come back to the city. There is a give and take.

Councilman Lazzell said, using CMAR, they discuss and can come up with some cost saving areas without cutting safety or quality.

Mayor Oberg asked how soon will they be able to start putting out contracts with CMAR. Mr. Orosz said they will have to hire a CMAR. They will bring back a CMAR contract in December or January. Construction could start in the spring. Mr. Orosz said the CMAR is the constant through the entire project. They may bring in contractors to complete parts of the project. The treatment plant project by the airport went very well.

Sandy Griffis with Yavapai County Contractors Association explained what the Construction Manager at Risk does. It shouldn't be used for a \$600,000 Willis/Cortez St. project. It should be a multi-million dollar project. She is unclear when using a CMAR for projects that won't be done in 4 years. She agrees that it will bring in good contractors.

Michael Lamar, City Manager, said you have to bring in the right contractor who will want to be in for the long haul. Mr. Hash said one of the positives for CMAR is that the project should be completed in three years. They know they have to do all of the projects in the most efficient timeframe. They will have to plan around the weather to accomplish the projects.

Mr. Lamar said there has to be a collaborative trustworthy relationship with the CMAR, otherwise it won't work. Councilwoman Orr asked if the money was in the reserves. Mr. Lamar said yes.

Fred Veil, Executive Director of Sharlot Hall Museum, said they are bounded by all those streets. The challenge they will be facing is a new education center being constructed on Beech and McCormick. The project funding is halfway completed and he hopes to have the funding by the first part of next year and construction beginning in FY19. There are a number of issues with coordinating the projects. There are some power lines that APS suggested to move and they would be willing to move them underground provided they could do it when the city is trenching the project. That will have to be done before they can construct their facility.

4. ADJOURNMENT

There being no further business to discuss, the Study Session Meeting, adjourned at 2:15 p.m.

Harry B. Oberg, Mayor

ATTEST:

Maureen Scott, City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Special Meeting of the City Council of the City of Prescott, Arizona held on the 29th day of August 2017. I further certify the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 2017.

AFFIX
CITY SEAL

Maureen Scott, City Clerk

Attachment: August 29, 2017 Study Session Minutes (1722 : Approval of Minutes)

PRESCOTT CITY COUNCIL
SPECIAL EXECUTIVE SESSION MEETING
TUESDAY, SEPTEMBER 12, 2017
PRESCOTT, ARIZONA

Minutes of the Special Executive Session Meeting of the Prescott City Council held on September 12, 2017, in the Lower Level Conference Room located at City Hall, 201 South Cortez Street, Prescott, Arizona.

1. CALL TO ORDER

Mayor Oberg called the meeting to order at 10:00 a.m.

2. ROLL CALL

Present:

Absent / Excused:

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

Staff

Jon Paladini, City Attorney
Virginia A. Mefford, Deputy City Clerk
Matt Podracky, Assistant City Attorney
Mark Woodfill, Finance Director

3. CALL TO ENTER INTO EXECUTIVE SESSION

Upon a public majority vote of the members constituting a quorum, the Council may hold an executive session that is not open to the public for the purposes set forth below. When the executive session ends, Council may adjourn or return to open session.

4. EXECUTIVE SESSION

MAYOR PRO TEM LAMERSON MOVED TO CONVENE INTO EXECUTIVE SESSION; SECONDED BY COUNCILMAN SISCHKA; PASSED 7-0.

The Prescott City Council convened into Executive Session at 10:08 a.m.

Attachment: September 12, 2017 Executive Session (1722 : Approval of Minutes)

Discussion or consultation for legal advice with the city's attorneys (A.R.S. §38-431.03(A)(3));

1. Discussion and legal advice regarding borrowing from internal funds to pay down PSPRS Unfunded Liability.
2. Discussion and legal advice regarding public private partnership for airport terminal development.

4. ADJOURNMENT

There being no further business to discuss, Mayor Oberg adjourned the Special Executive Session Meeting at 10:58 a.m.

Harry B. Oberg, Mayor

ATTEST

Maureen Scott, City Clerk

CERTIFICATION

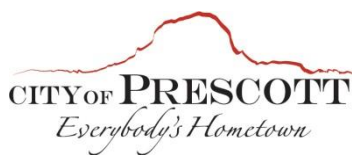
I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Special Meeting of the City Council of the City of Prescott, Arizona held on the 12th day of September, 2017. I further certify the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____, 2017.

AFFIX
CITY SEAL

Maureen Scott, City Clerk

Attachment: September 12, 2017 Executive Session (1722 : Approval of Minutes)



COUNCIL AGENDA MEMO

MEETING DATE/TYPE: **VOTING MEETING** **10-24-17**

DEPARTMENT: **Public Works**

AGENDA ITEM: Adopt Ordinance No. 5047-1587, to purchase a public utility easement from Miller Valley Park LLC (City Contract No. 2018-039) in the amount of \$35,519.00, plus closing costs and rescinding Ordinance No. 5042-1582. Funding is available in the Streets, Water, and Wastewater Fund.

FUNDING SOURCE: Streets Fund, Wastewater Fund

Approved By: Michael Lamar, City Manager

Item Summary

Approval of this ordinance will acquire a public utility easement, necessary for an existing storm water culvert and future Schemmer Drive Reconstruction project. Upon approval of the ordinance and associated closing, the necessary easement will have been acquired, for this existing culvert and future project.

Background

This item was approved by City Council on August 29, 2017 by Ordinance No. 5042-1582. There was an error in the price on the Agreement for Sale and consequently, the approved City Ordinance. The price on the Agreement and Ordinance was \$6,740.00 and should have been the appraised amount of \$35,519.00.

Approval of this ordinance by City Council will repeal Ordinance No. 5042-1582 and approve ordinance No.5047-1587.

Financial Impact

Funds for the easement acquisition are available from the Streets Fund and Wastewater Fund. The total amount required for the acquisition is \$35,519.00, plus closing costs. The actual closing costs will determine the final amount for this transaction.

Attachments

1. Ordinance No. 5047-1587
2. Agreement For Sale of Public Utility Easement
3. Aerial - Public Utility Easement Area

AGENDA ITEM: Adopt Ordinance No. 5047-1587, to purchase a public utility easement from Miller Valley Park LLC (City Contract No. 2018-039) in the amount of \$35,519.00, plus closing costs and rescinding Ordinance No. 5042-1582. Funding is available in the Streets, Water, and Wastewater Fund.

Recommended Action: Adopt Ordinance No. 5047-1587 to purchase a Public Utility Easement from Miller Valley Park LLC (City Contract No. 2018-039A1) in the amount of \$35,519.00, plus closing costs and repeal of Ordinance No. 5042-1582.

ORDINANCE NO. 5047-1587

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AUTHORIZING THE PURCHASE OF A PUBLIC UTILITY EASEMENT FROM MILLER VALLEY PARK, LLC, FOR THE SCHEMMER DRIVE RECONSTRUCTION PROJECT AND AUTHORIZING THE MAYOR AND STAFF TO EXECUTE ANY AND ALL DOCUMENTS TO EFFECTUATE SAID PURCHASE AND REPEALS CITY ORDINANCE NO. 5042-1582.

RECITALS:

WHEREAS, the City Council has determined that certain real property is needed by the City for the Schemmer Drive Reconstruction project and the acquisition of this property will be in the best interests of the health, safety and welfare of the City of Prescott; and,

WHEREAS, the proposed purchase price of the property, along with the terms and conditions in the City of Prescott's ("City") standard Agreement for Sale of Public Utility Easement, is deemed to be fair and equitable.

ENACTMENTS:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PRESCOTT AS FOLLOWS:

SECTION 1. THAT the City Council hereby accepts the offer to purchase that certain Public Utility Easement and agrees to purchase and accept said easement from Miller Valley Park, LLC, pursuant to the terms and conditions as set forth in the City's standard Agreement for Sale of Public Utility Easement dated September 26, 2017, for the purchase price of \$35,519.00 plus closing costs.

SECTION 2. THAT the City Council hereby repeals Ordinance No. 5042-1582 due to an error in the sale price.

SECTION 3. THAT the Mayor and staff are directed to execute any and all documents in order to effectuate the foregoing purchase, including payment of the foregoing sum, payment of closing and other costs associated with the purchase, and recordation of the closing documents.

PASSED and ADOPTED by the Mayor and Council of the City of Prescott, Arizona, on this _____ day of _____, 2017.

HARRY B. OBERG, Mayor

ATTEST:

APPROVED AS TO FORM:

Maureen Scott, City Clerk

JON PALADINI, City Attorney



CITY OF PRESCOTT
AGREEMENT FOR SALE OF PUBLIC UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THIS AGREEMENT FOR SALE OF PUBLIC UTILITY EASEMENT ("Agreement") is dated this 26th day of September 20 17, by and between **Miller Valley Park, LLC**, an Arizona limited liability company, (hereinafter referred to as the "Seller"), and the **CITY OF PRESCOTT**, an Arizona municipality (hereinafter referred to as "Buyer").

IN CONSIDERATION OF THE COVENANTS HEREIN CONTAINED, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by each party to the other, it is hereby agreed as follows:

- 1) Seller agrees to sell and convey to the Buyer, and Buyer agrees to purchase from Seller, perpetual, non-exclusive public utility easement as described in **Exhibit "A"** and depicted in **Exhibit "B"** (the "Public Utility Easement") over and through the real property described therein (the "Easement Area").
- 2) The total purchase price for the Easement is Thirty Five Thousand Five Hundred Nineteen and no/100 dollars (**\$35,519.00**), payable upon the close of escrow.
- 3) The Buyer agrees as follows:
 - (A) Buyer shall complete utility construction per the project plans and specifications.
 - (B) Buyer shall bear all risk of use of the Easement Area by Buyer and its employees, contractors, agents and invitees. Buyer hereby agrees to indemnify, defend and hold harmless Seller, its successors and assigns, from any and all claims, damages, liabilities, losses, and causes of action arising from Buyer's use of the Easement Area, or arising from use of the Easement Areas by Buyer's employees, agents, contractors or invitees, but only to the extent that such claims or damages result in vicarious/derivative liability to the Seller and are caused by the act, omission, negligence, misconduct or other fault of the Buyer, its officers, officials, agents, employees or volunteers, provided, however, that the Buyer shall have no obligation to indemnify Seller for the Seller's passive negligence.
- 4) The Seller warrants that Seller is the owner of a good and fee simple title to the Easement

Buyer _____

Seller _____

Area, free and clear of all liens and encumbrances, subject only to the following:

- (A) Applicable zoning regulations.
 - (B) Utility, drainage and other easements of record in the records of the Yavapai County Recorder, or which would otherwise be identified by an inspection of the subject property.
 - (C) Mineral rights reserved in the patents to the land.
 - (D) Real estate taxes, utility district assessments and the like.
 - (E) Any other matters of record against the Easement Area.
- 5) In order to effectuate the terms of this Agreement, Seller and Buyer shall promptly execute and deliver the Public Utility Easement Agreement in the form attached hereto as **Exhibit "C"** (the "**Public Utility Easement Agreement**").
 - 6) The closing of escrow shall be at a Title Company designated by the Buyer within 90 days after approval of this Agreement by the Prescott City Council. On the Closing Date, Buyer shall make payment as provided in Section 2 of this Agreement to the Seller. The Buyer shall pay all recording and transfer taxes and fees, including the cost of recording the Public Utility Easement Agreement and any and all closing costs not hereinbefore specified.
 - 7) Buyer shall be entitled to use of the Easement Area for the installation and maintenance of underground water lines, and drainage culverts, subject to the Easement Restrictions as defined and described in the Public Utility Easements Agreement, following the approval of this Agreement by the Prescott City Council and the close of escrow.
 - 8) Buyer understands that the foregoing sets forth the entire agreement between the parties and that no agent or representative of Seller has any authority to change or modify this Agreement in any manner, or to make any agreement or representation on behalf of the Seller not set forth herein.
 - 9) Pursuant to A.R.S. §38-511, the City of Prescott may cancel this Agreement, without penalty or further obligation, if any person significantly involved in initiating, negotiating, securing, drafting or creating the Agreement on behalf of the City of Prescott is, at any time while the Agreement or any extension of the Agreement is in effect, an employee or agent of any other party to the Agreement in any capacity or a consultant to any other party of the Agreement with respect to the subject matter of the Agreement. In the foregoing event, the City of Prescott further elects to recoup any fee or commission paid or due to any person significantly involved in initiating, negotiating, securing, drafting or creating this Agreement on behalf of the City of Prescott from any other party to the Agreement, arising as a result of this Agreement.

Buyer _____

Seller 

- 10) This Agreement is subject to the approval by the Prescott City Council of an Ordinance authorizing the purchase of the Public Utility Easement contemplated herein.
- 11) All notices to Buyer shall be sent to: City of Prescott, c/o City Clerk, Post Office Box 2059, Prescott, Arizona 86302, with a copy to the Director of Public Works, Post Office Box 2059, Prescott, Arizona 86302.
- 12) All notices to the Seller shall be sent to: Miller Valley Park, LLC, c/o Marilyn Anderson, 5551 E. Paseo Bueno, Tucson, AZ 85750.

DATED THIS 26th day of September, 2017.

(signatures begin on next page)

Buyer _____

Seller 

Attachment: Agreement For Sale of Public Utility Easement (1708 : Public Utility Easement from Miller Valley Park LLC)

SELLER:

Miller Valley Park, LLC, and Arizona limited liability company

By: Marilyn Anderson

Its: mgr, sole member LLC

BUYER:

CITY OF PRESCOTT, an Arizona municipality

By: _____
Henry Hash, Director of Public Works

ATTEST:

DANA R. DELONG, City Clerk

APPROVED AS TO FORM:

JON M. PALADINI, City Attorney

Exhibit "A"

Legal Description

All that portion of land described as Parcel 2, recorded in Book 4803 of Official Records, Page 892 on file at the Yavapai County Recorder's Office, Yavapai County, Arizona, lying within Section 33, Township 14 North, Range 2 West, of the Gila and Salt River Base and Meridian, Yavapai County, Arizona. more particularly described as follows:

BEGINNING at the southwest corner of Parcel 14 as recorded in Book 7 of Land Surveys, Page 21, on file at the Yavapai County Recorder's Office, Yavapai County, Arizona;

Thence South 88° 58' 00" West, a distance of 65.01 feet;

Thence South 68° 31' 24" West, a distance of 25.52 feet to a point on the easterly right of way line of Miller Valley Road as shown in Book 6 of Maps and Plats, Page 12, and in Book 7 of Land Surveys, Page 21, Yavapai County Recorder's Office, Yavapai County, Arizona;

Thence North 21° 00' 09" West, along said easterly right of way, a distance of 30.00 feet;

Thence North 68° 31' 24" East, a distance of 30.68 feet;

Thence North 88° 58' 00" East, a distance of 49.90 feet to a point on the westerly line of said Parcel 14;

Thence along a non-tangent curve, along said westerly line, concave to the southwest, having a radius of 714.49 feet, a central angle of 02° 54' 53", an arc length of 36.35 feet, a chord bearing of South 35° 23' 41" East and a chord length of 36.34 feet to the POINT OF BEGINNING.

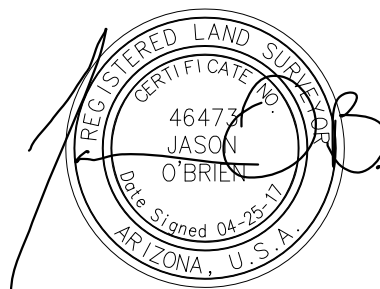
Containing 2,572.31 square feet or 0.06 acres, more or less.

04/25/17

LE #274-29

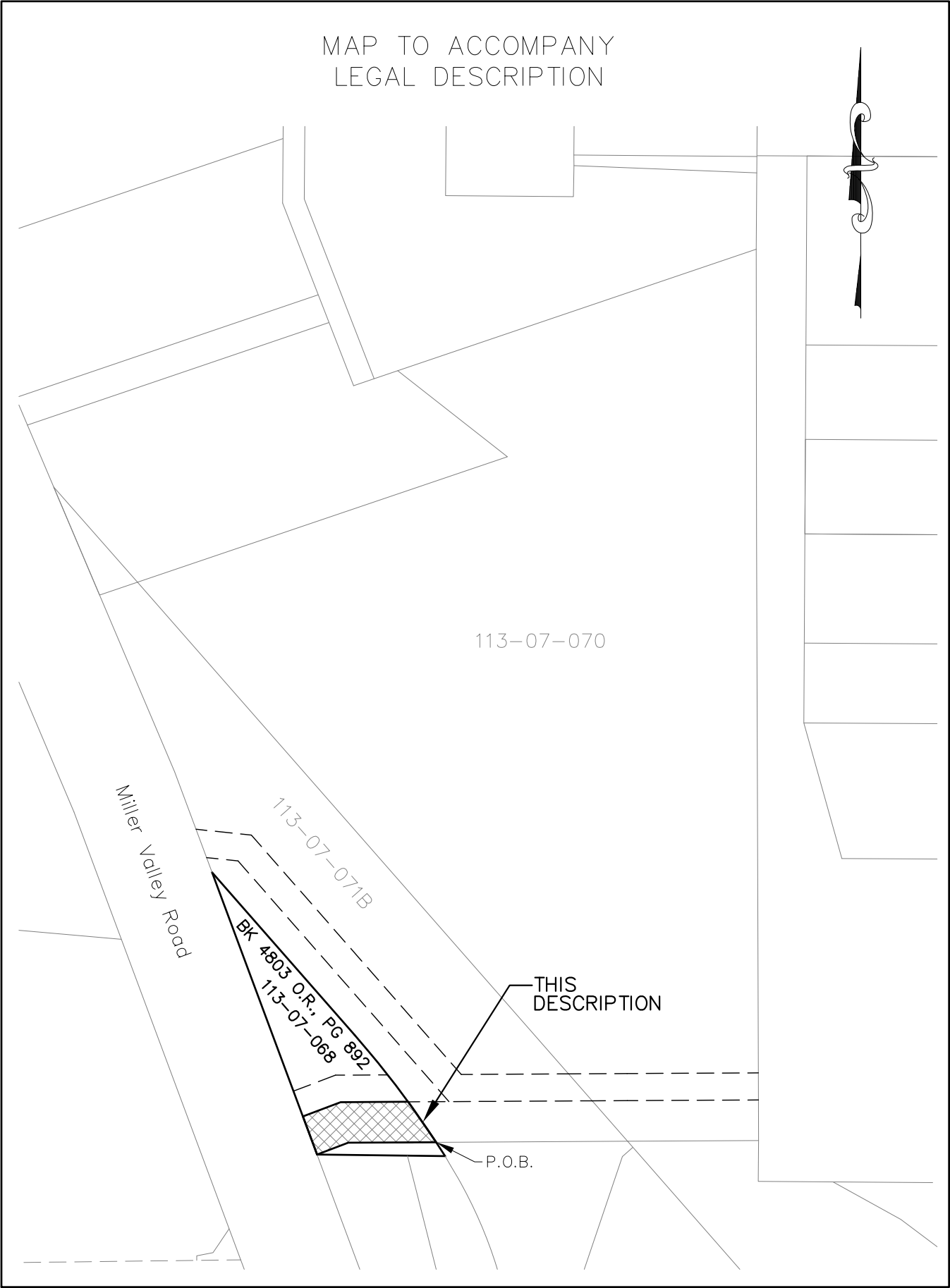
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JASON O'BRIEN, R.L.S.



EXPIRES 6/30/19

Attachment: Agreement For Sale of Public Utility Easement (1708 : Public Utility Easement from Miller Valley Park LLC)



Attachment: Agreement For Sale of Public Utility Easement (1708 : Public Utility Easement from Miller Valley Park LLC)

Exhibit "C"
(Form of Public Utility Easement Agreement)

Attachment: Agreement For Sale of Public Utility Easement (1708 : Public Utility Easement from Miller Valley Park LLC)

When recorded, mail to:
 City of Prescott
 City Clerk
 P. O. Box 2059
 Prescott, AZ 86302

PUBLIC UTILITY EASEMENT AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

FOR GOOD AND VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged by each party to the other, **Miller Valley Park, LLC**, and Arizona limited liability company, hereinafter called "**Grantor**", hereby grants to the **City of Prescott**, an Arizona municipality, hereinafter referred to as the "**Grantee**", its employees, agents, and designees, the non-exclusive right of ingress and egress over, under, and through the real property described in **Exhibit "A"** and depicted in **Exhibit "B"**, attached hereto and made a part hereof (the "**Easement Area**"), for underground water lines, and drainage culverts, to use and construct same, together with the right to construct, maintain and replace same (the "**Public Utility Easement**").

This easement shall run with the land, and shall be perpetual unless earlier abandoned or vacated by the Grantee.

Grantor covenants and agrees not to perform any construction, excavation, or alteration upon or within said Easement Area, or perform any modifications to said property without prior written permission of the Grantee.

Grantor agrees not to construct any permanent building or wall upon said Easement Area.

Grantee agrees to return any asphalt, concrete, ground cover, and any landscaping to a condition as close as possible to that which existed before installations or any repair is made.

Use of the Easement Areas shall at all times be subject to the terms and conditions contained on **Schedule 1** attached hereto and made a part hereof (the "**Easement Restrictions**").

Grantee shall be solely liable for and shall bear all risk of use of the Easement Area by Grantee and its respective employees, contractors, agents, and invitees. Grantee hereby indemnifies and agrees to hold Grantor and its successors and assigns harmless from any and all

claims, damages, liabilities, and causes of action arising from use of the Easement Area by Grantee or its employees, contractors, agents, and invitees.

This Public Utility Easement Agreement may be executed by the parties hereto in two or more counterparts, all of which shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties have executed this Public Utility Easement Agreement as of the 26th day of June, 2017.

GRANTOR:

Miller Valley Park, LLC, and Arizona limited liability company

By: Marilyn Anderson

Its: Member, LLC

State of ARIZONA)
County of Pima) ss.

The foregoing instrument was acknowledged before me this 26 day of June, 2017, by Marilyn Anderson, personally known to me or proven to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged that he/she executed it.

[Seal]

Roberto Leyva
Notary Public

My commission expires:

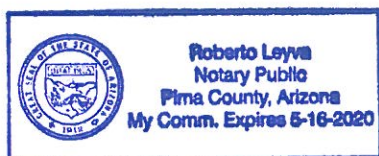


Exhibit "A"

Legal Description

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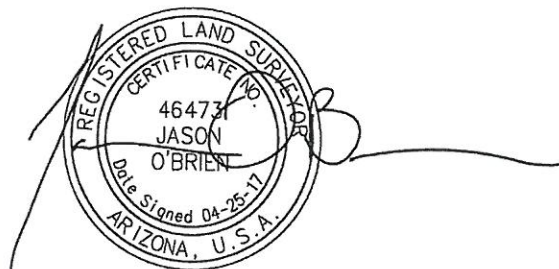
Containing 2,572.31 square feet or 0.06 acres, more or less.

04/25/17

LE #274-29

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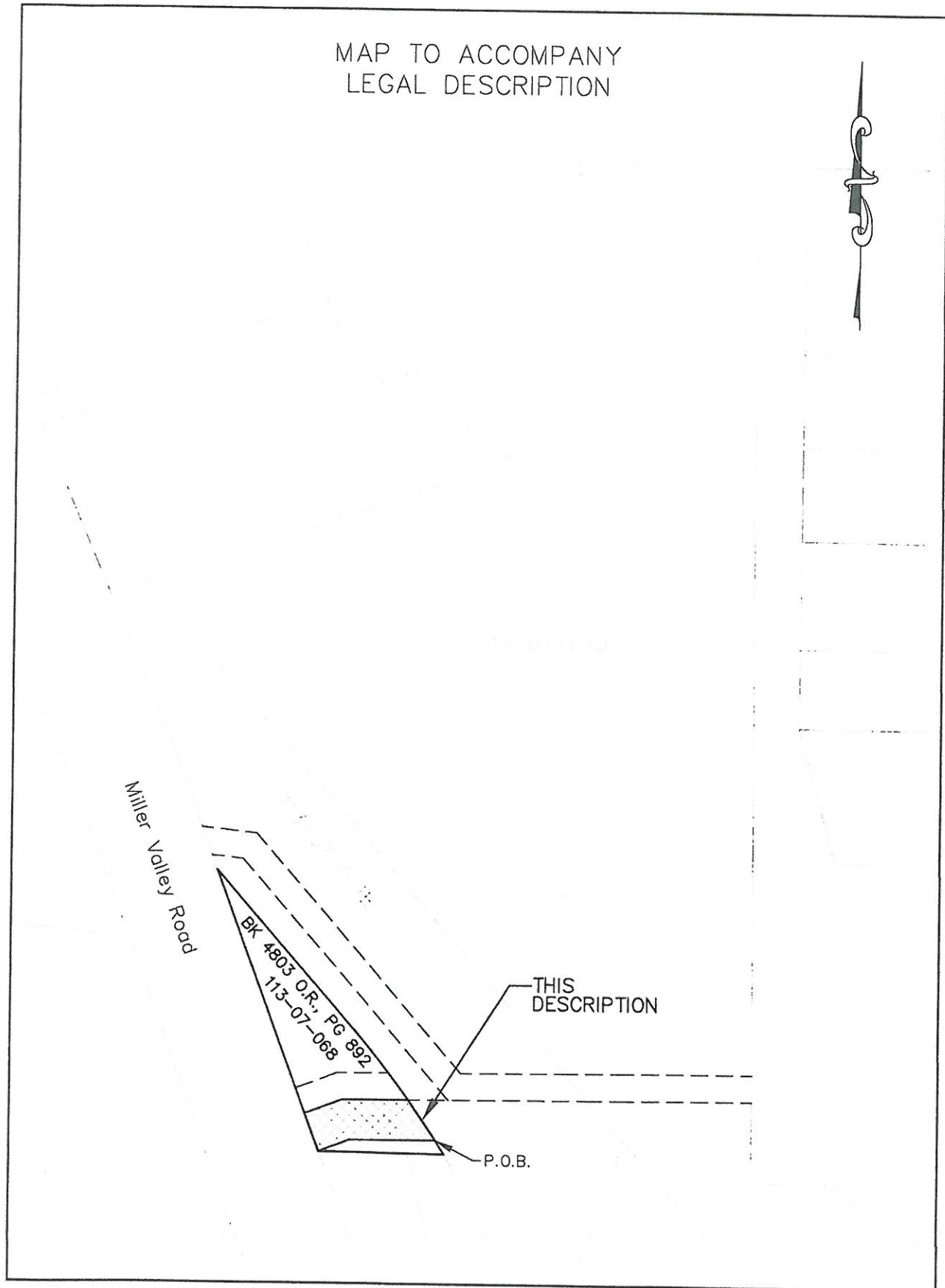
JASON O'BRIEN, R.L.S.



EXPIRES 6/30/19

Exhibit "B"

MAP TO ACCOMPANY
LEGAL DESCRIPTION



Schedule "1"
(Easement Restrictions)

General Requirements

The following general requirements are considered minimum requirements for Public Utility Easements. These minimum requirements are incorporated into this Public Utility Easement Agreement to avoid conflict with any existing easement rights. The City of Prescott (hereinafter referred to as "**CITY**") shall have non-exclusive use of the Easement Areas for underground water lines, and drainage culverts. The CITY may not grant a license for use within the Easement Areas. These requirements are a part of the Public Utility Easement; they are applicable to the current property owner and run with the land to any future owner/owners. Contractors shall be required to meet these provisions. Any construction shall require an encroachment agreement with the CITY.

1. This Public Utility Easement restricts the placement of a pipeline, conduit, structure, including block fencing, buildings, major landscaping components, any part of a structure or material storage, within the Easement Area both above and below ground.
2. An authorized CITY representative must be on site during any work performed on or across the Easement Area, and will remain as long as power excavation equipment is utilized.

Pre-Approved Crossings

1. Subject to paragraph 2 above and the following provisions, Grantor and its successors and assigns shall have the right to construct a roadway and utility crossing of the Easement Area subject to adopted City Standards.

Excavation

1. Plans for any excavation or filling in the Easement Area must be reviewed and approved prior to commencing any work. Excavating closer than 2 feet vertically or horizontally to the pipeline shall be done by hand until the pipe is exposed and shall be done only under the observation of an authorized CITY representative.
2. Any plowing or ripping of soil within the Easement Areas, including agricultural, at depths greater than 1 foot will require specific authorization from the CITY.

Streets, Roads, and Driveways

1. Notice and approval of the CITY is required before any construction of a driveway within the Easement Areas is undertaken. Construction of any street or road that would include the heavy vehicles such as semi-trucks or construction equipment within the Easement Areas will require written notice to the CITY, a review of construction plans, with minimum pipeline cover requirements, prior to any construction. An opportunity for CITY to make a pipe inspection

must be given prior to the start of any construction. A set of constructions plans reviewed and approved by the CITY is required.

2. Temporary easement surface crossings may be approved with notice to the CITY and prior authorization, some cover restrictions may apply.

Fences

1. Fence posts shall not be installed within 5 feet of the center of the pipeline, and the first post on either side of the pipe shall be set in hand dug holes. Also, the fences must be gated to allow vehicles ingress/egress along the Easement Area.
2. To perform normal inspections, maintenance, and repair, access through or around fences crossing the Easement Areas must be provided. The CITY will provide access by providing gates on pre-existing fences to assure ingress/egress along the Easement Area. If fencing is removed for inspections, maintenance, and repair, it will be replaced with like materials in a like manner by the CITY, to the extent reasonably practicable.

Landscaping

1. Lawns and vegetable gardens are acceptable uses. No trees, shrubs, or permanent plantings are allowed. Lawns, flower beds, or gardens within the Easement Areas may be damaged by inspections/surveys. Heavy maintenance may require total clearing of the Easement Area. No compensation is given to the owner to restore lawns or vegetable gardens under these circumstances.

Open Waterways

1. No open waterways, ditches, canals, drainage catchments, retention ponds, ponds, stock ponds, pools, etc. shall be allowed within 15 feet of the pipeline center line. Except a canal or ditch crossing at a 90 degree angle shall be allowed if pre-existing or with an encroachment agreement with the CITY.
2. Anyone altering (clearing, regrading, or changing alignment) a waterway within the Easement Areas must obtain approval from the CITY prior to making changes, and obtaining an encroachment agreement.

General Requirements for Buried Line Crossings

1. All buried pipeline, power or telecommunication lines crossing the Easement Area shall be installed adhering to all applicable codes and requirements governing such installations. Before any installation, notification to the CITY and an encroachment agreement is required.
2. All buried pipeline, power or telecommunication lines crossing the Easement Area must cross on an angle at 90 degrees or as close to it as possible. This angle must be maintained across the entire width of the Easement Area. Depending on the type of line, minimal cover

amounts are required.

3. No new foreign appurtenances (meters, poles, or drop boxes, etc.) shall be located within the Easement Area without an encroachment agreement with the CITY.
4. A 6 inch wide vinyl burial warning tape shall be placed 12 to 18 inches above the crossing line and extend across the entire Easement Area, as a protective measure.
5. Communication lines (telephone, buried power lines, TV, or other data lines) shall be encased in a rigid nonmetallic conduit across the full width of the Easement Area and buried at a constant depth across the Easement Area.
6. Sewer and water lines shall adhere to these requirements.
7. No water collection basins, well drilling, septic drain fields, septic tanks or septic treatment facilities are permitted in the Easement Area.

Above Ground Utility Crossings

1. Power lines shall maintain a minimum of 30 feet of clearance over the Easement Area.
2. No future poles or other appurtenances shall be located in the Easement Area unless an encroachment agreement is obtained.

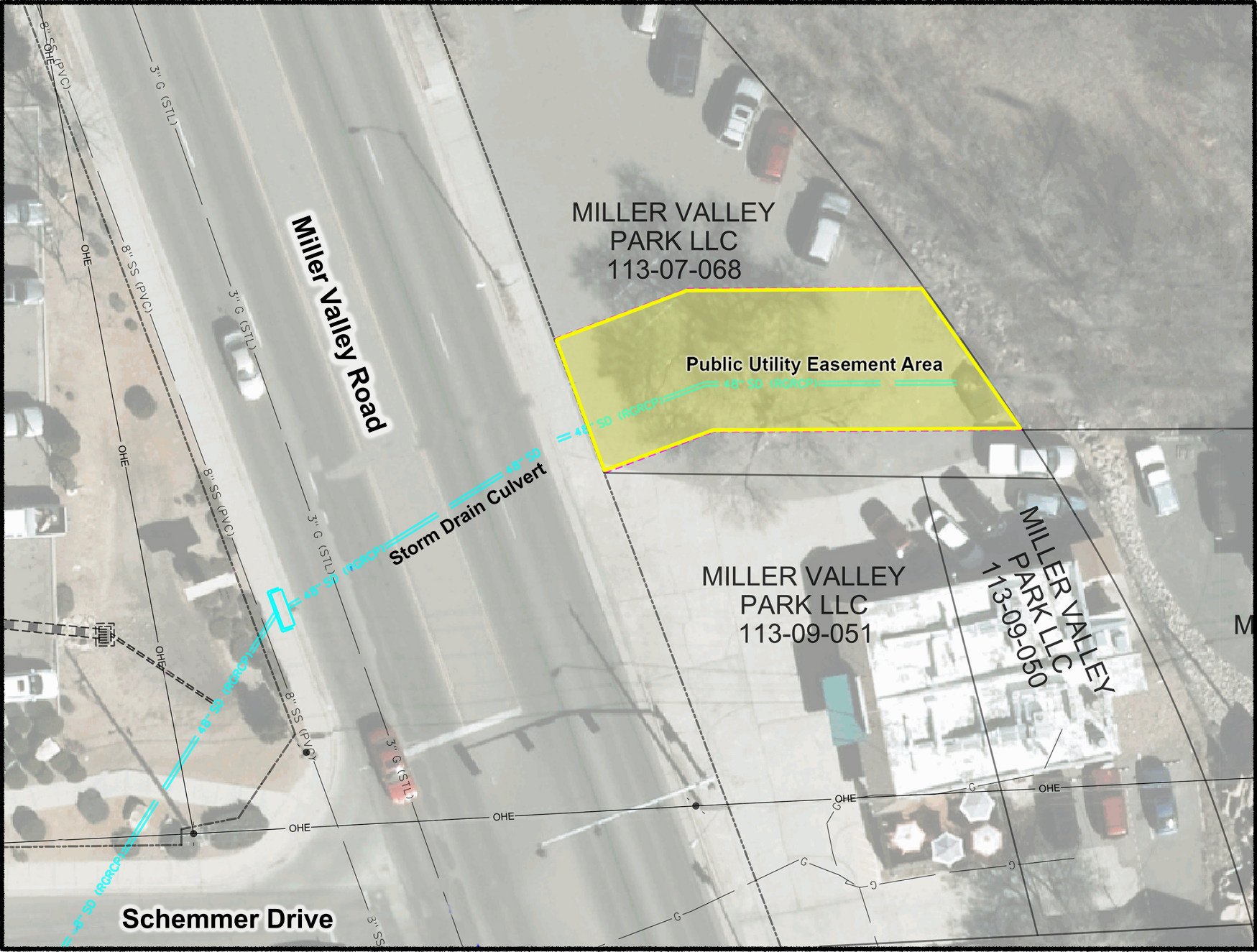
Penalties for Failure to Abide by Restrictions

1. Failure to follow or abide by these Easement Restrictions may be punishable as either a civil or criminal action to the fullest extent allowed by any federal, state, or local statutes, codes, ordinances, rules or regulations.
2. Owners will be liable to the City for any damage to City property within the Easement Area caused by the property owners' negligence in failing to abide by or follow the Easement Restrictions.

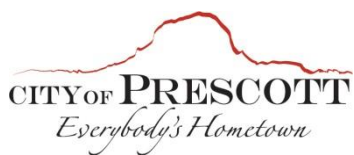
Contact Information

The CITY can/shall be contacted at Prescott Department of Public Works, telephone 928-777-1130. Any construction or changes to the Easement Area shall require an encroachment agreement. Contractors are required to adhere to these Easement Requirements.

Public Utility Easement Aerial Map



Attachment: Aerial - Public Utility Easement Area (1708 : Public Utility Easement from Miller Valley Park



COUNCIL AGENDA MEMO

MEETING DATE/TYPE: **VOTING MEETING** **10-24-17**

DEPARTMENT: **Field and Facilities Services**

AGENDA ITEM: Approval to install three hundred (300) feet of culvert at the Rodeo Grounds in the amount of approximately \$12,580.00 (City Contract No. 2018-068). Funding is available in the Rodeo Grounds Fund.

FUNDING SOURCE: General Fund

Approved By: Michael Lamar, City Manager

Item Summary

This item request approval to install approximately three hundred (300) feet of plastic ADS culvert to eliminate the open storm water runoff trench. The trench runs northward from the southwest corner of the practice arena, to the open runoff area leading the bio-retention basin.

Background

Approximately three hundred (300) feet of open trench currently exists to direct storm water runoff from the southwest corner of the practice arena, to the open runoff area leading the bio-retention basin. This trench routinely fills up with silt and must be dredged annually in order for it to continue to divert storm water runoff to the bio-retention basin.

Additionally the trench attracts mosquitoes and other pests and animals seeking water to drink or breed. The open trench also poses a safety hazard for vehicles and pedestrians using the parking area near the arena.

The Facilities Management Division requested and received the following quotes:

Company	Quote
CLM Earthmovers LLC	Non-responsive
Fann Environmental	\$24,400.00
Miller's Dirt Works LLC	\$12,580.00

The lowest most responsive quote was for \$12,580.00 from Miller's Dirt Works LLC.

Financial Impact

AGENDA ITEM: Approval to install three hundred (300) feet of culvert at the Rodeo Grounds in the amount of approximately \$12,580.00 (City Contract No. 2018-068). Funding is available in the Rodeo Grounds Fund.

Funding is available from the U of A Extension lease revenue, which is dedicated to maintenance at the rodeo grounds. This project was not separately budgeted in FY17, so movement of budget appropriation may be necessary later in the fiscal year.

Attachments

1. Culvert Installation Quotes

Recommended Action: MOVE to approve City contract No. 2018-068 in the approximate amount of \$12,680.00, to install three hundred (300) feet of culvert at the rodeo grounds.



One Stop Environmental Solutions

6708 Corsair Ave., Suite A • Prescott, AZ 86301 • Phone: 928-778-5335 • Fax: 928-778-5870 • ROC-A-206365 • ROC B-249529

October 3, 2017

Mic Fenech
City of Prescott

Re: Proposal for the Installation of a new 18" Culvert at the Rodeo Grounds in Prescott, AZ

Dear Mr. Fenech,

Fann Environmental is pleased to provide you this proposal for equipment, materials and labor to perform the following work.

Scope of services included:

Excavate and install 300' of ADS culvert from the existing road way to the North East to the existing headwall to the South West. Back fill line to existing grade

Total cost for services outlined above: \$24,400.00

No concrete encasements will be installed, The City will be responsible for disposing of all removed trees and coordination to keep vehicular traffic off of new culvert.

Total cost for services outlined above: \$24,400.00

Please call me with any questions or if you require additional information.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Eric D. Price".

Eric D. Price

Project Manager

Attachment: Culvert Installation Quotes (1703 : Drainage improvements at the Rodeo Grounds)

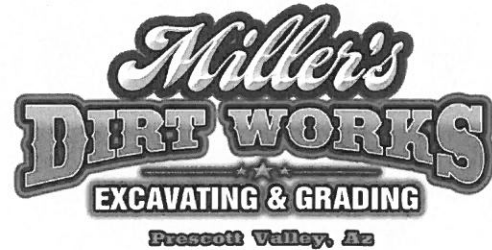
Miller's Dirt Works

9331 E Steer Mesa Road
 Prescott Valley, AZ 86315
 928-300-0812
 ROC 303406

Estimate

Date	Estimate #
10/6/2017	Rodeo grds

Name / Address
City of Prescott Field & Facilities Services Mic Fenech 434 N. Mount Vernon Ave. Prescott, AZ 86301



				Project
Description	Qty	U/M	Rate	Total
Excavation/removal of 2 tree stumps & 2 tie-ins from plastic culvert to metal culvert, installation of 400 feet of 18" plastic culvert (This price is providing there are no utilities or boulders present or obstructing our path. If utilities or boulders/rocks are obstructing our path, additional time & materials will be added to original quote.)	1	hr	4,000.00	4,000.00
18" plastic culvert- 400 feet	1		6,480.00	6,480.00
140 tons of non spec AB for backfill on top of pipe			2,100.00	2,100.00
We look forward to working with you.				
Total				\$12,580.00

Attachment: Culvert Installation Quotes (1703 : Drainage improvements at the Rodeo Grounds)

Fenech,Mic

From: Bill Norman [bill@clmearthmovers.com]
Sent: Wednesday, October 04, 2017 8:49 AM
To: Fenech,Mic
Subject: Rodeo Grounds - CMP

Mic,

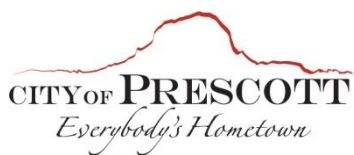
At this point in time, we do not have the resources to give you an estimate on this project. Thank you for the opportunity.

--

Thank you,

Bill Norman
Project Manager
CLM Earthmovers, LLC
www.CLMEarthmovers.com
Direct: (928)308-5048
Office: (928)445-1918
Fax: (928)445-4773

Attachment: Culvert Installation Quotes (1703 : Drainage improvements at the Rodeo Grounds)

**COUNCIL AGENDA MEMO****MEETING DATE/TYPE: VOTING MEETING 10-24-17****DEPARTMENT: Fire**

AGENDA ITEM: Approval to Accept Arizona Department of Homeland Security Western Region Award Committee (RAC) Grant towards purchasing body armor and ballistic helmets in an amount not to exceed \$3,300.00 (City Contract No. 2018-076). Funding is available through the Fire Department budget (Grant Fund).

FUNDING SOURCE: Grants Fund

Approved By: Michael Lamar, City Manager

Item Summary

The Prescott Fire Department (PFD), in conjunction with the Prescott Police Department (PPD), has adopted a joint Standard Operating Guideline (SOG) for active shooter incidents. The SOG reflects current best practice in the first responder community for active shooter response. As part of this SOG, the PFD will work in unison with the PPD to treat victims in active shooter environments, which require a degree of ballistic protection. The equipment approved for purchase through this grant will provide protection to one (1) engine company in such an environment.

Background

According to the FBI, an active shooter incident is one where three (3) or more people have been shot or killed by an attacker, unrelated to gang activity or other crimes being committed. While incidents in which large numbers of civilians are attacked in metropolitan areas stand out in our minds, the difficult reality is that communities of any population size can find themselves victimized by a single attacker. FBI statistics show that there has been a six-fold increase in active shooter incidents from 2000 to 2016, with no direct correlation between population base and frequency of incident. The potential for an active shooter incident in the City of Prescott was demonstrated on April 24, 2017, when a man began violently discharging a weapon in a populated area of the city, requiring neighbors to evacuate or seek shelter in place, and eventually leading to his death. If not for the rapid response of PPD, the situation could easily have escalated to the point where multiple civilians were injured or killed.

Previous active shooter incidents, as recent as what occurred in Las Vegas on Sunday, October 1, 2017, have demonstrated that the most effective way to save the lives of victims is to integrate medical response into the police action. Without discussing

AGENDA ITEM: Approval to Accept Arizona Department of Homeland Security Western Region Award Committee (RAC) Grant towards purchasing body armor and ballistic helmets in an amount not to exceed \$3,300.00 (City Contract No. 2018-076). Funding is available through the Fire Department budget (Grant Fund).

specific response details, the PPD and PFD have implemented an active shooter SOG that increases coordination between both agencies to allow for rapid treatment of victims of an active shooter situation, even as the incident develops. The goal is to prevent victims of an active shooter from dying due to treatable injuries prior to the conclusion of the incident.

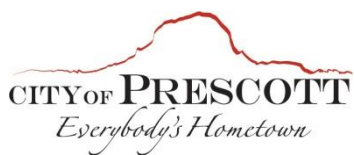
For such a response to be effective and have a relative measure of operational safety, first responders with medical care assignments need to have a degree of protection from the active shooter as they are treating patients. Since ballistic protection is designed to be specifically fitted to each individual, sharing gear (as proposed through this grant) is not the most optimal approach to providing protection for PFD first responders. However, the current thought when assessing this situation, from the perspective of the PFD, is that some protection is better than no protection. The grant is the first reasonable step towards ensuring that the first responders working for the PFD are able to care for patients while providing for their own safety, as we continue to work towards making ballistic protection a routine part of our department's PPE in the future.

Outfitting of all front-line fire department response apparatus will remain a focus as other grant opportunities present themselves.

Financial Impact

The initial outlay for the body armor and ballistic helmets is provided through the grant. Body armor and ballistic helmets have an end of life date and future replacement costs will be budgeted for by the department.

Recommended Action: **MOVE** to Accept Arizona Department of Homeland Security Western Region Award Committee (RAC) Grant for, and to Authorize Purchase of Three (3) Pieces of Level IIIA Body Armor and Three (3) Ballistic Helmets, in an amount not to exceed \$3,300.00 (City Contract No. 2018-076).

**COUNCIL AGENDA MEMO****MEETING DATE/TYPE: VOTING MEETING 10-24-17****DEPARTMENT: Police**

AGENDA ITEM: Approval to accept two grants awarded to the Prescott Police Department by the Governor's Office of Highway Safety in the total amount of \$43,000.00 for enforcement programs.

FUNDING SOURCE: Grants Fund

Approved By: Michael Lamar, City Manager

Item Summary

The Prescott Police Department is requesting to accept two grants awarded them by the Arizona Governor's Office of Highway Safety. The two grants awarded are identified as a \$28,000.00 DUI enforcement grant and a \$15,000.00 speed and aggressive driving grant. The awarded funds will be used to further our Department's ongoing impaired driver enforcement efforts, as well as conducting focused speed and aggressive driving enforcement details at known problem areas throughout Prescott.

Background

The Prescott Police Department received notification from the Governor's Office of Highway Safety regarding the opportunity to apply for Federal Fiscal Year 2018 grant funding. Applications were approved and the Prescott Police Department applied for three grants. As a result of the applications, the Prescott Police Department was awarded two grants for a total of \$43,000.00. This grant period is from October 1, 2017 through September 30, 2018. These grants have been approved by the City Council for the past several years and are useful in enhancing the ability of the Prescott Police Department in addressing issues of traffic safety.

- DUI Enforcement

This grant awarded \$28,000.00 to offset overtime costs related to personnel services and employee related expenses. Funding will allow the Prescott Police Department to continue to conduct Holiday Impaired Driver Enforcement Details, as well as continued participation with the Tri-City DUI Taskforce. Additionally, funding will be used to conduct community educational events such as MADD Victim Impact Panels, New Student Orientation, and Prom/Graduation DUI Awareness seminars.

AGENDA ITEM: Approval to accept two grants awarded to the Prescott Police Department by the Governor's Office of Highway Safety in the total amount of \$43,000.00 for enforcement programs.

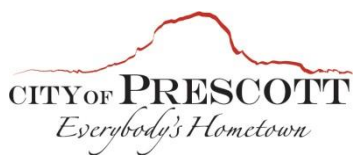
- Speed and Aggressive Driver Enforcement

This grant awarded \$15,000.00 to offset overtime costs related to personnel services and employee related expenses. Funding will allow the Prescott Police Department to continue conducting focused enforcement traffic details to educate and deter speed and aggressive driving behavior in areas receiving a high level of complaints, locations known to have excessive speed problems and locations with high accident rates.

Financial Impact

There are no requirements for local matching funds associated with this grant program. Consequently, there would be no fiscal impact to the City.

Recommended Action: MOVE to accept two grants awarded by the Governor's Office of Highway Safety for enforcement programs in the total amount of 43,000.00.

**COUNCIL AGENDA MEMO****MEETING DATE/TYPE: VOTING MEETING 10-24-17****DEPARTMENT: Fire**

AGENDA ITEM: Approval to accept and expend Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant (AFG) funding in an amount not to exceed \$140,000.00 (\$127,272.00 Federal share/\$12,727.00 City share - City Contract No. 2018-070)) for seven complete sets of extrication equipment. Funding is available from the Fire Department budget (Grant Fund).

FUNDING SOURCE: Grants Fund

Approved By: Michael Lamar, City Manager

Item Summary

The Fire Department is seeking Council approval to accept the FEMA AFG award in the amount of \$127,272.00 to be used towards replacing no less than seven extrication equipment packages. When combined with the \$12,727.00 city cost share the total combined cost is not to exceed \$140,000.00. Prior to being notified of the AFG award, Council granted approval to expend \$98,445.43 to replace five units on August 8, 2017 with all funds coming from the General Fund. Acceptance of the grant and purchase of additional units via the AFG realizes an approximate cost savings from the General Fund in an amount estimated at \$85,719.00 as well as providing the department sufficient added equipment.

Background

The modern design of today's automobile safety features has created a situation for emergency responders that require them to disentangle patients from occupant compartments. These efforts involve not only the separation of metal and composite automobile components, but also the cutting, spreading, and removal of components to allow access to patients.

To meet this need, a variety of components comprise the extrication equipment package: a 6.5HP power unit outfitted to allow connection of two tools simultaneously, 1-28 inch "Superlight" spreader, 7 and 3/8th inch cutter, 40 inch telescoping lightweight ram, and 30 foot banded external hose.

In order to provide for standardization of equipment, the extrication package sought is manufactured by TNT Rescue Systems, Inc, and is sold through an authorized dealer

AGENDA ITEM: Approval to accept and expend Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant (AFG) funding in an amount not to exceed \$140,000.00 (\$127,272.00 Federal share/\$12,727.00 City share - City Contract No. 2018-070)) for seven complete sets of extrication equipment. Funding is available from the Fire Department budget (Grant Fund).

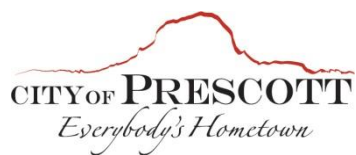
network whose representative in the State of Arizona is Western States Fire Equipment. This equipment is available through the City of Yuma Purchasing Agreement. This agreement is competitively bid and, as such, satisfies all competitive bid purchasing requirements. Currently, the City of Yuma Purchasing Agreement is being renewed and, as such, specific dollar amounts for the extrication packages are not available at this time and are anticipated to come with a bid of approximately \$19,680.00 per package.

Regarding the equipment itself, should any of the TNT-manufactured products or parts fail to perform as originally intended when purchased from a TNT-authorized representative due to wear, workmanship, or even accidental damage, the provider will either replace or repair, at their option, for as long as it's owned. The warranty does not apply to abuse or alterations not compliant with TNT factory specifications, service provided by unauthorized technicians, or components not manufactured by TNT. The Honda power plant is covered by that manufacturer for a 3-year period. Non-TNT manufactured items, which include the hoses and hose couplings manufactured by the Parker-Hannifin Corporation, are warranted for a 3-year period. An annual/periodic maintenance service plan is available and will be incorporated into the fire department's operations and maintenance appropriations in the out years.

Financial Impact

Required matching funds, as outlined, are available in the FY18 Fire Department budget (Grant Fund) for the purchase. Movement of budget appropriation to cover this grant will be brought back to Council later in the year.

Recommended Action: MOVE to accept the Assistance to Firefighters Grant funding in the amount of \$127,273.00 and to authorize purchase of said extrication equipment with required matching funds of \$12,727.00 (City Contract No. 2018-070) for a total not to exceed \$140,000.00.



COUNCIL AGENDA MEMO

MEETING DATE/TYPE: **VOTING MEETING** **10-24-17**

DEPARTMENT: **Information Technology**

AGENDA ITEM: Approval of City Contract No. 2018-097 for purchase of Accela Civic Platform User Licenses from Carahsoft, in an Amount Not to Exceed \$40,565.12 Using GSA Contract GS-35F-0119Y Pricing. Funding is available in the General and Public Works Funds.

Approved By: Michael Lamar, City Manager

Item Summary

This is a Fiscal Year 2018 budgeted item for additional Accela Civic Platform user licenses.

Accela Civic Platform is comprised of the following modules:

- Business Licenses – application, renewal, etc
- Land Management
 - Building Permits
 - Code Enforcement
 - Inspections – Building, Public Works, and Fire
 - Planning and Zoning

Background

The licenses in this purchase are for additional identified users of Accela:

Department	Position
Community Development	Director
Engineering Public Works	Capital Project Manager
Engineering Public Works	City Utilities Engineer
Engineering Public Works	CAD Engineering Specialist
Engineering Public Works	Construction Inspector
Engineering Public Works	Utilities Manager
Engineering Public Works	Real Property Specialist
Engineering Public Works	Contract Specialist
Engineering Public Works	City Traffic Engineer
Engineering Public Works	Construction Inspector Consultant

AGENDA ITEM: Approval of City Contract No. 2018-097 for purchase of Accela Civic Platform User Licenses from Carahsoft, in an Amount Not to Exceed \$40,565.12 Using GSA Contract GS-35F-0119Y Pricing. Funding is available in the General and Public Works Funds.

Engineering Public Works	Construction Project Manager
Engineering Public Works	Development Coordinator
Engineering Public Works	Development Review Supervisor
Engineering Public Works	Utilities Reviewer/Inspector
Legal Department	Legal Staff
Recreation Services	Recreation Services Reviewer

There are two challenges inherent in mapping user license requirements from our current software application to Accela:

- We have a site license in our current software application so there are no per-user licenses
- We have had our current software in use since 1998 and consequently there are dense layers of workflow and access in that software

Taking the current software environment and breaking it down to the raw parts and pieces that make it up has required significant work to weigh whether a given part of that system is required to be replicated in the new software.

This can be an inexact science based on the fact that two software ecosystems are almost always apples to oranges type comparison where on one hand they have similarities but on the other hand there are important differences between the two.

The licenses here for your consideration represent the last elements of that evaluation process.

Financial Impact

This item is a FY18 budgeted item with funding coming from various funds.

Attachments

1. Carahsoft, Accela Inc, .Quote dated 10/30/2017, City Contract No. 2018-097

Recommended Action: MOVE to approve City Contract No. 2018-097.

GOVERNMENT - PRICE QUOTATION

8.G.a



ACCELA GOVERNMENT AT CARAHSOFT



1860 MICHAEL FARADAY DRIVE | SUITE 100 | RESTON, VIRGINIA 20190
PHONE (703) 871-8500 | FAX (703) 871-8505 | TOLL FREE (888) 66CARAH
WWW.CARAHSOFT.COM

TO: Nate Keegan
IT Director
City of Prescott
201 S. Cortez
Prescott, AZ 86303

FROM: Alex Stanton
Carahsoft Technology Corp.
1860 Michael Faraday Drive
Reston, Virginia 20190

EMAIL: Nate.keegan@prescott-az.gov

EMAIL: Alex.Stanton@carahsoft.com

PHONE: (928) 777-1296 **FAX:**

PHONE: (703) 871-8522 **FAX:** (703) 871-8505

TERMS: GSA Schedule No: GS-35F-0119Y
Term: December 20, 2011 - December 19, 2021
FTIN: 52-2189693
Shipping Point: FOB Destination
Credit Cards: VISA/MasterCard/AMEX
Remit To: Same as Above
Payment Terms: Net 30 (On Approved Credit)
Cage Code: 1P3C5
DUNS No: 088365767
Business Size: Other than Small
Sales Tax May Apply

QUOTE NO: 10180281
QUOTE DATE: 08/30/2017
QUOTE EXPIRES: 09/29/2017
RFQ NO:
SHIPPING: ESD
TOTAL PRICE: \$40,565.12

TOTAL QUOTE: \$40,565.12

LINE NO.	PART NO.	DESCRIPTION	-	QUOTE PRICE	QTY	EXTENDED PRICE
1	SS10APFMSLVR001	Accela Civic Platform Silver - Subscription User Accela Inc		\$2,535.32 GSA	16	\$40,565.12
SUBTOTAL:						\$40,565.12
TOTAL PRICE:						\$40,565.12
TOTAL QUOTE:						\$40,565.12

Purchase order must reference the Carahsoft GSA Schedule Number
Purchase order must reference the attached Accela Terms & Conditions
Subscription Fees will be billed and due upon signing
Start Date: Upon Delivery
End Date: One Year Afterwards

Attachment: Carahsoft, Accela Inc, .Quote dated 10/30/2017, City Contract No. 2018-097 (1717 : Additional Public Works Accela Licenses)

**Accela End User Subscription Terms and Conditions
(Accela Civic Platform, Accela Citizen Access Subscription)**

As used herein, "Accela" refers to Accela, Inc., the owner of the Subscriptions Services. "Customer" or "End User" refers to the entity that executes a sales order with Reseller, Carahsoft Technology Group, for Accela Subscription Services. By installing or using the licensed software from Accela, Inc., the End User ("Customer") is agreeing to be bound by the Accela End User Subscription Terms and Conditions. The Accela software products ("Software") are protected under the laws of the United States and the individual states and by international treaty provisions. Accela retains full ownership in the Software and grants to Customer a limited, nonexclusive, nontransferable license to use the Software, up to the limitations determined by the license purchased, subject to the following terms and conditions:

1. Customer's subscription term commences on the date Accela provides appropriate access credentials to Customer's designated technical contact, indicating that the application services identified in the Order ("Subscribed Services") are available for Customer's subscription use. Said date is Customer's "Service Date" for purposes of designating the start of any subscription term. Subscription terms are twelve (12) calendar months in duration. The Subscribed Services are non-refundable, except as otherwise specifically-provided herein.

2. Accela retains full ownership in the Subscribed Services and grants to Customer a limited, nonexclusive, nontransferable right to use the Subscribed Services, subject to the following terms and conditions: a) The Subscribed Services are provided for use only by Customer employees and to the extent of their duties for Customer, Customer's agents, contractors and officials; b) Customer shall issue each authorized user a unique user identification code to enable such authorized user to access the Service as permitted hereunder and user identification codes shall not be shared, rotated, or issued on a concurrent-usage basis; c) Customer may not make any form of derivative work from the Subscribed Services; d) Customer may not obscure, alter, or remove any confidentiality or remove or modify any copyright, trademark, or other proprietary notices; e) Customer may use the Subscribed Services only to process transactions relating to properties within both its own geographical and political boundaries and may not sell, rent, assign, lend, or share any of its rights hereunder or duplicate, copy, reproduce or publish the Map Images other than for Customer's internal business purposes; f) Customer is responsible for all activities conducted using its user credentials and for its users' compliance with the provisions of these Terms and shall report to Accela any actual or suspected violations of these Terms; g) use the Map Images for other than through the Website and Service; and h) All rights not expressly granted to Customer are retained by Accela. Accela will make the Subscribed Services available to Customer pursuant to these Terms during a subscription term. Customer agrees that its purchases hereunder are neither contingent on the delivery of any future functionality or features nor dependent on any oral or written public comments made by Accela regarding future functionality or features. Accela has no obligation for any claim based upon a modified version of the Subscribed Services, where such modifications were not made or authorized by Accela, or the combination or operation of the Subscribed Services with any product, data, or apparatus not provided by Accela.

3. The Subscribed Services will be hosted by Accela on Accela-owned equipment at a physically-secure commercial third-party hosting facility. Accela will perform system administration duties as required to maintain the service levels described below and to facilitate timely restoration of Customer's data and operations, if necessary, following unanticipated interruptions of the Subscribed Services. Accela will implement suitable network security measures to minimize the likelihood of unanticipated interruptions of the Subscribed Services. Accela will endeavor to provide Customer with no less than twenty-four (24) hours' notice prior to Subscribed Services unavailability due to planned maintenance (other than during Accela's standard maintenance window between the hours of 9:00 PM [21:00] Thursday and 1:00 AM [1:00] Friday Pacific time); Accela will endeavor to provide as much notice as is practicable under the circumstances for updates and fixes which may be applied on a more urgent basis. Accela will provide five (5) business days' notice prior to any planned network, server hardware, operating environment, or database modifications of a material nature.

4. Excluding the foregoing events, Accela warrants that the Subscribed Services will be available no less than ninety-nine point nine percent (99.9%) of each calendar month during live production. For each month during which the availability of the Subscribed Services does not achieve the established standard, Accela will provide a credit to Customer's account as calculated pursuant to Section 12 below, provided that the substandard availability is timely identified by Customer in writing and can be objectively verified. Credits accumulated pursuant to this Section may be applied to additional Accela products and/or services, but will not be refunded to Customer.

5. The performance requirements for the Subscribed Services, excluding planned maintenance downtime, are below and apply to live-production environments. Uptime is calculated on a calendar month basis as $U = O / (M - P) * 100$, where U is Uptime, O is the amount of operational uptime for the Subscribed Services during a given month, M is the number of minutes in the month, and P is the number of minutes of planned downtime during the month. Credits are calculated on pro-rated monthly fees.

Uptime	Credit
≥99.9%	None
<99.9% but ≥99.0%	15%
<99.0% but ≥95.0%	35%
<95.0%	100%

6. In support of the Subscribed Services, Accela will provide Customer with a) a telephone number to contact the Customer Resource Center (CRC), Accela's live technical support facility, which is available from 4:00 a.m. until 6:00 p.m. Pacific time Monday through Friday, excluding Accela's observed holidays; b) one or more electronic mail addresses to which Customer may submit routine or non-critical support requests, which Accela will address during its regular business hours; and c) access to archived software updates and other technical information in Accela's online support databases, which are continuously available. Where support is needed to address non-functioning or seriously impaired Services and there is no reasonable workaround available, Accela will promptly respond to the support request and use commercially reasonable efforts to provide updates toward resolution of the issue.

7. The following are not covered by these Terms and Conditions, but may be separately available at rates and on terms which may vary from those described herein: a) Services required due to misuse of the Subscribed Services; b) Services required by Customer to be performed by Accela outside of Accela's usual working hours; c) Services required due to external factors including, but not necessarily limited to, Customer's use of software or hardware not authorized by Accela; or d) Services required to resolve or work-around conditions which cannot be reproduced in Accela's support environment.

8. Customer warrants that it owns or has been authorized to provide the data to Accela. Customer retains full ownership of said data and grants to Accela a limited, nonexclusive, nontransferable license to use said data only to perform Accela's obligations in accordance with these Terms. Throughout the term of the agreement, upon the request of Customer, Accela will provide Customer with: (i) a copy of its data in a database dump file not more than once per calendar quarter, (ii) an APO property conversion upload, not more than twice per annual term, and (iii) a Crystal Report placement not more than ten (10) times per annual term. Within thirty (30) calendar days following the end of its final Subscribed Services term ("End of Term"), Customer may request that Accela provide a complete copy of Customer's data and associated documents, as updated or modified by Customer's use of the Subscribed Services, in a database dump file format. Accela will comply in a timely manner with such request, provided that Customer a) pays all costs of and associated with such copying, as calculated at Accela's then-current time-and-materials rates; and b) pays any and all unpaid amounts due to Accela. Subject to the limitations above, Customer may authorize access to the Subscribed Services by creating unique user names and passwords ("Logins") up to the number of users indicated in the Order. Each Login must be assigned to a single individual and may not be shared or used by more than one such user. Customer may reassign any Login to another individual, provided that such reassignments do not circumvent the "single individual" requirement described in this Section. Customer acknowledges that transmissions and processing of Customer's electronic communications are fundamental to Customer's use of the Subscribed Services. Customer further acknowledges that portions of such transmissions and processing may occur within various computer networks not owned or operated by Accela. Customer agrees that

Accela is not responsible for any delays, losses, alterations, interceptions, or storage of its electronic communications which occur in computer networks not owned or operated by Accela.

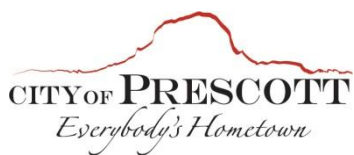
9. Accela warrants that it has full power and authority to grant this license and that, as of the effective date, the Software does not infringe on any existing intellectual property rights of any third party. If a third party claims that the Software or Subscription Services do infringe, Accela may, at its sole option, secure for Customer the right to continue using the Software or Subscription Services or modify same so that it does not infringe. Accela will have the sole right to conduct the defense of any legal action and all negotiations for its settlement or compromise.

10. Accela has no obligation for any claim based upon a modified version of the Software or the combination or operation of the Software with any product, data, or apparatus not provided by Accela. Accela provides no warranty whatsoever for any third-party hardware or software products. Except as expressly set forth herein, Accela disclaims any and all express and implied warranties, including but not necessarily limited to warranties of merchantability and fitness for a particular purpose. Third-party applications which utilize or rely upon the Services may be adversely affected by remedial or other actions performed pursuant to these Terms and Conditions; Accela bears no liability for and has no obligation to remedy such effects. Except as set forth herein, Accela provides all Subscribed Services "as is" without express or implied warranty of any kind regarding the character, function, capabilities, or appropriateness of such services or deliverables.

11. LIMIT OF LIABILITY: ACCELA WILL, AT ALL TIMES DURING THE AGREEMENT, MAINTAIN APPROPRIATE INSURANCE COVERAGE. TO THE EXTENT NOT OFFSET BY ITS INSURANCE COVERAGE AND TO THE MAXIMUM EXTENT PERMITTED BY APPLICABLE LAWS, IN NO EVENT WILL ACCELA'S CUMULATIVE LIABILITY FOR ANY GENERAL, INCIDENTAL, SPECIAL, COMPENSATORY, OR PUNITIVE DAMAGES WHATSOEVER SUFFERED BY CUSTOMER OR ANY OTHER PERSON OR ENTITY EXCEED THE FEES PAID TO ACCELA BY CUSTOMER DURING THE TWELVE (12) CALENDAR MONTHS IMMEDIATELY PRECEDING THE CIRCUMSTANCES WHICH GIVE RISE TO SUCH CLAIM(S) OF LIABILITY, EVEN IF ACCELA OR ITS AGENTS HAVE BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.

12. Either Accela or Customer may terminate if the other party materially breaches these Terms and Conditions and, after receiving a written notice describing the circumstances of the default, fails to correct the breach within thirty (30) calendar days. Upon any termination or expiration, all rights granted to Customer are cancelled and revert to Accela.

13. The limitations and waivers described in Sections 10, 11, and 13 will survive the End of Term. Section 8 will survive the End of Term for a period of thirty (30) calendar days or for so long as is required for Accela to complete its response to a Customer request made during said thirty-days period.



COUNCIL AGENDA MEMO

MEETING DATE/TYPE: **VOTING MEETING** **10-24-17**

DEPARTMENT: **Water Resources**

AGENDA ITEM: Approval of Agreement for Potable Water with W.D. Properties, LLC, for a 10-unit Apartment Project on APN 113-03-002 at 310 W. Hillside (City Contract No. 2018-077)

Approved By: Michael Lamar, City Manager

Item Summary

Water Service Agreement Application No.17-021 was submitted on September 14, 2017, by W.D. Properties, LLC. APN 113-03-002 is Lot 2R of the Dameron Park Addition, and zoned MF-M. Although undeveloped, the lot is eligible for grandfathered groundwater in the amount of 0.35 acre-foot (AF).

With respect to development of new apartments, the "Water Management and Calendar Year 2017 Alternative Water Allocation Policy," as amended (Amendment No. 1, adopted May 9, 2017), provides:

Policy 16 – New applications for water service agreements to serve apartments shall be accepted, but not acted upon during Calendar Year 2017, with the following exceptions: (1) it is a project for which a portion of the needed alternative water quantity was allocated in an earlier contract; or (2) the project was in process during Calendar Year 2016; or (3) the project is listed in "Exhibit A (Attachment 2); provided, however, that on a case-by-case basis, the Council may consider other apartment projects, and approve an allocation of alternative water, if available, for each such other project upon a finding of particular community benefit. The City shall prepare a report assessing inventories and demands for apartments and other housing types within the City limits. Findings will be reported to the City Council as input for the Calendar Year 2018 Alternative Water Allocation policy and budget. (Amendment No. 1, adopted May 9, 2017)

The applicant has submitted extinguished, Irrigation Grandfather Rights (IGFRs) issued by the Arizona Department of Water Resources to satisfy the water demand of this project above the 0.35 AF of groundwater grandfathered for the lot. Accordingly, since Policy 16 above specifically pertains to allocation of alternative water (renewable resource), not grandfathered groundwater, it does not apply.

AGENDA ITEM: Approval of Agreement for Potable Water with W.D. Properties, LLC, for a 10-unit Apartment Project on APN 113-03-002 at 310 W. Hillside (City Contract No. 2018-077)

Relative to IGFRs, the Policy further provides:

Any applicant for development and/or water service within the City of Prescott water service area may acquire and present for consideration sufficient "extinguishment" credits to support their development. The volume of the credits will be required to meet the calculated 100-year demand for water.

The property owner has obtained site plan approval, and filed both building permit and water service agreement applications. The City has received the attached ADWR Extinguishment Certificate containing 172.5 AF of credits pledged to the City by the applicant, equivalent to 1.72 AF of 100-year supply.

For this project, the total water requirement is 1.5 AF (10 units X 0.15 AF/unit). Since as previously stated the lot is eligible for 0.35 AF of grandfathered groundwater, the net additional project requirement is 1.15 AF (1.5 AF - 0.35 AF).

W.D. Properties, LLC, proposes to apply the balance of the pledged IGFRs (1.72 AF – 1.15 AF = 0.57 AF) to another prospective project, 1st Street Apartments (WSA Application No. 17-008 for 21 units), that will be presented to the Council at a subsequent meeting.

Since the applicant is "bringing the water" for the project:

- 1) As set forth in the water service agreement, the cost incurred by the applicant for the pledged IGFRs, in lieu of the City providing alternative water, fully offset and satisfy the water resource development fees that would otherwise be payable. Water system and wastewater system impact fees are separate, and the project will be subject to collection of these assessments.
- 2) In the event the project is not constructed, the water service agreement further provides for return of the unused IGFRs to the applicant.

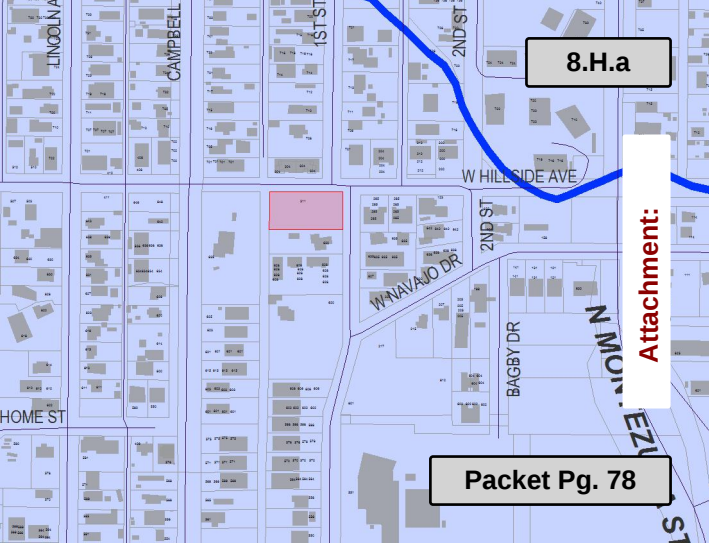
Following review of the application at their meeting of October 3, 2017, the Council Water Issues Committee forwarded it to Council for consideration.

Attachments

1. Location Map
2. Water Service Agreement Application No. WSA17-021
3. ADWR Extinguishment Certificate
4. Agreement for Potable Water (City Contract No. 2018-077)

AGENDA ITEM: Approval of Agreement for Potable Water with W.D. Properties, LLC, for a 10-unit Apartment Project on APN 113-03-002 at 310 W. Hillside (City Contract No. 2018-077)

Recommended Action: MOVE to approve City Contract No. 2018-077.



8.H.a

Attachment:

Packet Pg. 78



WATER SERVICE AGREEMENT APPLICATION

Water Resource Management Division
201 S. Cortez St., Prescott, AZ 86303
(P) 928.777.1645 (F) 928.777.1255

Please complete the form and submit a legible legal description on a separate sheet of paper as well as a site plan of the subject property with proposed improvements. Submit all documents and the filing fee directly to the Community Development Department at 201 S. Cortez St, Prescott, AZ 86302.

APPLICANT INFORMATION			
Applicant: <u>W.D. Properties LLC</u>		Contact Person: <u>Virgil Doerfler</u>	
Address: <u>P.O. Box 11630</u>		City/State/Zip: <u>Prescott, AZ 86304</u>	
Phone: <u>928-443-7590</u>		Email: <u>pasadena.corp@gmail.com</u>	
Property Owner: <u>same</u>		Contact Person:	
Address:		City/State/Zip:	
Phone:		Email:	
PROJECT SITE			
Address:			
Current Zoning:		Proposed Zoning:	
Assessor's Parcel Number(s) of Existing Property <u>113-03-002</u>			
Existing Water Service (Y/N): <u>Y</u>		Existing Sewer Service (Y/N): <u>Y</u>	
Existing Well (Y/N): <u>N</u>		If Yes, Well Registry No.: <u>N/A</u>	
PROJECT DESCRIPTION			
Is the project Residential or Commercial? <u>10 unit apartment complex</u>			
Please provide brief description:			
# of Proposed Units: <u>10</u>		# of Proposed Lots:	
Has a Water Demand Analysis been completed (commercial)? <u>N/A</u>			
Has a building permit application been submitted? <u>B1708-028</u>			
Has a Planning and Zoning Recommendation been made? <u>unk</u>			
FEES: subject to fees in effect at that time of application submittal			
☐ \$	Single Family Residence	☒ \$ <u>203.20</u>	Multi-Family Residence, Mobile Home Park
☐ \$	Residential Subdivision	☐ \$	Commercial Subdivision
☐ \$	Commercial Project	☐ \$	Change of Use

Applicant Signature: [Signature]Date: 9-14-17

OFFICE USE ONLY

PERMIT #: WSA16-_____

FEE PAID: _____

Trak It: _____

Legal Attached: _____

DOUGLAS A. DUCEY
Governor



THOMAS BUSCHATZKE
Director

ARIZONA DEPARTMENT of WATER RESOURCES
1110 West Washington Street, Suite 310
Phoenix, Arizona 85007
602.771.8500
azwater.gov

August 24, 2017

Heather Ihde
P.O. Box 11630
Prescott, Arizona 86304

Re: Conveyance of Extinguishment Credits Associated with Extinguishment Certificate No. 58-160010.0007

Dear Ms. Ihde:

The Arizona Department of Water Resources has processed the pledging of extinguishment credits associated with Extinguishment Certificate No. 58-111871.0027. Enclosed is Extinguishment Certificate No. 58-111871.0030 which confirms the conveyance of 172.5 acre-feet of extinguishment credits from Virgil Doerfler to the City of Prescott, Designation of Assured Water Supply No. 86-401501.0001.

If you have any questions about the conveyance of these credits, please contact the Assured and Adequate Water Supply Program at 602-771-8599.

Sincerely,

David L. McKay, Manager
Assured & Adequate Water Supply/Recharge Programs

Enclosure

Cc: via electronic mail: Kym Luttermoser, ADWR

Attachment: ADWR Extinguishment Certificate (1724 : WSA: WD Properties)

Extinguishment Certificate

STATE OF ARIZONA DEPARTMENT OF WATER RESOURCES

*Pursuant to the provision of
A.R.S. § 45-576 and R12-15-723*

***Virgil Doerfler
P.O. Box 11630
Prescott, Arizona 86304***

has conveyed Extinguishment Credits from the Certificate No. 58-111871.0027

A New Extinguishment Certificate No.

58-111871.0030

has been issued in the
PRESCOTT ACTIVE MANAGEMENT AREA

*The value of the extinguishment certificate totals 172.5 acre-feet of extinguishment credits
as of the date specified below. These credits have been pledged to the
City of Prescott, Designation of Assured Water Supply No. 86-401501.0001.*



*Extinguishment Certificate No. 58-111871.0030 is effective as
of this 22nd day of August, 2017*

**David L. McKay, Manager
Assured & Adequate Water Supply and Recharge Programs**

THESE CREDITS MAY NOT BE CONVEYED IF THEY HAVE BEEN PLEDGED TO A CERTIFICATE OR DESIGNATION OF ASSURED WATER SUPPLY

Attachment: ADWR Extinguishment Certificate (1724 : WSA: WD Properties)



Arizona Department of Water Resources
Office of Assured and Adequate Water Supply
1110 W Washington St, Ste 310
Phoenix, Arizona 85007-2954
(602) 771-8599
Web: www.azwater.gov

**Conveyance
of Extinguishment Credits**
A.A.C. R12-15-723

- ❖ The Credit holder's signature on this form must be notarized.
- ❖ **FEES: The fee for a Conveyance of Extinguishment Credits is \$250.00.** Payment may be made by cash, check, or credit card (if you wish to pay by credit card, please contact the Office of Assured and Adequate Water Supply at 602-771-8599). Checks should be made payable to the Arizona Department of Water Resources. **Failure to enclose the fee will cause the form to be returned. Fees for a Conveyance of Extinguishment Credits are authorized by A.R.S. § 45-113 and A.A.C. R12-15-104.**
- ❖ The effective date of this conveyance is the date of Notarization.
- ❖ Enclose the original extinguishment document for the first conveyance. If the original document has been lost, a notarized statement to this effect must be submitted.
- ❖ Once extinguishment credits are pledged to a Certificate of Assured Water Supply, they may not be re-conveyed.
- ❖ In the case of a change in ownership of the subdivision, use this form to re-convey the credits to the same subdivision. You may choose to withdraw the pledged credits in the case of a change in ownership, but only if no lots have been sold.
- ❖ Extinguishment credits may not be transferred or pledged outside of the active management area in which they originated.

DATE RECEIVED

The undersigned party hereby notifies the Arizona Department of Water Resources of the Conveyance of the following extinguishment credits:

EXTINGUISHMENT DOCUMENT NUMBER 58 - 1 1 1 8 7 1 . 0 0 2 4		ACTIVE MANAGEMENT AREA (CHECK ONE) ☐ Phoenix ☐ Pinal ☒ Prescott ☐ Tucson	
AMOUNT OF CREDITS ON CURRENT EXTINGUISHMENT DOCUMENT 172.5 Acre-Feet		CREDITS ARE BEING PLEDGED TO (CHECK ONE):	
AMOUNT OF CREDITS TO BE CONVEYED 172.5 Acre-Feet		☒ DESIGNATED WATER PROVIDER DWR NO. 26- 401501.0001	
		☐ CERTIFICATE OF ASSURED WATER SUPPLY DWR NO. 27-	
☐ CREDITS ARE NOT BEING PLEDGED AT THIS TIME			

Creditholder		If credits are not being pledged at this time, convey to:	
FULL NAME OF COMPANY, ORGANIZATION, OR INDIVIDUAL Virgil Doerfler		FULL NAME OF COMPANY, ORGANIZATION, OR INDIVIDUAL	
MAILING ADDRESS PO Box 11630		MAILING ADDRESS	
CITY / STATE / ZIP CODE Prescott, AZ 86304		CITY / STATE / ZIP CODE	
CONTACT PERSON NAME AND TITLE Heather Ihde, Project Coordinator		CONTACT PERSON NAME AND TITLE	
TELEPHONE NUMBER 928-443-7590	FAX 928-443-0272	TELEPHONE NUMBER	FAX
Sign in the presence of a Notary Public			
SIGNATURE OF CREDITHOLDER <i>Virgil Doerfler</i>		DATE 8-15-17	

REV 6/22/2016

NOTARY PUBLIC ACKNOWLEDGMENT

STATE OF ARIZONA

COUNTY OF Yavapai

Subscribed and sworn to before me by

Virgil Dooler

(SELLER)

this 15th day of August, 2017.

NOTARY PUBLIC SIGNATURE

121217
DATE COMMISSION EXPIRES

REV 6/22/2016

**AGREEMENT FOR POTABLE WATER
W.D. PROPERTIES, LLC (WSA 17-021)
City Contract No. 2018-077**

WHEREAS, W.D. Properties, LLC (hereinafter referred to as “Applicant”), is the owner of certain real property described herein (the “Property”) located within the City of Prescott; and

WHEREAS, the Applicant desires to develop a ten (10) unit apartment complex on the Property (the “Project”); and

WHEREAS, the Applicant wishes to secure provision of potable water for the Project from the City of Prescott (“City”); and

WHEREAS, PCC Section 2-1-12(E) requires that an agreement be reached between the City and the Applicant in order to provide potable water; and

WHEREAS, the Water Management and Calendar Year 2017 Alternative Water Allocation Policy, as amended, provides that the City may accept assured water supply credits to serve an increase in density on a property to the extent permitted by the applicable plans, codes, regulations and other requirements of the City; and

WHEREAS, the increase in density to ten (10) dwelling units will require a total of 1.5 AF of potable water per year for the Project; and

WHEREAS, the Property is a portion of a subdivision platted prior to 1998, and hence eligible for water service for one (1) single-family dwelling unit of 0.35 acre-foot (AF) per year from grandfathered groundwater recognized by the Arizona Department of Water Resources; and

WHEREAS, the Applicant has conveyed 1.15 AF of extinguished groundwater credits (IGFRs) per year for 100 years to the City for the balance of the water required for the Project; and

WHEREAS the City Council finds that compliance with this Agreement by the Applicant shall result in:

1. The project or development being consistent with and conforming to, furthering the implementation of, and not being contrary to, the adopted Water Management Policy of the City; and
2. The project or development being consistent with and conforming to, furthering the implementation of, and is not contrary to the adopted General Plan; and
3. The project or development being consistent with and conforming to, furthering the implementation of, and is not contrary to any applicable adopted plans, including but not limited to Zoning, Specific Area Plans, Circulation Plans, Capital Improvement Plans, Open Space and Trail Plans, Neighborhood Plans, Local Historic District Plans, growth planning or growth management plans, and redevelopment plans; and
4. The project being in accord with the duly adopted Prescott Water Budget.

NOW, THEREFORE, in consideration of the covenants contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by each party to the other, it is hereby agreed as follows:

1. That this Agreement shall relate to that property identified as Yavapai County Assessor Parcel No. 113-03-002, more particularly described by the attached Exhibit "A" and depicted by Exhibit "B".

2. The City will set aside 1.5 acre-feet annually of potable water to serve the Project, of which 0.35 AF is grandfathered groundwater, and 1.15 AF extinguished groundwater rights (IGFRs), subject to the following:

A. As a condition of water service, the Applicant shall connect the Project to the City's Sanitary Sewer System.

B. The Applicant shall be responsible for any and all costs associated with connections of the Project to the water and sewer systems of the City, and necessary for initiation of said utilities services, including applicable City fees and charges, and line upgrades and extensions.

C. The cost incurred by the applicant to acquire the 1.15 AF of extinguished groundwater rights IGFRs pledged for the Project, in lieu of the City providing alternative water, fully offset and satisfy the water resource development fees that would otherwise be payable.

D. Any change in use of the Property exceeding a total of ten (10) dwelling units shall result in the termination of this Agreement.

E. In the event that there is a well on the Property, such well shall be abandoned by the Applicant in accordance with State Law. Any installation of a new well, or use of water on the Property from any other well, unless explicitly permitted herein, shall result in the termination of this Agreement.

F. The Property shall not be split.

G. That in the event the Applicant chooses not to proceed with the Project, written notice of the same shall be provided to the City Manager of the City of Prescott, this Agreement shall be terminated, and the City shall return the unused extinguishment groundwater rights to the Applicant.

3. This Agreement shall run with the land, and shall be binding upon the Applicants successors in interest and assigns.

4. Pursuant to A.R.S. Section 38-511, the City of Prescott may cancel this Agreement, without penalty or further obligation, if any person significantly involved in initiating, negotiating, securing, drafting or creating this Agreement on behalf of the City is, at any time while the Agreement or any extension of the Agreement is in effect, an employee or agent of any other party to the Agreement in any capacity or a consultant to any other party of the Agreement with respect to the subject matter of the Agreement. In the event of the foregoing, the City of Prescott further elects to recoup any fee or commission paid or due to any person significantly involved in initiating, negotiating, securing, drafting or creating this Agreement on behalf of the City of Prescott from any other party to the Agreement arising as a result of this Agreement.

5. That the Applicant hereby agrees to indemnify and hold harmless the City, its departments and divisions, its employees and agents, from any and all claims, liabilities, expenses or lawsuits as a result of this Agreement arising from the Applicant, its agents, and/or employees.

6. This Agreement is the result of negotiations by and between the parties. Although it has been drafted by the Prescott City Attorney, it is the result of the negotiations between the parties. Therefore, any ambiguity in this Agreement is not to be construed against either party.

CITY OF PRESCOTT:

DATED this _____ day of _____, 2017.

HARRY B. OBERG
Mayor

ATTEST:

APPROVED AS TO FORM:

MAUREEN SCOTT
City Clerk

JON PALADINI
City Attorney

STATE OF ARIZONA)
) ss.
COUNTY OF YAVAPAI)

The foregoing instrument was acknowledged before me this _____ day of _____, 2017, by Harry B. Oberg, Mayor, personally known to me or proven to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged that he executed it.

[Seal]

Notary Public

Attachment: Agreement for Potable Water (City Contract No. 2018-077) (1724 : WSA: WD Properties)

Exhibit A

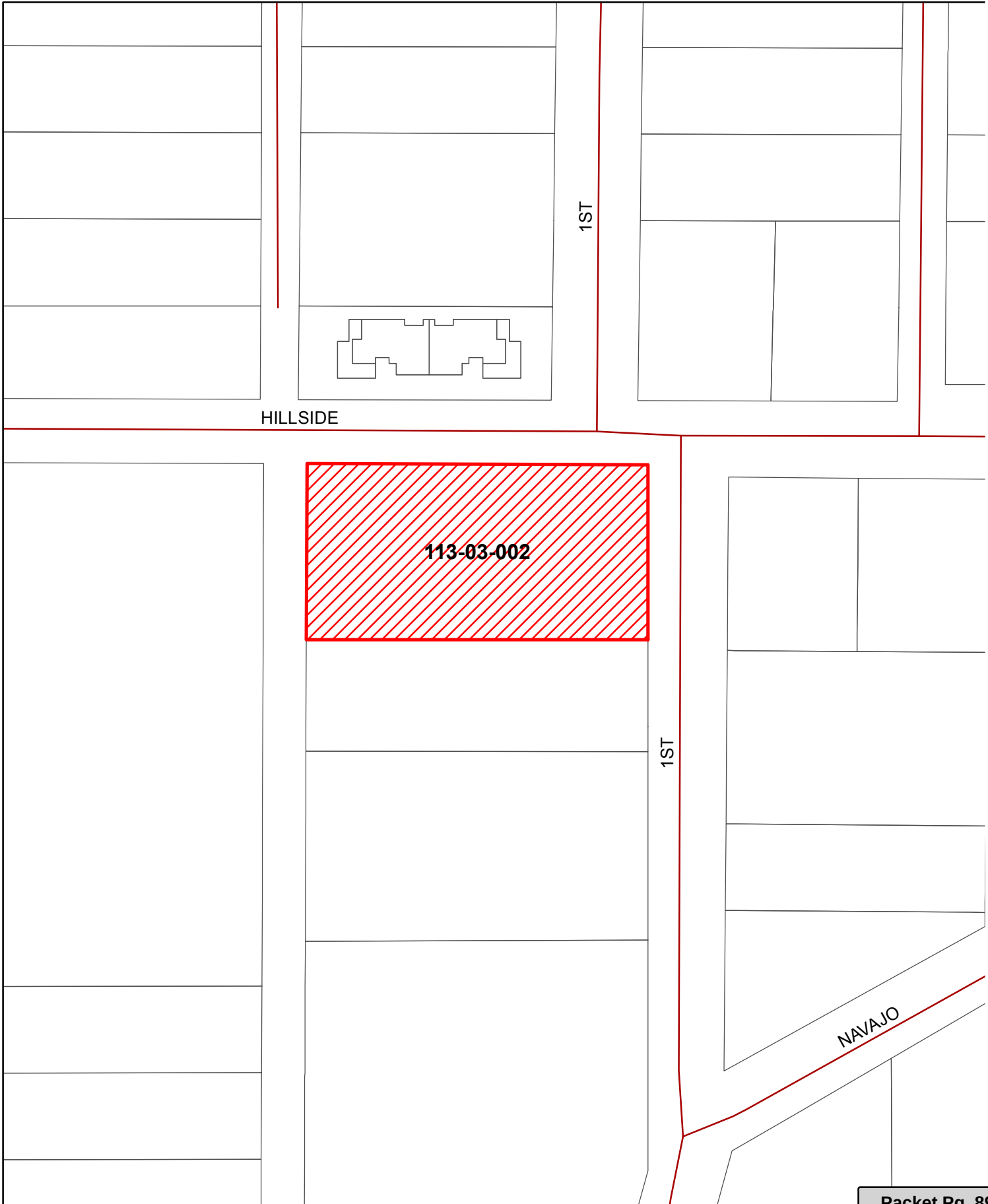
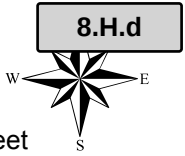
Lots 2 and 4, Block 14, Dameron Park Addition, according to Book 3 of Maps, page 29, records of Yavapai County, Arizona.



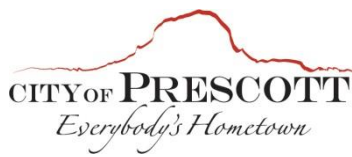
Exhibit B

WSA 17-021

0 40 80 120 Feet



Attachment: Agreement for Potable Water (City Contract No. 2018-077) (1724 : WSA: WD Properties)

**COUNCIL AGENDA MEMO**

MEETING DATE/TYPE: **VOTING MEETING** **10-24-17**

DEPARTMENT: **Public Works**

AGENDA ITEM: Approval of amendments to City Contract No. 2017-336A1 and City Contract 2017-345A1 with Ninyo & Moore and Vanir Construction Management Inc. for as-needed hourly construction inspection services. Funding is available in the Streets, Water, and Wastewater Funds.

FUNDING SOURCE: Streets Fund, Wastewater Fund, Water Fund

Approved By: Michael Lamar, City Manager

Item Summary

This item is to amend City Contract No. 2017-336A1 with Ninyo & Moore; and amend City Contract No. 2017-345A1 with Vanir Construction Management Inc., for inspection services.

Background

Due to vacancies in staffing, the City currently uses four contract inspectors to assist with inspections for private development and capital improvement projects. The Public Works Department is developing a long-term solution to staff the construction inspection needs of the Department. Amending the existing contracts will satisfy the interim condition and provide the City with experienced construction inspectors until a permanent solution is achieved.

The current contracts with Ninyo & Moore and Vanir Construction Management, Inc. are valid through the fiscal year, June 30, 2018, but have no funding remaining in them. An hourly rate has been negotiated for each contract inspector within the two firms. Inspection services will be used, as needed, until the Department is fully staffed at the hourly rate.

Procurement

Ninyo & Moore and Vanir Construction Management Inc. were originally chosen from the City's On-Call consultants list.

Financial Impact

AGENDA ITEM: Approval of amendments to City Contract No. 2017-336A1 and City Contract 2017-345A1 with Ninyo & Moore and Vanir Construction Management Inc. for as-needed hourly construction inspection services. Funding is available in the Streets, Water, and Wastewater Funds.

Funding to amend City Contract No. 2017-336A1 with Ninyo & Moore and City Contract No. 2017-345A1 with Vanir Construction Management Inc. for Public Works inspection services is available from the Streets, Water, and Wastewater Funds.

Attachments

1. Ninyo & Moore Civil Works Inspections Breakdown of Fees dated Sept. 19, 2017
2. Vanir Construction On-Call Inspection Services Proposed Costs dated Sept. 19, 2017

Recommended Action: **MOVE** to amend City Contract Nos. 2017-336A1 and 2017-345A1.



BREAKDOWN OF ESTIMATED FEE

Geotechnical & Environmental Sciences Consultants

Project: City of Prescott On-Call Civil Inspectors

September 19, 2017

Location: Prescott, Arizona

Project No. 605255001

3 MONTHS/15 WEEKS (Approximate Dates 11/25/17 to 03/09/18)

Special Inspector

Civil Works Inspector No. 1	568 hours	@ \$	91.25 /hour	\$	51,830.00
Civil Works Inspector No. 1 OT	30 hours	@ \$	114.06 /hour	\$	3,421.80

Subtotal \$ 55,251.80

Civil Works Inspector No. 2 (Supervisory)	568 hours	@ \$	99.75 /hour	\$	56,658.00
Civil Works Inspector No. 2 (Supervisory) OT	30 hours	@ \$	124.68 /hour	\$	3,740.40

Subtotal \$ 60,398.40

Project Management and Data Processing

Project Engineer/Manager	30 hours	@ \$	110.00 /hour	\$	3,300.00
Data Processing	15 hours	@ \$	45.00 /hour	\$	675.00

Subtotal \$ 3,975.00

SUBTOTAL ESTIMATED FEE \$ 119,625.20

ADDITIONAL 3 MONTHS/15 WEEKS (Approximate Dates 03/10/18 to 06/22/18)

Special Inspector

Civil Works Inspector No. 1	600 hours	@ \$	91.25 /hour	\$	54,750.00
Civil Works Inspector No. 1 OT	30 hours	@ \$	114.06 /hour	\$	3,421.80

Subtotal \$ 58,171.80

Civil Works Inspector No. 2 (Supervisory)	600 hours	@ \$	99.75 /hour	\$	59,850.00
Civil Works Inspector No. 2 (Supervisory) OT	30 hours	@ \$	124.68 /hour	\$	3,740.40

Subtotal \$ 63,590.40

Project Management and Data Processing

Project Engineer/Manager	30 hours	@ \$	110.00 /hour	\$	3,300.00
Data Processing	15 hours	@ \$	45.00 /hour	\$	675.00

Subtotal \$ 3,975.00

SUBTOTAL ESTIMATED FEE \$ 125,737.20

TOTAL ESTIMATED FEE FOR 6 MONTHS/30 WEEKS \$ 245,362.40

Assumptions:

- 1) Project will be serviced from 8281 E Jacque Dr, Prescott, Arizona.
- 2) Civil Works Inspector time will be billed starting when they arrive at the Public Works office.
- 3) Civil Works Inspector rates are based on a 8-hour minimum.
- 4) Overtime is included as noted above.
- 5) Overtime will be charged at 1.25 times the technician rate for work performed in excess of 40 hours per week.
- 6) No vehicle charges will be billed.

Craig Rees
Construction Services Manager
Ninyo & Moore
crees@ninyoandmoore.com
(602) 819-0755

Attachment: Ninyo & Moore Civil Works Inspections Breakdown of Fees dated Sept. 19, 2017 (1698 : Inspection Services)



Construction Management, Inc.

340 East Palm Lane, Suite A-120
Phoenix, AZ 85004
T 480-921-0333
www.vanir.com

September 19, 2017

Mr. Charles Andrews, PE
City of Prescott
433 N. Virginia Street
Prescott, AZ 86301

**RE: Public Works On-Call Professional Services Program Contract 2017-345
Inspector Proposal**

Dear Mr. Andrews:

Vanir Construction Management, Inc. (Vanir) is pleased to provide Inspecting services to the City of Prescott. As requested we offer the following to increase the limit of our existing contract to fund approximately from November 10, 2017 to February 16, 2018 (560 hours).

Rudy Erdmann	\$94.50/hr X 560 hours	\$52,920
Overtime	\$158/hr X 70 hours	\$11,060
Ron Gritman	\$108/hr X 560 hours	\$60,480
Overtime	\$162/hr X 70 hours	\$11,340
Barry Goldfarb	\$165 X 14 hours	\$2,310
Mileage	600 x \$0.54/mile	\$324
TOTAL		\$138,434

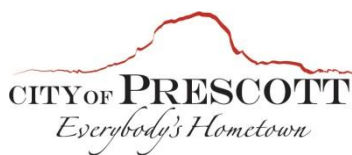
As an option for the city they can add \$138,434 to the above for an additional 560 hours regular time and 70 hours overtime for each inspector. This extends the funds to approximately May 26, 2018. And brings the total amount of \$276,868.

In order for Vanir to provide support and assure the City's expectations are being met, we anticipate a minimal amount of time for administration and supervision by Barry Goldfarb. This effort is included in the above.

Thank you for considering Vanir for your inspection needs.

Sincerely,

Jennifer Frost, AIA
Area Manager



COUNCIL AGENDA MEMO

MEETING DATE/TYPE: **VOTING MEETING** **10-24-17**

DEPARTMENT: **City Clerk**

AGENDA ITEM: Public Hearing and consideration for a Series 11 Hotel/Motel liquor license from Andrea Lewkowitz, applicant for La Quinta Inn & Suites Prescott Convention Center. Location: 4499 Highway 69.

Approved By: Michael Lamar, City Manager

Item Summary

Andrea Lewkowitz has applied for a new Series 11 Hotel/Motel liquor license for La Quinta Inn & Suites Prescott Convention Center

City Application No.	17-308
State Application No.	11133041

Staff Recommendation

Police Department	In Compliance
Business & Sales Tax Licensing	In Compliance
Public Comments Received	None

Background

This non-transferable, on-sale retail privileges liquor license allows the holder of a hotel/motel license to sell and serve all types of spirituous liquor solely for consumption on the premises of a hotel or motel that has a restaurant where food is served on the premises. The restaurant on the licensed premises must derive at least forty percent (40%) of its gross revenue from the sale of food. The holder of this license may sell spirituous liquor in sealed containers in individual portions to its registered guests at any time by means of a minibar located in the guest rooms of registered guests. The registered guest must be at least twenty-one (21) years of age. Access to the minibar is provided by a key or magnetic card device and may not be furnished to a guest between the hours of 2:00 a.m. and 6:00 a.m. (A.R.S 4-205.01)

The application presented for consideration has complied with each of the following requirements.

AGENDA ITEM: Public Hearing and consideration for a Series 11 Hotel/Motel liquor license from Andrea Lewkowitz, applicant for La Quinta Inn & Suites Prescott Convention Center. Location: 4499 Highway 69.

1. The application has been filed with the State Liquor Department and released to the City for additional processing.
2. The City application fee, set by Section 4-7-3 of the Prescott City Code, has been paid.
3. The application has been posted at the proposed location for the required twenty days and statements of opposition or statements of support received by the City Clerk are attached.
4. The Police Department has reviewed the application according to State law, which precludes issuance of a license to any person who: (1) Within one year has violated any provision of a liquor license or had a liquor license revoked; or (b) Within five years of the date of application has been convicted of a felony involving moral turpitude.
5. The Finance Department has reviewed the application to determine any delinquent tax information.

Public Hearing and Action Procedure

The City Council's recommendation of approval, disapproval or no recommendation will be forwarded to the Department of Liquor Licenses and Control ("Department") for their consideration.

Recommendation of Approval

If the City Council recommendation is for approval, no hearing is required unless the Director of the Department, the State Liquor Board ("Board"), or any aggrieved party, requests a hearing on the grounds that the public convenience and the best interest of the community will not be substantially served if a license is issued. If no hearing is requested, the Director may approve the license.

Recommendation of Disapproval

If the City Council recommendation is for disapproval of an application, a statement of the specific reasons along with a summary of the testimony or other evidence supporting the recommendation for disapproval is required to be attached to the order of disapproval and submitted to the Director, after which a public hearing will be held.

No Recommendation

If the City Council makes no recommendation, the Director may cancel the hearing and issue the license unless the Board or any aggrieved party protests and requests a hearing. If the reason for the protest is clearly removed or deemed satisfied by the Director, the Board shall cancel the hearing and the Department may issue the license.

Financial Impact

The application and license fees have been paid.

AGENDA ITEM: Public Hearing and consideration for a Series 11 Hotel/Motel liquor license from Andrea Lewkowitz, applicant for La Quinta Inn & Suites Prescott Convention Center. Location: 4499 Highway 69.

Attachments

1. R19-1-702
2. LIQUOR LICENSE SERIES NUMBER DEFINITIONS

Recommended Action: **(1) MOVE** to close the Public Hearing; **(2) MOVE** to approve/deny/make no recommendation for Liquor License Application No. 11133041 for a new Series 11 Hotel/Motel liquor license, for La Quinta Inn & Suites Prescott Convention Center located at 4499 Highway 69.

**Arizona Laws and Regulations Relating to
Granting a Liquor License for a Certain Location
(pursuant to Arizona Revised Statute §4-201(I))**

R19-1-702. Determining Whether to Grant a License for a Certain Location

- A. To determine whether public convenience requires and the best interest of the community will be substantially served by issuing or transferring a license at a particular unlicensed location, local governing authorities and the Board may consider the following criteria:
1. Petitions and testimony from individuals who favor or oppose issuance of a license and who reside in, own, or lease property within one mile of the proposed premises;
 2. Number and types of licenses within one mile of the proposed premises;
 3. Evidence that all necessary licenses and permits for which the applicant is eligible at the time of application have been obtained from the state and all other governing bodies;
 4. Residential and commercial population of the community and its likelihood of increasing, decreasing, or remaining static;
 5. Residential and commercial population density within one mile of the proposed premises;
 6. Evidence concerning the nature of the proposed business, its potential market, and its likely customers;
 7. Effect on vehicular traffic within one mile of the proposed premises;
 8. Compatibility of the proposed business with other activity within one mile of the proposed premises;
 9. Effect or impact on the activities of businesses or the residential neighborhood that might be affected by granting a license at the proposed premises;
 10. History for the past five years of liquor violations and reported criminal activity at the proposed premises provided that the applicant received a detailed report of the violations and criminal activity at least 20 days before the hearing by the Board;
 11. Comparison of the hours of operation at the proposed premises to the hours of operation of existing businesses within one mile of the proposed premises; and
 12. Proximity of the proposed premises to licensed childcare facilities as defined by A.R.S. § 36-881.
- B. This Section is authorized by A.R.S. § 4-201(I).

LIQUOR LICENSE SERIES NUMBER DEFINITIONS

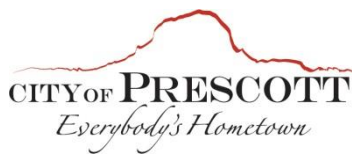
- 1 **In-State Producer**, all spirituous liquor, produced on-premises, may sell to Arizona-licensed wholesalers only.
- 2 **Out-of-state Producer**, all spirituous liquor, produced on-premises, may sell to Arizona-licensed wholesalers only.
- 3 **Microbrewery**, less than 1,240,000 gallons of beer produced annually on premises, unlimited on- and off-sale, less than 93,000 gallons may be distributed to retail licensees annually.
- 4 **Wholesaler**, all spirituous liquor, purchased from in- and out-of-state Arizona licensed producers, may sell to Arizona-licensed retailers.
- 5 **Government**, all spirituous liquor, may sell to patrons to consume on premises.
- 6 **Bar**, all spirituous liquor, off-sale sales in original, unopened container may not exceed 30% of on-sale receipts, may sell to patrons to consume on premises.
- 7 **Beer and Wine Bar**, beer and wine only, off-sale sales in original, unopened container may not exceed 30% of on-sale receipts, may sell to patrons to consume on premises.
- 9 **Liquor Store**, all spirituous liquor, may sell "carry-out" to patrons to consume off-premises, on-site temporary sampling events hosted by producer or wholesaler.
- 9S **Liquor Store with Sampling Privileges**, all spirituous liquor, may sell "carry-out" to patrons to consume off-premises, provide limited residential delivery, on-site permanent sampling events using store inventory.
- 10 **Beer and Wine Store**, beer and wine only, may sell "carry-out" to patrons to consume off-premises, on-site temporary sampling events hosted by producer or wholesaler.
- 10S **Beer and Wine Store with Sampling Privileges**, beer and wine only, may sell "carry-out" to patrons to consume off-premises, on-site permanent sampling events using store inventory.
- 11 **Hotel/Motel w/Restaurant**, all spirituous liquor, may sell to patrons to consume on premises.
- 12 **Restaurant**, all spirituous liquor, may sell to patrons to consume on premises.
- 13 **Farm Winery**, produces at least 200 gallons, but not more than 40,000 gallons of wine annually, produced on premises and by other domestic farm wineries.
- 14 **Private Club**, all spirituous liquor, may sell to bona fide members & their guests for on-premises consumption.
- 15 **Special Event**, all spirituous liquor, temporary license, off-sale allowed by auction in closed, original container for off-sale consumption, may sell to patrons to consume on premises.
- 16W **Farm Winery Fair/Festival**, authorization issued for a specified period to a domestic farm winery to serve samples of its products and sell the products in individual portions for consumption on the premises or in original, unopened, containers for consumption off the premises.
- 18 **In-State Craft Distillery**, less than 20,000 gallons of distilled spirits annually on-premises, may sell and ship to Arizona licensed wholesalers. May sell and ship to Arizona-licensed retailers when annual production is less than 1,189 gallons. On-and off-sale retail privileges on licensed premises.

- 19 **Remote Tasting Room**, owned and operated by a licensee that concurrently owns one of the following Arizona liquor licenses: (1) Series 2W, Out-of-state Farm Winery; (2) Series 2D, Out-of-state Craft Distillery; (3) Series 13, In-state Farm Winery; or (4) Series 18, In-state Craft Distiller.

NOTE: A.R.S.§4-207. (A) and (B) state that no **retailer's license** shall be issued for any premises which are at the time the license application is received by the director, within three hundred (300) horizontal feet of a church, within three hundred (300) horizontal feet of a public or private school building with kindergarten programs or grades one (1) through (12) or within three hundred (300) horizontal feet of a fenced recreational area adjacent to such school building.

The above paragraph DOES NOT apply to:

- a) Restaurants that do not sell growlers (A.R.S.§4-205.02) Series 12
- b) Hotel/motel license (A.R.S.§4-205.01) Series 11
- c) Microbrewery (A.R.S.§4-205.08) Series 3
- d) Craft Distillery (A.R.S.§4-205.10) Series 18
- e) Government license (A.R.S.§4-205.03) Series 5
- f) Playing area of a golf course (A.R.S.§4-207 (B)(5))
- g) Wholesaler/Distributor Series 4
- h) Farm Winery Series 13
- i) Producer Series 1



COUNCIL AGENDA MEMO

MEETING DATE/TYPE: **VOTING MEETING** **10-24-17**

DEPARTMENT: **Public Works**

AGENDA ITEM: Award of a Design-Build Services Contract, City Contract No. 2018-037 to AMEC Foster Wheeler (AMEC) for Stage 1 – Pre-Construction Services for the Granite Creek Dam Outlet Rehabilitation Project in the amount of \$170,000.00. Funding is available in the Water Fund.

FUNDING SOURCE: Water Fund

Approved By: Michael Lamar, City Manager

Item Summary

This item is to award a design-build services contract, City Contract No. 2018-037, in the amount of \$170,000.00 to AMEC Foster Wheeler (AMEC) for Stage 1 – Preconstruction Services for the Granite Creek Dam Outlet Rehabilitation Project.

Background

Granite Creek Dam was constructed to create an irrigation water reservoir in 1919 with two outlet pipes. Each pipe has a large diameter valve (36-inch and 48-inch) to release water.

The inlet of the 36-inch pipe is partially covered with sediment on the upstream side of the dam and the bar screen is badly deteriorated. The 36" valve is in very poor condition and has limited operational ability. The City installed a flange on the 36-inch valve with a 12-inch valve mounted on the flange to control minor water releases. The 36-inch pipe between the downstream face of the dam and the 36-inch valve is starting to fail and currently leaks water.

The inlet of the 48-inch pipe is covered with sediment on the upstream side of the dam and the valve on the outlet is not operational. The 48-inch valve bonnet has frozen and is currently leaking water.

The valves are intended to provide a means of releasing water from the reservoir for downstream water management. The Arizona Department of Water Resources (ADWR) has directed that the valves be repaired.

AGENDA ITEM: Award of a Design-Build Services Contract, City Contract No. 2018-037 to AMEC Foster Wheeler (AMEC) for Stage 1 – Pre-Construction Services for the Granite Creek Dam Outlet Rehabilitation Project in the amount of \$170,000.00. Funding is available in the Water Fund.

In response to these issues, on September 13, 2016, Council awarded a professional services contract to AMEC Foster Wheeler to conduct a Feasibility Study to replace the defective valves at Granite Creek Dam per ADWR. The study addressed sediment mitigation options, valve rehabilitation and replacement options.

Based on the outcome of the Feasibility Study, Public Works advertised for Statements of Qualifications for a Design/Build Contract to rehabilitate the outlet valves, provide for operational upgrades and added safety features. The AMEC Foster Wheeler team submission ranked as the highest submittal received for the project. A scope of services and fee has been developed and negotiated.

The City has elected to conduct the Design/Build Contract in phases to have maximum flexibility regarding funding, provide the best conditions for contractor safety and adjustments to the schedule, if needed, as the project develops.

Stage 1 will include engineering and preconstruction services required to finalize site investigations, including underwater investigations, and will also include review by ADWR for compliance. Once Stage 1 is completed, a detailed design sufficient to provide Guaranteed Maximum Price (GMP) proposals for Stage 2 and Stage 3 will be negotiated and presented to Council at each stage.

Project Schedule

Stage 1 - Preconstruction Professional Services are scheduled to be completed within four (4) months of the notice to proceed according to the following schedule:

Award of contract	October 24, 2017
Notice to Proceed (NTP)	Week of October 30, 2017
Stage 1 Completion	February, 2018

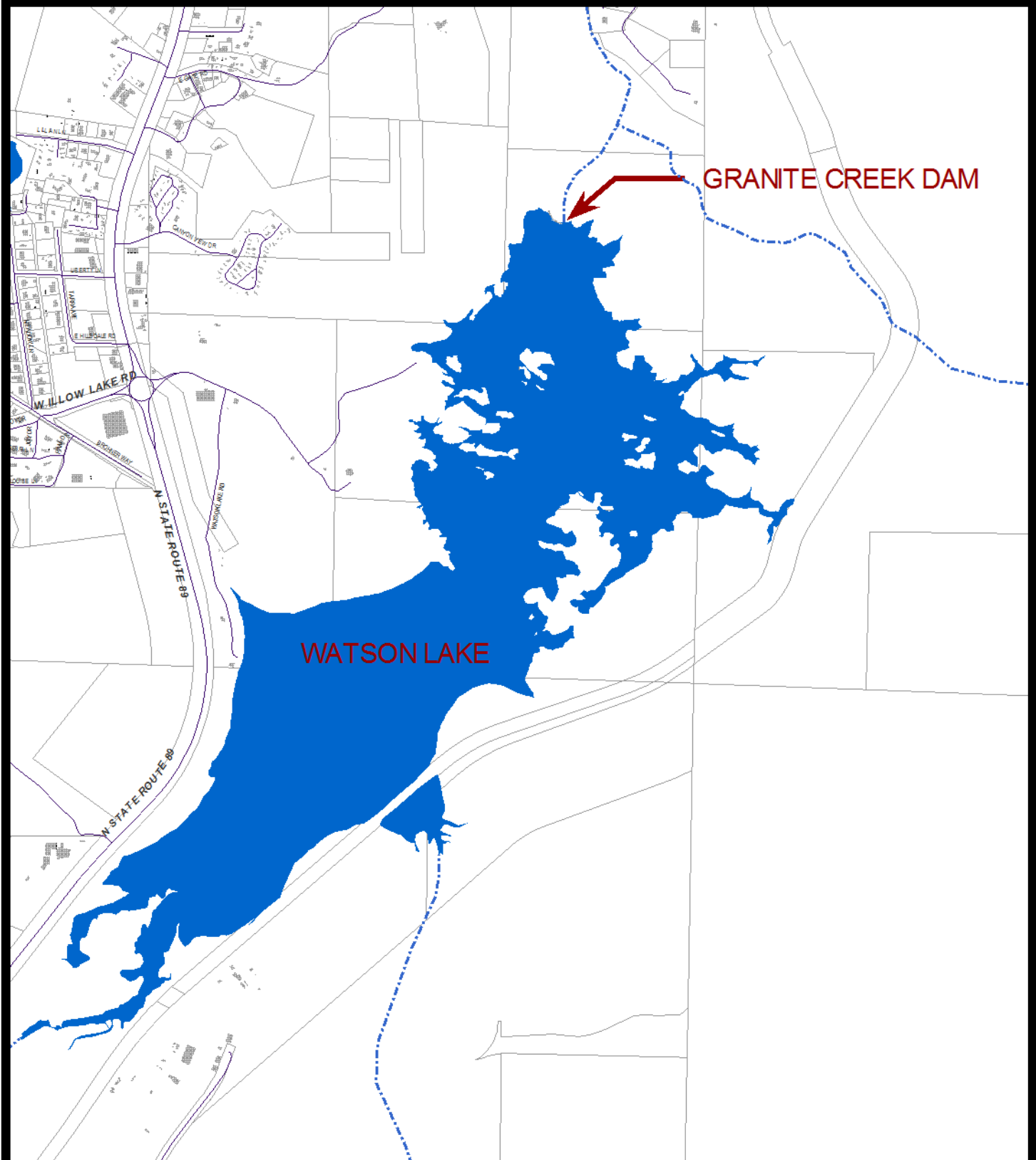
Financial Impact

Funding for this contract is included in the FY 18 budget and is available from the Water Fund.

Attachments

1. Granite Creek Dam Outlet Rehab Vicinity Map
2. Granite Creek Design-Build Proposal Exhibit 'A'

Recommended Action: MOVE to approve City Contract No. 2018-037.



Attachment: Granite Creek Dam Outlet Rehab Vicinity Map (1712 : Granite Creek Dam Outlet Rehabilitation)

An inset map showing a larger geographic area with a red square highlighting the specific location of Watson Lake.	The logo for the City of Prescott, Arizona, featuring a red mountain silhouette, the text "CITY OF PRESCOTT ARIZONA", and the slogan "Everybody's Hometown" in a script font.	GRANITE CREEK DAM OUTLET REHABILITATION PROJECT	This map is a product of The City of Prescott A north arrow pointing upwards and a scale bar indicating 0' to 100'.
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EXHIBIT A
City of Prescott
Granite Creek Dam - Outlet Rehabilitation Project
Proposal for Design-Build Services

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City of Prescott

Granite Creek Dam - Outlet Rehabilitation Project

Proposal for Design-Build Services

PROJECT APPROACH AND STAGING

The City of Prescott has selected the Amec Foster Wheeler team to provide design-build services to implement the modifications and improvements to the outlet valves of the Granite Creek Dam. The modifications and improvements to be constructed are based on the conceptual approach outlined in the *City of Prescott Granite Creek Dam – Outlet Rehabilitation Basis of Design Report* (Amec Foster Wheeler, April 2017). The project includes but is not limited to the following items:

- ◆ Isolation slide gate for the 36” inlet
- ◆ Debris cage (trash rack) for the 36” inlet
- ◆ 36” and 12” outlet gate valves to replace the existing 36” and 12” valves
- ◆ Blocking, sealing, and abandonment of the 48” outlet conduit and valve
- ◆ Ladder, stair, and platform access system for the 36”/12” valves and actuators
- ◆ Lake monitoring instrumentation
- ◆ Security system including video cameras
- ◆ Remote solar power system
- ◆ Signal transmission into City’s supervisory control and data acquisition (SCADA) system

To enable the City to have maximum flexibility regarding funding and schedule as the project develops, the approach to the design-build effort will be based on multiple stages that are each approved and funded separately and sequentially. The stages include the following:

- Stage 1 – Pre-Construction Services
- Stage 2 – Construction Phase 1
- Stage 3 – Construction Phases 2

This proposal describes the work to be completed in each stage of the project and gives an estimate of the anticipated costs based on a Schedule of Values. However, approval of this proposal will only authorize funding of the first stage, Pre-Construction Services, under a lump-sum consulting contract. Prior to the authorization of funding for the subsequent stages, the project team will submit separate draft GMPs for review and comment by the City. Only once the specific GMP is reviewed and approved by the City will the corresponding stage be authorized.

STAGE DESCRIPTIONS

1.1 Stage 1 – Preconstruction Services

Stage 1 of the Granite Creek Dam Outlet Rehabilitation design-build project is based on providing the engineering and preconstruction services required to finalize site investigations and develop a detailed design sufficient to provide Guaranteed Maximum Price (GMP) proposals for the next two stages of the project before the end of 2017.

Under this Stage, Amec Foster Wheeler will provide a detailed design, design report, and the two construction stage Guaranteed Maximum Price proposals (GMP1 and GMP2) by December 22, 2017. Each task includes the involvement of the two Project Team subcontractors, Fann Contracting and Arizona Commercial Diving Services. They will provide design reviews, impact analysis, cost analysis, alternative analysis, and will participate in the project meetings. The following items will be included:

Preconstruction Management and Meetings

All stages of the project will include high-level project management and communication tasks. For the Stage 1 effort, this will include the following:

- Attend a **kickoff meeting** with City staff within one week of the Notice to Proceed and provide a detailed project schedule and Project Team contact information
- Develop and update the **design schedule** monthly and provide justification for any changes. The updated project schedule will be submitted at the end of each month.
- Attend **monthly progress meetings** up to the final detailed design submittal.
- Prepare meeting agenda, take meeting notes, and distribute meeting minutes for each meeting with City staff.
- Provide **health and safety** project management, including review and approval of subcontractor dive plans and any other work activities around the lake.

Project Site Investigations

The design-build team will conduct a one-day dive on Watson Lake to verify the depth and diameter of the entrance to the 36” outlet conduit. On the same day as the dive investigation, the project team will meet on-site to discuss the project, access the top of dam, and hike to the base of the dam to review the layout and condition of the two outlet valves.

To verify the slope and obtain an accurate representation of the downstream face of the dam, rock outcroppings, drainage channels, 36” and 48” outlet valves, this task includes performing a high resolution LiDAR survey. The survey will be used to create a surface model of the dam, valves, and surrounding

topography. Appropriate bench marks will also be established. The electronic files associated with the LiDAR survey and associated surface model will be provided to the City as a separate document.

Detailed Design

Based upon the design concept developed in the Feasibility Study, the design team will prepare a detailed design for the project construction that will be submitted to the City and Arizona Department of Water Resources for review and comment. The detailed design will include a design report, construction plans, and equipment specifications, with a level of design detail sufficient for construction under the design-build format. The detailed design will also be used for the development and evaluation of the GMPs for the construction stages (Stage 2 and Stage 3) of the project. Any City comments received will be addressed and implemented into the design prior to final approval. The final design documents will be sealed by an Arizona Professional Engineer.

Within 60 days of the Notice-to-Proceed from the City, the design-build team will provide a summary of ADWR/ADEQ requirements, a set of valve and outlet works design plans, a design report with major elements of the project defined, the underwater video inspection report, hydrology study, and data collection report. The design will identify existing conditions including a surface model of the downstream dam face and local topography, local benchmarks, and hydrographic survey. The detailed design effort will also include extensive constructability and value-engineering reviews by all members of the design build team including the designated construction supervisors.

During the development of the detailed design, the design-build project team will hold a one-day workshop at the Amec Foster Wheeler office to review and discuss alternative concepts, construction methods, and equipment substitutions. Alternatives will be considered for the abandonment of the 48" outlet, the valve and outlet works improvements for the 36" outlet, and the ladder and platform design. The analysis will include a high-level review of the impact of the alternative design on the construction schedule and construction cost. City staff are welcome to attend this workshop.

Because of the schedule, the previous work, completion of the feasibility study, and the design-build format, we do not believe that the preconstruction effort fits into a 30-60-90 percent design submittal model. The design team will ensure that the City is kept apprised of design progress and alternatives at the pre-planned monthly meetings, including presentation of renderings and drawings. However, if requested the design-build team will provide an interim design submittal at the midpoint of the effort for review and comment by the City.

Public Meeting

Representatives of the design-build team will attend and conduct 1 public meeting. This will be scheduled (tentatively) to correspond with the completion of the detailed design. The meeting will be for the purpose of informing the public of the project intent and to receive comments.

Regulatory Agency Review

The design/build team will prepare the application, plans, specifications, and design report for submittal by the City to ADWR for review, respond to comments and obtain required approvals. Any review fees assessed by the regulatory agency will be paid by the City. The time frames for the reviewing by appropriate agencies will be included in the schedule. The initial indications by ADWR, based on the coordination completed during the Feasibility Study, was that this project will not be subject to full review and permitting by their agency. However, the agency would not commit to a final determination prior to conducting a preliminary review of the detailed design. It is not anticipated that there will be any changes in the general design concept developed in the Feasibility Study and presented to ADWR and therefore it is assumed for the initial project schedule that an ADWR permit will not be required.

Appropriate notifications to the Army Corps of Engineers, as required per the Nationwide Permit 3, is included in this task.

Guaranteed Maximum Price Proposals

At the conclusion of the Pre-Construction Services Stage, the design team will have developed the GMPs for the next two stages of the project. GMP 1 is the work anticipated to occur in April/May 2018, and includes the risk-mitigation tasks that provide a means to isolate the 36" outlet and reinforces the 48" outlet, which is necessary to safely perform the remainder of the work. GMP 2 is the work anticipated for October/November 2018 and includes all activities to abandon the 48" outlet and replace the existing 36" gate valve. It is necessary to separate them into two stages because there are certain key pieces of equipment with long lead times that must be ordered in advance of the construction to ensure that the project schedule can be met. GMP 1 will be submitted in early December 2017 and GMP 2 will be submitted to the City at the end of December 2017. This GMP submittal schedule will allow the work in GMP 1 to occur as soon as possible. Further details of Stage 2 and Stage 3, are presented below.

1.2 Stage 2 – Construction Phase 1

For Stage 2, after GMP 1 is approved and the City has issued a Notice to Proceed; the design-build project team will procure the 70- to 80-inch slide gate isolation valve, and the large metal debris cage (trash rack). These items will be ordered and the shop drawings reviewed and approved in a timely manner to meet the project schedule. These items must be procured in January 2018 to enable construction to occur in April/May 2018.

This phase of construction will utilize barges on the water in the vicinity of the dam, with a laydown and staging area near the boat access ramp on the western shore.

The first phase of construction will include the wet-side modifications required to isolate and protect the 36” outlet conduit, and the stabilization of the 48” valve that enables the safe excavation of the wet-side 48-inch conduit in the second phase of construction.

The isolation and protection of the 36” valve conduit on the wet-side is the first construction task that will be undertaken, due to the obvious deterioration, increasing leakage, and risk of failure of the 36” outlet valve. This work will enable isolation of the flow, which is also necessary because the repair and replacement work cannot be completed safely on the dry side without isolating the conduit from the upstream water pressure. The plan to accomplish this involves the following steps:

- Excavating 80-100 CY of sediment to access the wet-side opening
- Installing a 70- to 80-inch slide gate with actuator
- Installing a new debris cage (trash rack) over the outlet

The first phase will also include the stabilization of the 48” valve so that the extensive wet side excavation and construction work can be completed in the next phase without the risk of catastrophic failure of the valve or appurtenances. This will involve the installation of a concrete thrust block in front of the valve and tied into the existing concrete channel. If feasible, a temporary repair of the existing leak in the valve bonnet will be made to facilitate the construction of the thrust block. The concrete will be conveyed via pumping or a crane bucket from a barge on the water.

1.3 Stage 3 – Construction Phase 2

For Stage 3, after GMP 2 is approved and the City has issued a Notice to Proceed; the design-build project team will prioritize procurement of the special 12” and 36” bonneted knife gate outlet valves. These items must be procured in early February 2018 to enable construction to occur in October/November 2018. These items will be ordered and the shop drawings reviewed and approved in a timely manner to meet the project schedule.

This phase of construction will utilize barges on the water in the vicinity of the dam, with a laydown and staging area near the boat access ramp on the western shore.

The second construction phase will consist of all the remaining tasks for the project, including:

- Excavation of the 48-inch outlet
- Grouting and sealing of the 48-inch conduit per ADWR requirements
- Replacement of the excavated material over the sealed outlet

- Installation of the special 36” and 12” bonneted knife gate outlet valves and actuators
- Construction of the dry side ladder, stair, and platform access system
- Implementation of the solar powered electrical and instrumentation systems
- Addition of the security systems and SCADA interface

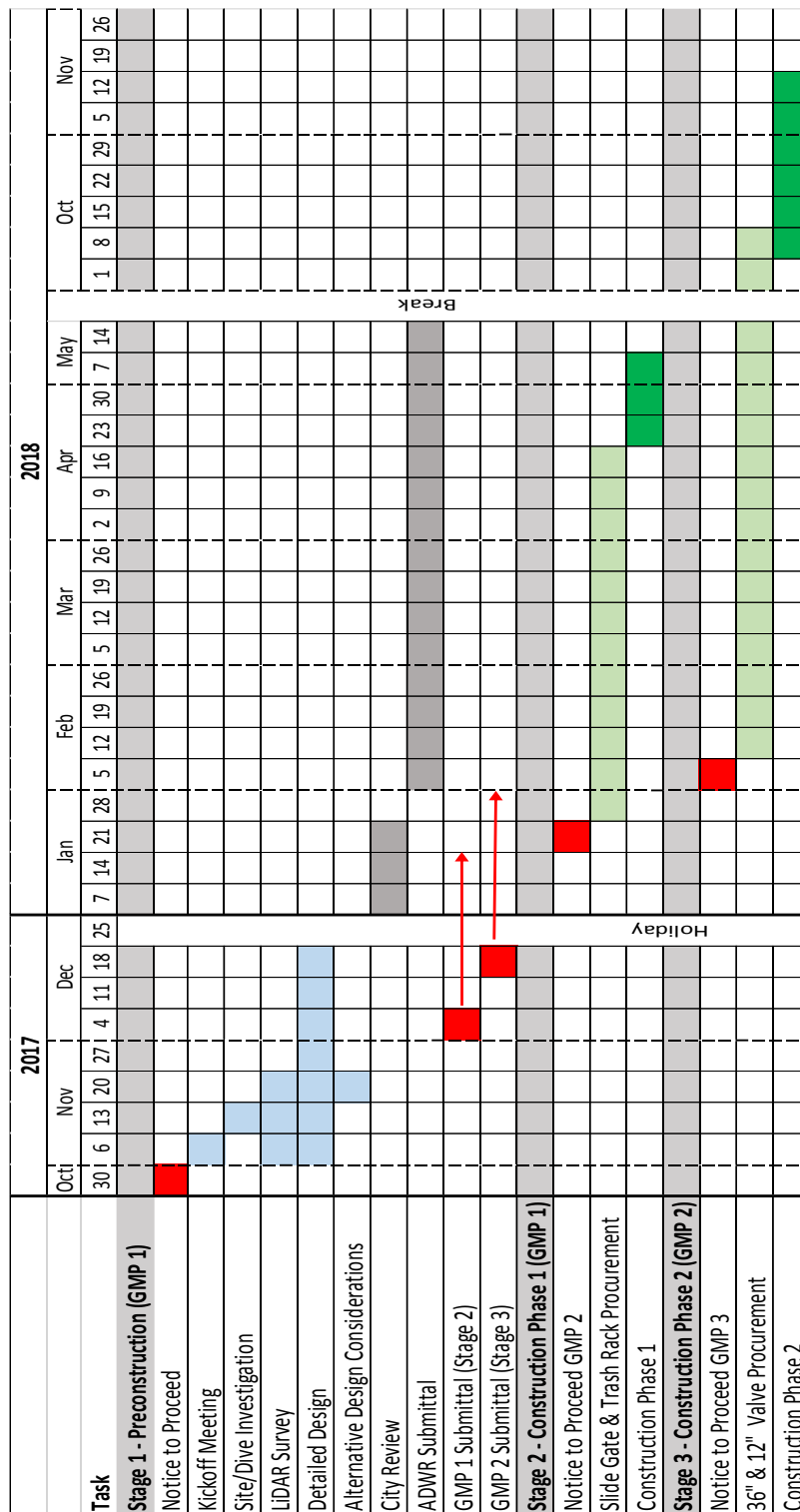
Other Construction Phase Activities

The design-build team will perform the required construction activities and meet the requirements specified in the approved construction documents. The construction project manager will provide full construction administration services including conducting weekly site meetings, monitoring and maintaining the schedule, coordinating issue resolution, providing change management, directing QA/QC activities, and any other services necessary for the successful completion of the project. In addition, the project team will develop and enforce a project-specific health and safety plan for the construction, control site access during construction activities, and provide public relations support for all phases of the project.

Post-Construction Phase Activities

After construction is completed, the design-build team will provide record drawings of the construction plans, operation and maintenance manuals for the equipment, provide staff training, and conduct a one-year anniversary inspection of the work with City staff.

PROJECT SCHEDULE



SCHEDULE OF VALUES

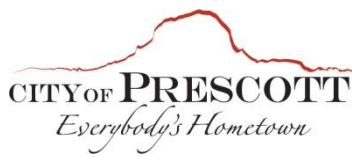
Based on the project Stages and assumptions detailed above, the Amec Foster Wheeler Design-Build Team has developed a preliminary Schedule of Values for the project. It is understood that only the items included under Stage 1 of the project will be authorized under this proposal.

Stage	Description	Fee
Stage 1	Preconstruction Management and Meetings	\$20,800
	Site Investigations	\$30,800
	Design Report, Alt. Analyses, GMPs	\$40,800
	Detailed Design	\$69,000
	Regulatory Agency Review/Permitting	\$8,600
	Stage 1 – Total Value	\$170,000
Stage 2	Slide Gate Procurement	\$91,700
	Debris Cage (Trash Rack) Procurement	\$78,000
	Mobilization Phase 1	\$82,000
	36” Inlet Excavation	\$98,500
	Slide Gate Installation	\$163,500
	Debris Cage Installation	\$98,500
Stage 3	48” Valve Reinforcement	\$31,600
	Stage 2 – Total Value	\$643,800
	Knife Gate Valves Procurement	\$304,000
	Mobilization Phase 2	\$82,000
	48” Inlet Excavation	\$344,500
	48” Conduit Grout and Seal	\$63,100
	36”/12” Gate Valve Installation	\$110,400
	Ladder, Stair, and Platform Installation	\$102,300
	Electrical Equipment & Installation	\$98,800
	Instrumentation & Security Cameras	\$31,700
	Misc. Equipment & Materials	\$48,700
	Construction Observation	\$48,800
	Construction Admin & QA/QC	\$20,000
	PR Firm + Public Meeting	\$16,200
	Stage 3 – Total Value	\$1,270,500
	Total Project Value	\$2,084,300

FEE SCHEDULE – PRECONSTRUCTION SERVICES

Based on the scope and schedule outlined for Stage 1 above, Amec Foster Wheeler proposes to complete the Preconstruction Services work for a lump sum fee of **\$170,000**. The detailed table below will form the basis of the percent complete progress payment applications.

	Prin.	PM	Design Lead	Struct. Lead	Struct. Inspect.	Health & Safety	Diving Super.	W.Q. / Permits	Staff Eng.	Admin.	Senior CADD	Jensen (EI&C)	Fann	ACDS	BDS	Total
	\$250	\$173	\$210	\$145	\$174	\$120	\$150	\$170	\$78	\$72	\$125	1	1	1	1	
Project Management																
Kickoff Meeting		8	4						4			\$500	\$980	\$500		\$4,600
Project Coordination		20								4						\$3,800
Contract Administration	1	8	2							4						\$2,400
Progress Meetings (2)		6	6						6			\$500	\$1,200	\$500		\$5,000
Monthly Progress Updates		4														\$700
Design Schedule (monthly updates)		4														\$700
Health and Safety Program Management		8				8	8									\$3,600
	1	58	12	0	0	8	8	0	10	8	0	\$1,000	\$2,180	\$1,000	\$0	\$20,800
Site Investigations																
Lidar Survey		8									16				\$10,560	\$14,000
Site Visit		6	6	6	6				6		6	\$500	\$1,000		\$1,350	\$8,300
Dive Investigation (1 day)														\$8,480		\$8,500
	0	14	6	6	6	0	0	0	6	0	22	\$500	\$1,000	\$8,480	\$11,910	\$30,800
Design Report, Alternative Analysis, GMPs																
Design Report	2	22	12	5	5	0	0	2	56	0	16					\$15,200
Alternatives Analysis	1	10	10	4	4				16			\$1,000	\$1,000	\$1,000		\$9,700
Development of GMP Proposals	2	16	8	2	2				16			\$500	\$6,000	\$2,500		\$15,900
	5	48	30	11	11	0	0	2	88	0	16	\$1,500	\$7,000	\$3,500	\$0	\$40,800
Detailed Design																
Slide Gate	1	6	6	10	2				12		40	\$1,000		\$500		\$11,800
Trash Rack		6	6	10	2				12		40			\$500		\$10,600
36" & 12" Valve		6	6	5	6				12		40	\$11,000				\$21,100
Ladder and Platform		6	6	5	6				12		40		\$1,500	\$500		\$12,100
48" Conduit Abandonment	1	6	6	5	3				12		40		\$1,300	\$500		\$11,600
Submittal & Response to Comments		4	2						8							\$1,800
	2	34	32	35	19	0	0	0	68	0	200	\$12,000	\$2,800	\$2,000	\$0	\$69,000
Regulatory Agency Review/Permitting																
ADWR	2	4	4		4				16		8					\$5,000
Non-Regulatory SWPPP		2						15	8							\$3,600
	2	6	4	0	4	0	0	15	24	0	8	\$0	\$0	\$0	\$0	\$8,600
Labor Hours	10	160	84	52	40	8	8	17	196	8	246	\$15,000	\$12,980	\$14,980	\$11,910	
Subtotal - Stage 1																\$ 170,000

**COUNCIL AGENDA MEMO**

MEETING DATE/TYPE: **VOTING MEETING** **10-24-17**

DEPARTMENT: **Public Works**

AGENDA ITEM: Approval of City Contract No. 2018-060 with Entellus, Inc., for design and other engineering services for the Mingus and Douglas Lift Station Abandonment Project in the amount of \$120,958.80. Funding is available in the Wastewater Fund.

FUNDING SOURCE: Wastewater Fund

Approved By: Michael Lamar, City Manager

Item Summary

This Item is for the approval of Contract No. 2018-060 for the Mingus Douglas Lift Station Abandonment Design Project with Entellus, Inc., in an amount not to exceed \$120,958.80 for engineering design services.

Background

The project will remove two aging lift stations (constructed in 1958) from the wastewater collection system by extending approximately 1,500 LF of new 8-inch gravity sewer main to serve the City parcels located on Mingus, Douglas and Delano Avenues. The existing force mains will be abandoned and the existing wet wells, pumps, and electrical equipment will be removed as part of the project. The project location is shown in Attachment 1.

The project was identified in the Wastewater Model to increase operational efficiency of the wastewater collection system. At the completion of this project, the Wastewater Operations Division will have two less lift stations to operate and maintain.

Procurement

Entellus, Inc. is on the City on-call list for professional services. Based on this pre-qualification and using the direct selection procurement process for professional services, City staff selected Entellus, Inc. for the project. Staff developed a scope of work with the consultant, and a fee was negotiated. The Scope and Fee Proposal is Attachment 2.

Project Schedule

AGENDA ITEM: Approval of City Contract No. 2018-060 with Entellus, Inc., for design and other engineering services for the Mingus and Douglas Lift Station Abandonment Project in the amount of \$120,958.80. Funding is available in the Wastewater Fund.

Engineering is scheduled to be completed within six (6) months of the notice to proceed following the schedule below:

Award of Contract	October 24, 2017
Pre-Design Meeting	Week of October 30, 2017
Design Completion	Spring 2018

The project is planned for construction during the summer of 2018, when Taylor Hicks School is out for summer break.

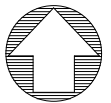
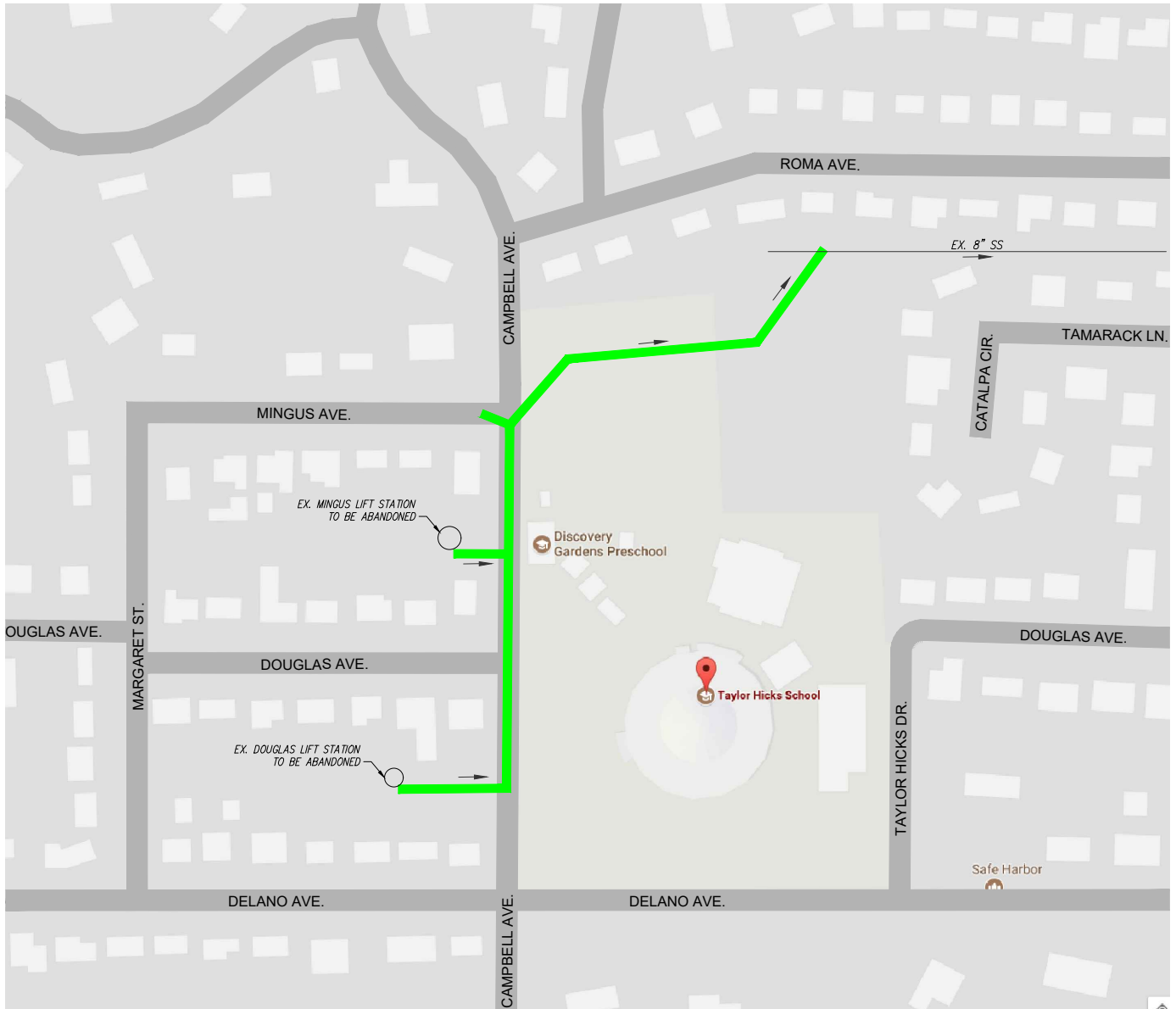
Financial Impact

Funding for the design fee of \$120,958.80 is included in the FY18 budget and is available in the Wastewater Fund. The City's standard contract for professional services will be used for this project.

Attachments

1. Project Vicinity Map
2. Scope of Work Mingus Douglas Lift Station Abandonments

Recommended Action: MOVE to approve City Contract No. 2018-060.



Attachment: Project Vicinity Map (1713 : Mingus and Douglas Lift Station Abandonments)

LEGEND

— PROPOSED GRAVITY SEWER



Entellus™
 3033 N. 44th Street Suite 250
 Phoenix, AZ 85018
 Tel 602.244.2566
 Fax 602.244.8947
 Website: www.Entellus.com

CITY OF PRESCOTT

DOUGLAS & MINGUS
 LIFT STATION ABANDONMENTS

VICINITY MAP

DATE: 9/26/17 REV'D:
 DRAWN BY: AD CHK'D: AG PG: 1 OF 1

EXHIBIT A

MINGUS AND DOUGLAS LIFT STATION ABANDONMENTS

City of Prescott Project Account #7205860-8525-90182

Entellus Project #920016A

SCOPE OF WORK

Goal Statement

The project goal is to deliver a quality project on time that accomplishes the abandonment of two aged lift stations and all appurtenances with the installation of new gravity sewer main that will convey existing wastewater flows without the need of any pumping systems.

Project Description

The Mingus & Douglas Lift Station Abandonments Project will remove two aged lift stations from the City's collection system by extending a nearby gravity sewer main to serve the city parcels located on Mingus, Douglas and Delano Avenues.

This project will increase operational efficiency of the wastewater collection system. At the completion of this project the wastewater operations group will have two less lift stations to operate and maintain. In addition to regular O&M, both lift stations are aged and due for an upgrade. By installing approximately 1,500 LF of new 8-inch gravity sewer main to the area, the overdue upgrade costs can be saved and applied to the installation of the gravity sewer main to the area. The existing forcemains will be drained and plugged, and the existing wet wells, pumps and electrical equipment will be removed as part of this project.

The new gravity sewer will pick up flows from the site of the Douglas Lift Station and convey them east to Campbell Avenue, and will then convey them to the north. The new gravity sewer will pick up flows from the site of the Mingus Lift Station and convey them east to Campbell Avenue where they will combine with flows from the Douglas Lift Station site. This project will also abandon an existing sewer line that runs on the west end of the property located at 1910 Campbell Ave, Prescott, AZ; these flows will be re-routed with a new gravity sewer to the east and connect to the new sewer line along Campbell Avenue. Additionally, the project will pick up sewer service flows coming from Taylor Hicks elementary school. The combined flows will then convey northeast through the school's parking lot to the existing gravity system located at the north property line of the Taylor Hicks Elementary School property, just behind the existing homes along Roma Avenue.

A topographic survey will be performed in the limits of the project, and will include determining the existing invert elevations for the existing sewer system, storm drain and the water valve nuts. With this information, along with the quarter section data provided by the City, a feasibility study will be performed to confirm that the proposed route of the new gravity sewer will be valid. Entellus will look for different solutions to ensure that, in case an unexpected underground facility is found, a solution can still be applied and carry the project as determined by the City.

Existing Conditions

Mingus Lift Station:

The Mingus Lift Station currently serves approximately 24 city parcels and is located in the alley between Mingus and Douglas Avenues. The lift station has a 6'-0" diameter wet well and is equipped with two 2-HP submersible pumps.

Douglas Lift Station:

The Douglas Lift Station currently serves 12 city parcels and is located in the alley between Douglas and Delano Avenues. The lift station has a 6'-0" diameter wet well and is equipped with submersible pumps of varying manufacturers, horsepower and design conditions.

City Responsibility

The City of Prescott shall assume responsibility for the following:

- The City will provide the Consultant with the CAD basefiles for the current cover sheet.
- The City will provide DXF files with information containing the existing utilities quarter sections in the project area.
- The City will provide the title reports for parcels of land where we need easements prior to Entellus starting the 15% design. It is anticipated that only one title report will be needed.

Standards and Procedures

All work shall be in accordance with the latest edition of the City of Prescott General Engineering Standards, and per the latest Yavapai County Environmental Services Division requirements. All drawings shall be prepared utilizing the latest version of AutoCAD Civil 3D.

1. Data Research

The Consultant shall contact Bluestake and request mapping from all existing utility companies with infrastructure in the project area. This information will be utilized to help generate the CAD basefiles for the project.

2. Field Survey

Entellus will perform the project survey services as required by the City and utilize the City's datum information as the basis of design. The survey scope will include the following:

- Project survey control
- Topographic survey
- Survey monument preservation and perpetuation
- Right-Of-Way survey
- Adherence to the City's checklist for civil design plans survey
- Legal description and exhibit maps for temporary construction easements (up to three), new easement (up to one by school's parking lot), and easement abandonment (up to one).
- Coordinate with Badger and provide supplemental survey for the utilities exposed during potholing

The completion of the field survey work will be performed in two separate phases. The control establishment and topographic reconnaissance will be completed first, which will help Entellus perform the feasibility analysis for the proposed gravity sewer. Once the feasibility has been confirmed, the crew will complete the rest of the survey tasks required for this project; Entellus will coordinate with the City ROW specialist the new easements and temporary construction easements. Entellus will complete the supplemental survey for potholing after the City confirms the locations of the proposed potholes during the review of the 30% construction drawing set.

3. Coordination

This task will include the coordination time required for Entellus to coordinate the project with City departments, franchise utilities, and public.

3.1 Coordination with the City

Entellus will coordinate this project with City staff. Coordination meetings will be held as necessary between Entellus and City staff. Interim communications will be maintained via telephone, facsimile, or e-mail transmission. This task includes initial site review, plans-in-hand field reviews, and review comment meetings with City staff. It is anticipated that there will be two (2) meetings with City staff.

3.2 Utility Coordination – There are several utilities in the project area, including Arizona Public Service (electric), Cable One (cable), Centurylink (fiber, telephone), Unisource Energy Services (gas), and the City's underground infrastructure (storm drain, sewer, water). Entellus will submit plans to all applicable utility companies in accordance with the

Central Arizona Coordinating Committee handbook. Entellus will make all contact with all applicable utility companies and furnish the necessary plans at each stage submittal, including sending “No-Conflict” letters to each of the utilities, as well as obtaining their corresponding approvals from each one of them. For the purposes of this proposal, it is assumed that no utility coordination meetings will be required.

- 3.3 **Environmental Permits** – Entellus will coordinate and obtain all the Arizona Department of Environmental Quality permits required for this project, including the Approval to Construct, the Approval to Operate and the Engineer’s Certificate of Completion. These permits will be processed and obtained through the Yavapai County Environmental Services Department. It is anticipated that the City will be responsible for any review fees assessed during this review. It is assumed that the Contractor building the project will obtain any other permits related to erosion and dust control, as required by ADEQ.

4. **Base Sheet Preparation**

Entellus will utilize the control and topo survey as the basis for our CAD basefiles, including the utilities quarter section information provided by the City. After coordination with the other existing utilities in the project area, Entellus will ensure to incorporate this information to the working basefiles.

5. **15% Design Complete – Preliminary Design Report**

Entellus will complete the first phase of the control and topo survey, including obtaining the invert elevations of the existing sewer system which will be key in determining the feasibility of the proposed sewer improvements. Entellus will provide an exhibit with potential corridors for the new sewer alignment and profile; these alternatives will then need to be vetted based on the results of the Geotech report and pothole information. It is anticipated that one meeting will be required for this task.

Entellus will prepare a design report for the 15% submittal and will include the following:

Field Survey Information – Topographic survey shall be completed for the 15% submittal to evaluate cover conditions on proposed gravity sewer. Survey will include invert elevations for existing sewer systems and existing storm drain systems and estimated depths of water mains from surveyed top of nut elevations.

Base Map Preparation – Including all known existing utilities with enough detail to make alignment recommendations in the report.

Alternative Alignment Evaluation – Showing feasible alignments that could be installed to remove both lift stations and comparing the advantages of each alignment. Include a rough cost estimate for each alternative alignment.

6. **30% Design Complete**

Once the City chooses their preferred corridor alternative of the new sewer system, Entellus will revise and finalize the design report submitted on the 15% submittal and will proceed with the Geotech exploration and the second phase of the field survey. Entellus will prepare a plan and profile construction set of drawings, providing the preferred route for the installation of the new sewer line. The plan set will be prepared at a size of 22"x34". The proposed pothole locations will be shown on this plan set for the City to approve; in the interim, the existing utility crossings will be schematically shown on this set until the pothole results are obtained. A preliminary construction cost estimate and specifications will be provided with this submittal. The local street of Campbell Avenue, from Delano Avenue to Mingus Avenue, as well as the alleys between Delano Ave and Douglas Ave, and between Douglas Ave and Mingus Ave are anticipated to be impacted by the construction of the proposed sewer line; the proposed outfall for the improvements will run through the existing parking lot of located at the northwest corner of Taylor Hicks school. These improvements will ensure to utilize the proposed trench section as provided by the geotechnical engineer for this specific site. Any existing striping impacted by these improvements will be restored to existing conditions, and will be indicated on the construction drawings. It is anticipated that one meeting will be required for this task.

7. **First Public Meeting**

The City will host two public meetings to inform the public of the proposed improvements and answer any questions they may have. The first public meeting will be held after the 30% submittal. Entellus, with the assistance of Beta Public Relations, will lead the efforts for both public meetings. Entellus will assist at this meeting as necessary and provide any plans and exhibits as requested by the City.

8. **90% Design Complete**

Entellus will prepare a 90% construction set for the installation of the new sewer system, including plan and profile, construction notes and any details needed for the installation of the sewer line. This plan set will incorporate the surveyed results of the potholes and provide the proposed vertical alignment for the sewer system. Additionally, it will incorporate any review comments received from the City at the 30% stage. A preliminary construction cost estimate and

specifications will be provided with this submittal. It is anticipated that one meeting will be required for this task.

9. Second Public Meeting

The City will host a second public meetings to follow up and inform the public of the proposed improvements and answer any questions they may have. This meeting will be held after the 90% submittal. Entellus , with the assistance of Beta Public Relations, will lead the efforts for both public meetings. Entellus will assist at this meeting as necessary and provide any plans and exhibits as requested by the City.

10. 100% Design Complete

Entellus will prepare a 100% construction set for the installation of the new sewer system, including plan and profile, construction notes and any details needed for the installation of the sewer line. This plan set will incorporate any review comments received from the City at the 90% stage. Final construction cost estimate, bid schedule and specifications will be provided with this submittal. This plan set will be sealed and signed and will be ready to release for construction. No meetings are anticipated for this task.

11. Post Design Services

Entellus will provide consultation assistance during construction, relative to questions pertaining to the design, such as technical submittals, RFIs, project closeout, certification, and other construction phase engineering services required by the engineer of record. Entellus will attend the construction pre-bid meeting and answer any questions from the prospective bidders; in the event an addendum is required, Entellus will prepare the necessary changes to the plans and specifications. Entellus will also attend the pre-construction meeting held by the City of Prescott to answer questions from the construction contractor. In addition to the meetings indicated above, Entellus will meet monthly with the City to discuss the project status and any pertinent issues. In addition to meeting monthly with the City, Entellus will assume two extra meetings during the duration of construction, just in case an unprecedented issue was to arrive and the Engineer needed to be present to resolve these issues. Entellus will prepare record drawings based on as-built information provided by the contractor, and in accordance with Article 10 of the City of Prescott General Engineering Standards. The City of Prescott will inform Entellus when the new improvements are ready to be surveyed for record drawing information; this assumes one long day of the survey crew to collect all the information necessary for records drawings. Entellus will prepare the Engineer's Certificate of Completion at the end of the project.

Deliverables

The Consultant shall provide the City of Prescott with the following deliverables:

- 15% Submittal:
 - (1) Full size exhibit showing proposed alternatives
 - (1) Preliminary sewer report
- 30% Submittal:
 - (5) full size bond sets (22"x34")
 - Proposed pothole locations
 - Electronic copies (PDF) of all documentation
 - Bid Schedule and Probable Engineer's Estimate (PDF and hard copies)
 - (1) Special Provisions (PDF and hard copies)
- 90% Submittal:
 - (5) full size bond sets (22"x34")
 - Results of potholes and geotechnical exploration
 - Electronic copies (PDF) of all documentation
 - Bid Schedule and Probable Engineer's Estimate (PDF and hard copies)
 - Special Provisions (PDF and hard copies)
- 100% Submittal:
 - (5) full size bond sets (22"x34") – Sealed
 - (3) Temporary construction easements; (1) Permanent easement; (1) easement abandonment
 - DWG and DXF files of all CAD basefiles
 - Electronic copies (PDF) of all documentation
 - Bid Schedule and Probable Engineer's Estimate (PDF and hard copies)
 - Special Provisions (PDF and hard copies)
 - ADEQ Approval of Construction
- Post Construction:
 - (1) Full size Mylar (22"x34") of the Record drawings
 - (5) Full size bond sets (22"x34")
 - Electronic copies (PDF) of all documentation
 - Sewer test results
 - ADEQ Approval of Construction
 - DWG and DXF files of all CAD basefiles

Utility Pothole Exploration (Allowance)

The proposed improvements will take on a corridor that will be challenged by the existence of several underground utilities. Entellus will be responsible for coordinating and obtaining potholes of underground facilities on this project. For purposes of this proposal, it is anticipated the up to 20 potholes will be needed for this project.

Geotechnical Engineering (Allowance)

A geotechnical investigation will be performed to determine if the existing pavement conditions are suitable for a mill and overlay, specifically at the Taylor Hicks Baseball Field parking area. The geotechnical report will also provide recommendations for excavation, pipeline and pavement replacement. Entellus will submit to the City the proposed boring locations for approval prior to the exploration.

It is anticipated that up to five borings will be performed on this project, which will extend up to 10 feet deep; three of the borings will be along Campbell Avenue, another at the school's parking area, and the last one on the dirt area, just east of the baseball parking area. Consultant shall call AZ811 (formerly known as BlueStake) to mark public utilities. The Consultant shall obtain any required Right-of-Way and traffic control permits as required. Soil samples will be collected and laboratory tests performed, and shall include in-situ density and moisture content, gradation, Atterberg limits, and corrosivity characteristics of the subsurface soils encountered. A report of the investigation shall be prepared and contain the results of the field and laboratory analyses, with presentations of the engineering parameters for design of the improvements, and recommendations for construction. In addition, the report will contain vicinity maps depicting the project limits, plans showing the boring locations, narrative descriptions of the surface and subsurface conditions; slope stability, shoring, bedding, backfill, subgrade preparation, pavement rehabilitation, new pavement design; results of corrosivity analysis; and the re-use of on-site soils for engineered fill.

Public Relations (Allowance)

This project includes hosting two public meetings after the 30% and 90% submittals, respectively. Entellus will coordinate with Beta Public Relations any external public coordination, marketing and information that needs to be provided to the public. BetaPR will design and produce two project notifications fliers that serve as public meeting invitations, including bulk mailing to all the properties around the project zone; publishing at the Prescott Daily Courier; and hand-delivering to each of the stakeholder along the project corridor. BetaPR will develop and release an eNews prior to each public meeting, which can be used by the City on its web page in order to maintain the general public informed. The location of the public meetings is anticipated to be at the Taylor Hicks Elementary School, and the City will be making the necessary arrangements to make the reservations. BetaPR will establish a maintain a project hotline for this project.

**EXHIBIT B
PROJECT ESTIMATING SHEETS**

ENTELLUS, INC.
September 26, 2017
Entellus Project No. 920016A

CITY OF PRESCOTT
Public Works Department
Project No. 7205860-8525-90182

	WORK ITEM DESCRIPTION	PROJ. PRIN.	PROJ. MGR.	PROJ. ENGR.	E.I.T.	SR. DESIGN/ CADD	CADD TECH.	ADMIN. ASST.	SURVEY CREW	SURVEYOR MNGR./RLS	SURVEY TECH.	TOTAL HOURS
1	DATA RESEARCH			1		8		4				13
2	FIELD SURVEY											
	2.1 Control and Topographic Survey			1					24	12	4	41
	2.2 Survey Monument Preservation and Perpetuation; ROW Survey			1					12	8		21
	2.3 Legal Desc. and Exhibit Maps for TCE (3), New Easement (1), Abandonment (1) (\$700/ea)											
	2.4 Supplemental Survey for Potholes (in Coordination with Badger)			2					8	2		12
3	COORDINATION											
	3.1 Coordination with the City (12 months @ 2 hours per month)	4	24									28
	3.2 Coordination with Utilities		2		20			4				26
	3.3 Coordination with Yavapai County ESD		2		12			4				18
4	BASE SHEET PREPARATION		2			8	24					34
5	15% DESIGN COMPLETE - PRELIMINARY DESIGN REPORT											
	5.1 Prepare exhibit with alternatives (2 exhibits)	1	4		4			8				17
	5.2 Prepare preliminary design report		2		12							14
	5.3 Prepare for resolution meeting to discuss review comments		8									8
6	30% DESIGN COMPLETE											
	6.1 Update and finalize design report		2		2							4
	6.2 Prepare 30% construction set [Cover (1) , Legend(1), Notes (1) , Survey Control (1) , Details (2) , P&P (4)]	1	4		16		40			2	8	71
	6.3 Prepare preliminary construction cost estimate & specifications		1		8							9
	6.4 Prepare for resolution meeting to discuss review comments		8									8
	6.5 Prepare pothole list and exhibit for approval		1		2		6					9
7	FIRST PUBLIC MEETING											
	7.1 Prepare plans and exhibits (2 exhibits)		1				6	2				9
	7.2 Assist the City during the public meeting		6									6
8	90% DESIGN COMPLETE											
	8.1 Prepare 90% construction set (10 sheets)	1	6		16		40					63
	8.2 Prepare 90% construction cost estimate & specifications		1		6							7
	8.3 Prepare for resolution meeting to discuss review comments		8									8
9	SECOND PUBLIC MEETING											
	9.1 Prepare plans and exhibits (2 exhibits)		1				4	2				7
	9.2 Assist the City during the public meeting		6									6
10	100% DESIGN COMPLETE											
	10.1 Prepare 100% construction set (10 sheets)	1	8		12		24					45
	10.2 Prepare 100% construction cost estimate & specifications	1	1		4							6
11	POST DESIGN SERVICES											
	11.1 Prepare and attend pre-bid meeting		8									8
	11.2 Prepare and attend pre-construction meeting		8									8
	11.3 Respond to technical submittals, RFI, related to design (5 submittals; 3 RFI)		4		8							12
	11.4 Meet monthly with the City to discuss project status and any issues (6 meetings)		36									36
	11.5 Entellus survey crew to collect AB information (1 long day)		1						12	8		21
	11.6 Prepare record drawings based on AB	1	4		16		36					57
TOTAL STAFF HOURS FOR BASIC DESIGN SERVICES		10	164		146	8	192	12	56	32	12	632

PERCENT	2%	26%	23%	1%	30%	2%	9%	5%	2%
DIRECT LABOR COST									
PROJECT PRINCIPAL		\$175.00				10		\$1,750.00	
PROJECT MANAGER		\$165.00				164		\$27,060.00	
PROJECT ENGINEER									
ENGINEER-IN-TRAINING		\$115.00				146		\$16,790.00	
SENIOR DESIGNER/CADD TECHNICIAN		\$120.00				8		\$960.00	
CADD TECHNICIAN		\$75.00				192		\$14,400.00	
ADMINISTRATIVE ASSISTANT		\$95.00				12		\$1,140.00	
TWO-PERSON SURVEY CREW		\$140.00				56		\$7,840.00	
SURVEY MANAGER / RLS		\$130.00				32		\$4,160.00	
SURVEY TECHNICIAN		\$75.00				12		\$900.00	
TOTAL STAFF HOURS						632			
TOTAL DIRECT LABOR								\$75,000.00	
Legal Descriptions & Maps (\$700 ea)								\$3,500.00	
								\$78,500.00	

ALLOWANCES									
Geotechnical Engineering (up tp 5 boreholes by Ninyo & Moore)		\$8,900.00							
Potholing Coordination (up to 20 potholes, \$510/ea by Badger)		\$10,200.00							
Public Relations (Beta PR)		\$6,358.80							
Printing & Reproduction		\$2,000.00							
Contingency		\$15,000.00							

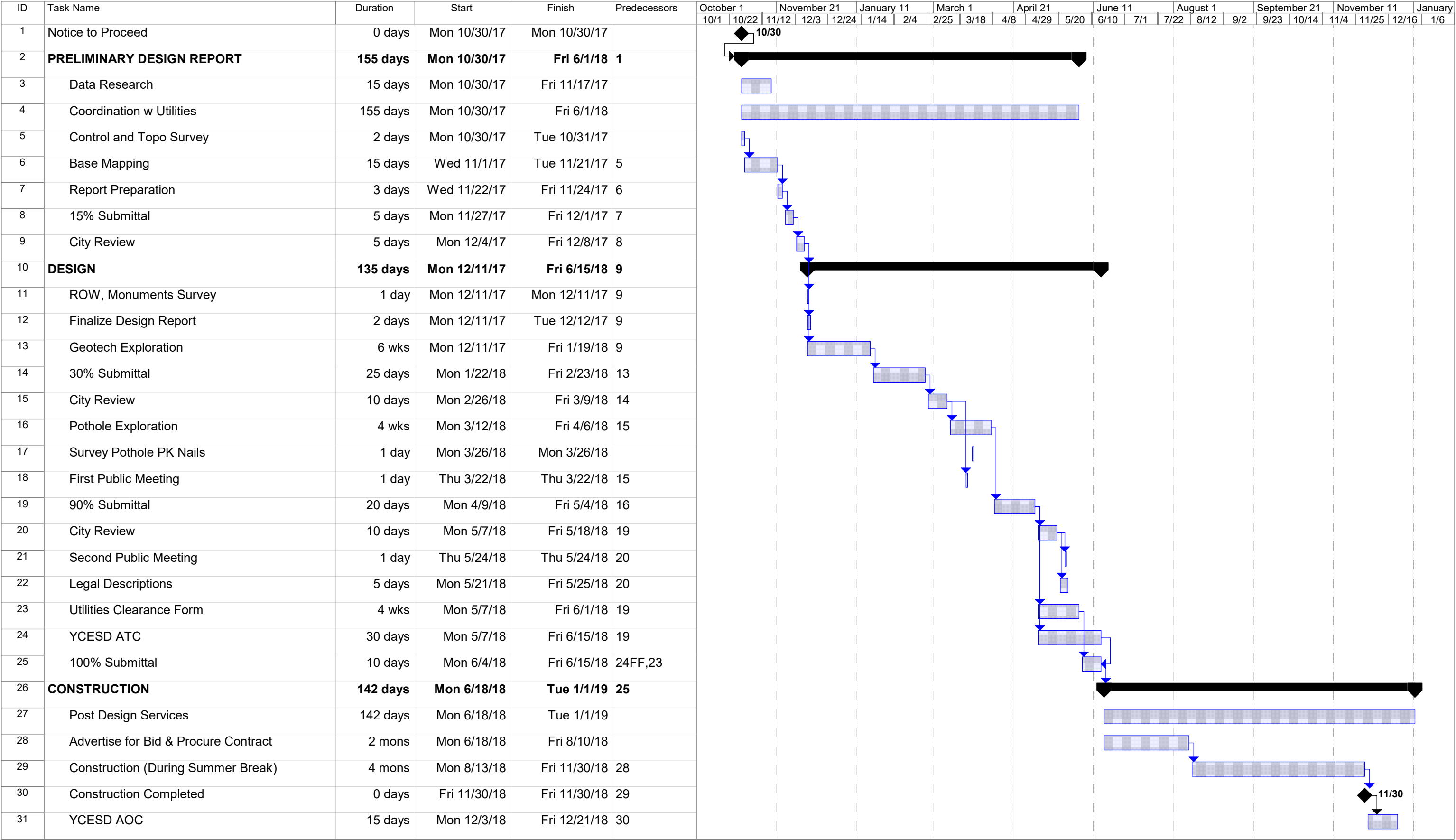
TOTAL ALLOWANCES

\$42,458.80

TOTAL PROJECT COST

\$120,958.80

EXHIBIT "C"
Schedule
Mingus & Douglas Lift Station Abandonments
City Project No. 7205860-8525-90182
Entellus Project No. 920016A



Attachment: Scope of Work Mingus Douglas Lift Station Abandonments (1713 : Mingus and Douglas Lift Station Abandonments)



September 26, 2017
Proposal No. 12-01611

Mr. Alberto Gonzalez
Entellus
3033 North 44th Street, Suite 250
Phoenix, Arizona 85018

Subject: Proposal to Perform Geotechnical Services
New Gravity Sewer and Lift Station Abandonment
Campbell Avenue and Mingus Avenue
Prescott, Arizona

Dear Mr. Gonzalez:

Pursuant to your request, Ninyo & Moore is pleased to submit our scope of work and cost proposal to provide geotechnical services associated with the above mentioned project in Prescott, Arizona. The following was prepared after consultation with your office and includes our scope of services, estimated fee, project assumptions, and anticipated schedule.

SITE AND PROJECT DESCRIPTION

The project site is located near the intersection of Campbell Avenue and Mingus Avenue in Prescott, Arizona. At this location, a new gravity sewer that will be on the order of 1,500 feet long and two existing lift stations will be abandoned as part of this project. The gravity sewer and two lift stations will extend up to 10 feet deep and will be installed using traditional cut-and-cover techniques. Pavement replacement and/or rehabilitation along Campbell Avenue to also anticipated.

SCOPE OF SERVICES

We propose the following scope of work for this project:

- Review available geologic literature and aerial photographs of the project site.
- Conduct a visual geologic reconnaissance of the project site.
- Obtain City of Prescott permits to conduct our field work activities.
- Establish the test location in the field and arrange for the mark out of underground utilities through Arizona 811.

- Arrange for appropriate traffic control measures to be implemented during our field work activities.
- Core the existing pavement along Campbell Avenue at up to two locations using an electronic core machine in order to evaluate the current pavement section. In general, one core location will be along Campbell and another will be within the nearby school's parking lot.
- Perform a geotechnical exploration, which will include up to five hollow-stem auger borings using a truck-mounted two-wheel drive drill rig. The borings will be situated near the locations depicted on the attached map and will extend up to 10 feet deep. The holes will be backfilled with drilling soil spoils once finished and patched per City of Prescott requirements, if needed.
- Collect soil samples in the borings at 2.5 to 5.0-foot intervals using ASTM International (ASTM) D3550 (ring-lined barrel sampling of soils) for laboratory testing and analysis. Ninyo & Moore personnel will log the borings in general accordance with the Unified Soil Classification System and ASTM D2488 by observing cuttings and samples. The ring samples will be trimmed in the field, wrapped in plastic bags, and placed in moisture-tight cylindrical plastic containers. Bulk samples will also be placed in large plastic bags. The soil samples will be transported to a Ninyo & Moore laboratory for testing.
- Perform laboratory testing that will evaluate the on-site soils characteristics for representative soil samples. The proposed laboratory tests will include in-situ density and moisture content, gradation, Atterberg limits, and corrosivity characteristics of the subsurface soils encountered.
- Prepare a geotechnical report that will contain the results of the field and laboratory analyses, with presentations of the engineering parameters for design of the improvements, and recommendations for construction. In addition, the report will contain vicinity maps depicting the project limits, plans showing the boring locations, narrative descriptions of the surface and subsurface conditions, laboratory test results and geotechnical recommendations related to excavation characteristics; slope stability, shoring, bedding, backfill, subgrade preparation, pavement rehabilitation, new pavement design; results of corrosivity analysis; and the re-use of on-site soils for engineered fill.

FEE ESTIMATE

We propose to perform the scope of work described above for an estimated fee of \$8,900 (Eight Thousand Nine Hundred Dollars). The estimated fee is based on the scope of services presented above and our understanding of the project. Any additional services not included in the aforementioned scope will be charged on a time and materials basis in accordance with our current Schedule of Fees.

ASSUMPTIONS

We have made the following assumptions in the preparation of this proposal:

- No off duty Police Officers are needed during our field work activities.
- The site is accessible to normal, truck-mounted drilling equipment and site access will be granted.

- Access permits or permission (except from where noted above) will be obtained by others.
- The work can be accomplished using hollow-stem augers.
- No groundwater will be encountered.
- If auger refusal or groundwater is encountered while drilling, we will stop and notify your office.
- The boreholes can be backfilled with the drilling spoils and patched with asphalt cold patch material, if needed.
- Some disturbance should be expected as a result of our field work.
- Ninyo & Moore will not be required to obtain any permits for environmental clearance as a part of this project.

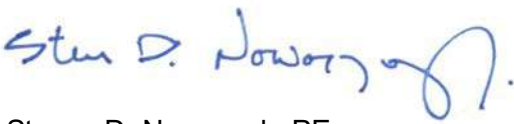
SCHEDULING

We are prepared to initiate this project immediately upon receiving your authorization to proceed. We anticipate issuing a report within about 4 to 6 weeks from the date of authorization. Preliminary recommendations can be provided about 1 week after the fieldwork is done.

If this proposal meets with your approval, please sign and return a copy of the attached Work Authorization and Agreement.

Ninyo & Moore appreciates the opportunity to provide services on this project and we look forward to working with you.

Respectfully submitted,
NINYO & MOORE



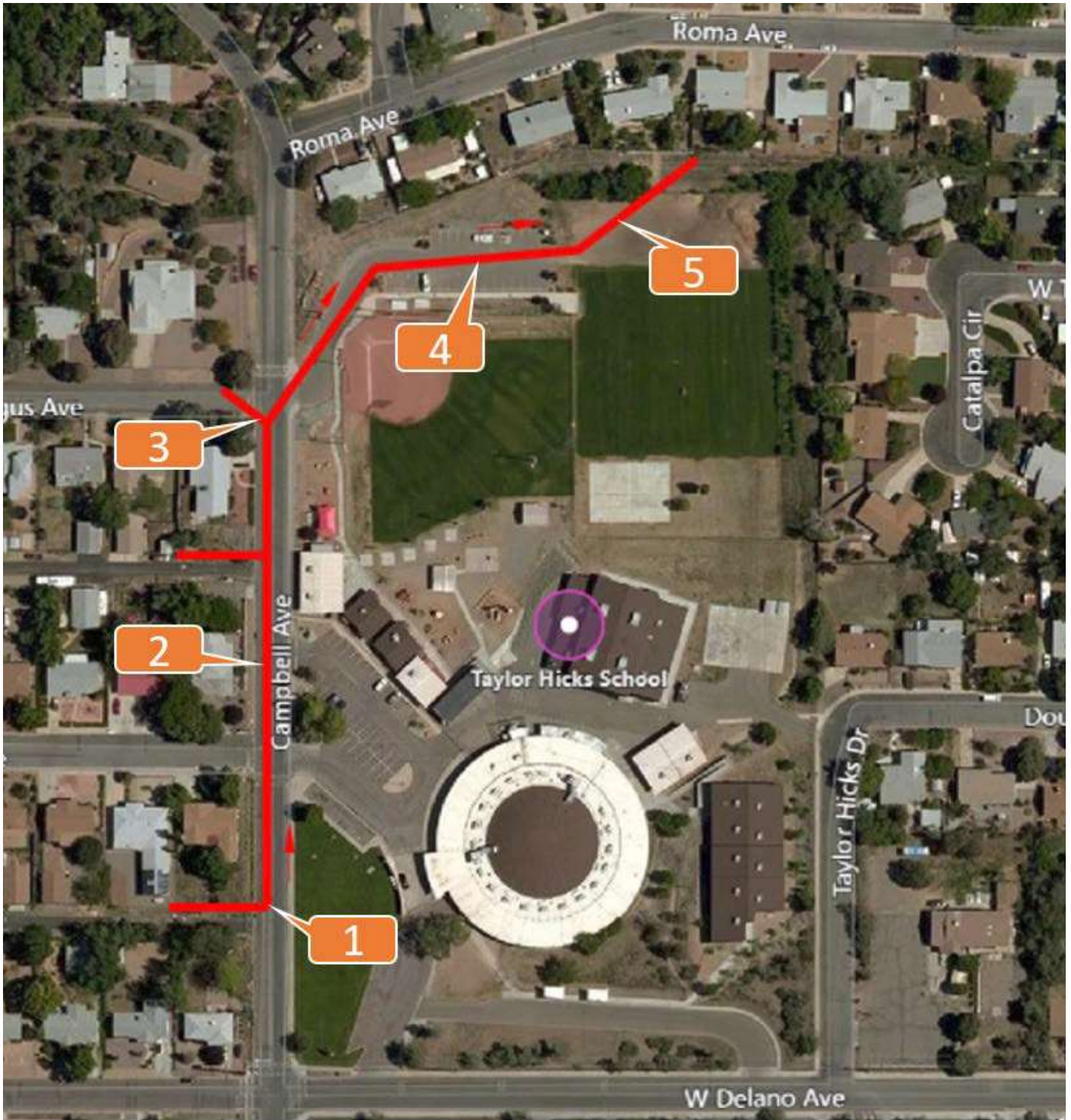
Steven D. Nowaczyk, PE
Managing Principal Engineer

SDN/tlp

Attachments: Boring Location Map
Work Authorization and Agreement

Distribution: (1) Addressee (via e-mail)

Boring Location Map



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Badger Hydrovac Service Rates

United States

Prepared By: Jared Chambers
Dated: 8.16.17



7623 N 73RD DR, GLENDALE, AZ 85303

T: 1.888.726.9146

"An equal opportunity employer"

Badger Service Rates Prepared

Exclusively For:

Entellus, Inc
Alberto Gonzalez, PE
602.244.2566
agonzalez@entellus.com
Prescott, AZ – Campbell Ave.

Prepared by: Jared Chambers

480-375-1606
jchambers@badgerinc.com
8.16.17

Scope of Work

Pothole up to 20 holes for proposed sewer line.

DESCRIPTION	UNIT COST
Per Hole rate less than 8'	\$510.00
Per Hole rate 8'-10'	\$612.00
Per Hole rate 10' +	\$856.00
Out of scope work	\$240.00 / HR
Travel Charges – MOB or DEMOB	INCLUDED
Water Per Load	INCLUDED
Material Off Loading Fees per Load	INCLUDED
Fluctuating Fuel Recovery Fee	PERCENTAGE BASED ON WWW.EIA.GOV

Badger will provide city permits and blue stake. Badger is responsible for asphalt demolition, reporting of utility depth by means of plot report, slurry backfill, traffic closure and restoration of asphalt. Client will provide pre survey of the proposed running line with marked station numbers to allow Badger to locate requested dig locations. Client will also provide a maximum desired depth per hole for a stopping point in case of a dry hole where utility was not found. Per hole is defined as stated – (per hole) and not as a successful location of utility.

It is estimated that Badger Daylighting Corp. can complete above mentioned scope of work within 2-3 working days.

September 25, 2017

Mr. Alberto González
Entellus, Inc.
3033 North 44th Street, Suite 250
Phoenix, AZ 85018

Submitted via e-mail to agonzalez@entellus.com

Re: Mingus and Douglas Lift Station Abandonments Project - Cost Quote for Public Involvement Services

Mr. González:

Beta Public Relations (BetaPr) respectfully submits this cost quote for Public Involvement Services for the Mingus and Douglas Lift Station Abandonments Project. This project consists of design work including the removal of two aged lift stations and the installation of gravity sewer main along Campbell Avenue. The project will increase the efficiency of the City's wastewater collection system and upgrade the utilities that serve the surrounding area. Due to the eventual benefits and potential impacts to area stakeholders, public involvement is important to managing perception of the project.

Public involvement efforts will begin immediately upon acceptance of this scope and estimated fee. Tasks associated with the public involvement effort, including estimated cost to complete each task are outlined below. If necessary, we will adjust our estimate to accommodate the City's needs, or any scope changes.

Project Scope	Estimated Cost
Task 1 – Project Notification Flier Design and Production BetaPr will design and produce two (2) Project Notification Fliers that serve as public meeting invitations and general project information pieces. A public meeting will be scheduled prior to the 30% design level to introduce the project and open lines of communication. An additional public meeting will occur again prior to the 90% design level.	\$940.00
Task 2 – Project Notification Flier Mailing The project notification flier will be bulk mailed to fully saturate areas in and around the project zone. In addition to this distribution, fliers will be mailed directly to property owners addresses generated from the Yavapai County's Assessors website.	\$180.00
Task 3 – Newspaper Advertisement Design and Publication BetaPr will design and publish two (2) newspaper advertisements in the Prescott <i>Daily Courier</i> . The advertisement will invite interested parties to attend the public meetings, highlight project details, and provide information on how to stay connected with the project team.	\$400.00
Task 4 – Outreach to Stakeholders BetaPr will hand-deliver the Project Notification to each stakeholder along the project corridors. Outreach will be performed prior to the first public meeting.	\$320.00

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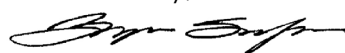
Task 5 – eNews Release and Database Development BetaPr will develop and release an eNews prior to each public meeting. Distribution will include the interested party database generated from prior public meetings and any other request received via door to door outreach. The project database will be updated to include any new interested party contacts for future eNews communications.	\$300.00
Task 6 – Facilitate Public Meetings BetaPr will facilitate two (2) public meetings, including acquiring the venue, producing meeting materials, assisting with presentations, and meeting set-up and take-down. After the meetings are complete, a public meeting summary will be provided to the team compiling all comments and input received.	\$2,640.00
Task 7 – Project Hotline Maintenance and Public Issues Log BetaPr will establish and maintain a project hotline. Hotline calls will be answered by BetaPr staff during the course of the project. All caller issues, questions, or concerns will be directed to the project team for response. A Public Issues Log documenting all project hotline calls, project-specific emails received, and the nature of those inquiries will be recorded as part of the log.	\$380.00
Total Estimated Labor Expenses	\$5,160.00

Direct Expenses	Estimated Cost
Printing – 200 pieces* (Project Notification Flier) x \$0.50 per piece <i>* Includes mailings, door to door distribution, and supplying copies to project team.</i>	\$100.00
Direct mail postage – 120 pieces* x \$0.49 per piece (60 notifications per public meeting) <i>* Includes property owner's addresses generated from the Yavapai County's Assessors website.</i>	\$58.80
Newspaper advertisement – 2 publications in the Prescott Daily Courier	\$800.00
Direct mail provider and hotline phone service – \$40 per month x 6 months	\$240.00
Total Estimated Direct Expenses	\$1,198.80

Total Estimated Project Cost \$6,358.80

Thank you for the opportunity to work on this project. If you have any questions regarding this estimate, feel free to contact me directly at (928) 440-5080. We look forward to working with Entellus, Inc. to provide effective public involvement support for the Mingus and Douglas Lift Station Abandonments Project.

Sincerely,



Bryce Snyder
Principal
BetaPr

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