AGENDA

PRESCOTT CITY COUNCIL
REGULAR VOTING MEETING
Tuesday, February 10, 2015
3:00 PM

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

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

- ♦ **CALL TO ORDER**
- ♦ **INTRODUCTIONS**
- ♦ **INVOCATION** — Church of Jesus Christ of Latter-Day Saints
- ♦ **PLEDGE OF ALLEGIANCE** — Councilman Arnold
- ♦ **ROLL CALL**

MAYOR AND CITY COUNCIL

Mayor Kuykendall	
Mayor Pro Tem Kuknyo	Councilman Lamerson
Councilman Arnold	Councilman Lazzell
Councilman Blair	Councilwoman Wilcox

- ♦ **ANNOUNCEMENTS**
- ♦ **PRESENTATIONS**

A. Presentation of Life Saving Award to Police Officer Ryan Ehlert

B. Presentation by Bill Spreitzer (WESCAP) re Bradshaw III Senior Housing Project

I. CONSENT AGENDA

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

A. Approval of minutes for the City Council meetings held on January 6, 2015, and January 13, 2015

B. Approval of grant applications to the Governor’s Office of Highway Safety in the total amount of $50,000.00 for enforcement programs

C. Approval of acceptance of a grant from the Arizona Governor's Office for Children, Youth, and Families for sexual assault victim advocacy training in the amount of $16,900.00

D. Approval of FP15-001, Final Plat of Sierry Peaks Trails, a 6-lot subdivision encompassing approximately 3.28 acres [Zoning: Single-family 18 (SF-18); Property Owner: Alan R. Payne Revocable Trust; APN 115-10-004M]

E. (1) Adoption of Resolution No. 4277-1486 accepting an Arizona Department of Homeland Security Reallocation Grant for portable radio chargers; and (2) approval to purchase 35 ea, radio chargers in the amount of $11,092.33 from Creative Communications using State Contract No. ADSP013-036880 pricing (Grants Fund)

F. Approval to (1) accept additional funding from Arizona Department of Homeland Security (AZDOHS) Grant 130510-02 in the amount of $6,815.00; and (2) to combine said funding with the amount of $3,630.32 remaining from Grant 140515-01 in order to purchase nine (9) ea. Twin Port Specialist Responder Kits (CBNR) masks in the amount of $10,034.63 from FDC Rescue LE Division

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

II. REGULAR AGENDA

A. Public Hearing and consideration of a Series 12, Restaurant liquor license application from Rafael Reyna-Ortega, applicant for Lindo Mexico Restaurante Mexicano, located at 1260 Gail Gardner Way, Suite A

***RECOMMENDED ACTION**: (1) MOVE to close the Public Hearing; and (2) MOVE to approve/deny Liquor License Application No.*

12133605, for a Series 12, Restaurant license for Lindo Mexico Restaurante Mexicano located at 1260 Gail Gardner Way, Suite A.

B. Approval of City Contract No. 2015–098 for household hazardous waste disposal services with Clean Harbors Environmental Services, Inc., using pricing from City of Mesa Contract No. 2014-013 in an amount not to exceed $70,000.00 (Solid Waste Fund)

***RECOMMENDED ACTION**: MOVE to approve City Contract No. 2015-098 for household hazardous waste disposal services with Clean Harbors Environmental Services, Inc., using pricing from City of Mesa Contract No. 2014-013 in an amount not to exceed $70,000.00.*

C. Adoption of Resolution No. 4276-1485 supporting the continuation of Essential Air Service for Prescott Municipal Airport by Great Lakes Aviation, Ltd.

***RECOMMENDED ACTION**: MOVE to adopt Resolution No. 4276-1485.*

D. Approval of a one-year extension of City Contract No. 2012-131A1 with D & K Farming Enterprises, LLC, for the hauling of bio-solids from the Airport and Sundog wastewater treatment plants in an amount not to exceed $260,000.00

***RECOMMENDED ACTION**: MOVE to approve a one-year extension of City Contract No. 2012-131A1 with D & K Farming Enterprises, LLC, for hauling bio-solids in an amount not to exceed $260,000.00.*

E. Award of Contract No. 2015-094 for the Blackhawk Drainage and Pavement Improvements Project to CLM Earthmovers, LLC, in the amount of $1,391,904.70

***RECOMMENDED ACTION**: MOVE to award City Contract No. 2015-094 for the Blackhawk Drainage and Pavement Improvements Project to CLM Earthmovers, LLC, in the amount of $1,391,904.70.*

F. Adoption of Resolution No. 4275-1484 approving Contract No. 2015-095, an Intergovernmental Agreement (IGA) with the Arizona Department of Transportation (ADOT) providing for the acceptance and use of $50,000.00 to be utilized to implement the Arizona Traffic and Criminal Software (TraCS)

<u>RECOMMENDED ACTION</u>: MOVE to adopt Resolution No. 4275-1484.

G. Approval of a Memorandum of Understanding with the Yavapai-Prescott Indian Tribe for Calendar Year 2015 pass-through funding of contributions to various community non-profit recipients (City Contract No. 2015-099)

<u>RECOMMENDED ACTION</u>: MOVE to approve the Memorandum of Understanding with the Yavapai-Prescott Indian Tribe (City Contract No. 2015-099).

H. Discussion of General Plan review, adoption, ratification process, and schedule

<u>RECOMMENDED ACTION</u>: For Council discussion and direction.

I. Legislative Update

<u>RECOMMENDED ACTION</u>: For Council discussion and direction.

III. BOARDS AND COMMISSION REPORTS

IV. ADJOURNMENT

EXECUTIVE SESSION

Upon a public majority vote of a quorum of the City Council, the Council may hold an executive session, which will not be open to the public, regarding any item listed on the agenda but only for the following purposes:

(i) Discussion or consideration of personnel matters (A.R.S. §38-431.03(A)(1));
(ii) Discussion or consideration of records exempt by law (A.R.S. §38-431.03(A)(2));
(iii) Discussion or consultation for legal advice with the city's attorneys (A.R.S. §38-431.03(A)(3));
(iv) Discussion or consultation with the city's attorneys regarding the city's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions conducted in order to avoid litigation (A.R.S. §38-431.03(A)(4));
(v) Discussion or consultation with designated representatives of the city to consider its position and instruct its representatives regarding negotiations with employee organizations (A.R.S. §38-431.03(A)(5));
(vi) Discussion, consultation or consideration for negotiations by the city or its designated representatives with members of a tribal council, or its designated

representatives, of an Indian reservation located within or adjacent to the city (A.R.S. §38-431.03(A)(6);

(vii) Discussion or consultation with designated representatives of the city to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property (A.R.S. §38-431.03(A)(7)).

Confidentiality

Arizona statute precludes any person receiving executive session information from disclosing that information except as allowed by law. A.R.S. §38-431.03(F). Each violation of this statute is subject to a civil penalty not to exceed $500, plus court costs and attorneys' fees. This penalty is assessed against the person who violates this statute or who knowingly aids, agrees to aid or attempts to aid another person in violating this article. The city is precluded from expending any public monies to employ or retain legal counsel to provide legal services or representation to the public body or any of its officers in any legal action commenced for violation of the statute unless City Council takes a legal action at a properly noticed open meeting to approve of such expenditures prior to incurring any such obligation or indebtedness. A.R.S. §38-431.07(A)(B).

CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Prescott City Hall on _____________ at _____________m. in accordance with the statement filed by the Prescott City Council with the City Clerk.

____
Dana R. DeLong, CMC, City Clerk

CITY OF PRESCOTT
Everybody's Hometown

COUNCIL AGENDA MEMO

MEETING DATE/TYPES: VOTING SESSION 2-10-15

DEPARTMENT: City Clerk

AGENDA ITEM: Approval of minutes for the City Council meetings held on January 6, 2015, and January 13, 2015

Approved By:		**Date:**
City Clerk:	DeLong, Dana	02/04/2015

Item Summary

Attached for approval are the City Council minutes of the Special Meeting held on January 6, 2015; Special Meeting (HUD Case) held on January 6, 2015; Workshop Meeting held on January 6, 2015; Special Meeting held on January 13, 2015; and Regular Voting Meeting held on January 13, 2015.

Attachments

1. January 6, 2015, Special Meeting Minutes
2. January 6, 2015, Special Meeting Minutes (HUD Case)
3. January 6, 2015, Workshop Meeting Minutes
4. January 13, 2015, Special Meeting Minutes
5. January 13, 2015, Regular Voting Meeting Minutes

Recommended Action: MOVE to approve the City Council meeting minutes as presented.

PRESCOTT CITY COUNCIL
SPECIAL MEETING
TUESDAY, JANUARY 6, 2015
PRESCOTT, ARIZONA

MINUTES OF THE SPECIAL MEETING OF THE PRESCOTT CITY COUNCIL HELD ON JANAURY 6, 2015, in the LOWER LEVEL CONFERENCE ROOM located at CITY HALL, 201 SOUTH CORTEZ STREET, Prescott, Arizona.

◆ **CALL TO ORDER**

Mayor Kuykendall called the meeting to order at 1:00 P.M.

◆ **ROLL CALL**

Present:
Mayor Kuykendall
Mayor Pro Tem Kuknyo
Councilman Arnold
Councilman Blair
Councilman Lamerson
Councilman Lazzell
Councilwoman Wilcox

Staff
Craig McConnell, City Manager
Jon Paladini, City Attorney
Dana DeLong, City Clerk
Alison Zelms, Deputy City Manager
Mark Woodfill, Finance Director
Matt Podracky, Assistant City Attorney
Henry Hash, Public Works Director
Steve Orosz, Program Development Manager

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.

MAYOR POR TEM KUKNYO MOVED TO RECESS INTO EXECUTIVE SESSION; SECONDED BY COUNCILMAN ARNOLD; PASSED UNANIMOUSLY.

The Prescott City Council recessed into Executive Session at 1:00 P.M.

EXECUTIVE SESSION

I. LEGAL MATTERS

A. The City Council will meet with the City Attorney for legal advice, discussion and consultation regarding its position in pending or contemplated litigation, including settlement discussions conducted in order to avoid or resolve litigation. A.R.S. §38-431.03(A)(3)and(4):

1) CLM adv. City of Prescott

B. The executive session adjourned at 1:37 P.M.

II. ADJOURNMENT

There being no further matters to come before the Special Meeting, the meeting was adjourned at 1:37 p.m.

____
MARLIN D. KUYKENDALL, Mayor

ATTEST

____
DANA R. DeLONG, 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 6th day of January, 2015. I further certify the meeting was duly called and held and that a quorum was present.

Dated this _____ day of ____________________, 2015.

AFFIX
CITY SEAL

____
DANA R. DeLONG, City Clerk

PRESCOTT CITY COUNCIL
SPECIAL MEETING
TUESDAY, JANUARY 6, 2015
PRESCOTT, ARIZONA

MINUTES OF THE SPECIAL MEETING OF THE PRESCOTT CITY COUNCIL HELD ON JANUARY 6, 2015, in the COUNCIL CHAMBERS located at CITY HALL, 201 SOUTH CORTEZ STREET, Prescott, Arizona.

◆ CALL TO ORDER

Mayor Kuykendall called the meeting to order at 2:00 P.M.

◆ ROLL CALL

Present:	Absent:
Mayor Kuykendall	None
Mayor Pro Tem Kuknyo	
Councilman Arnold	
Councilman Blair	
Councilman Lamerson	
Councilman Lazzell	
Councilwoman Wilcox	

Mayor Pro Tem Kuknyo announced that Noel Campbell, House of Representatives, was in attendance.

I. DISCUSSION ITEMS

A. Briefing by City Attorney regarding complaint dated December 17, 2014 (HUD Case No. 09-15-0257-8)

Jon Paladini, City Attorney, briefed the Council on the complaint that was received on December 23, 2014, from Housing and Urban Development (HUD) noting that parts of the City Ordinance 4866-1404, adopted by Council in September 2013, violated certain aspects of the Fair Housing Act.

Mr. Paladini said that once the City filed its response, the federal government had at least 100 days to complete its impartial investigation. If the determination was made that the ordinance did not violate the Fair Housing Act, the complaint would be dismissed. If they determined it did violate the Fair Housing Act, the City would have to ask that the case be heard by the administrative law judge within 20 days or ask that the case be referred to the United States District Court. The City may ask for conciliation, similar to a mediation of particular issues. He noted that it would be a policy decision of the Council. If Council determined that the next step was to litigate the matter, it would be a full trial that may take a number of years.

The federal government could take away the Community Development Block Grant (CDBG) money if they determined a violation had been made. Another potential penalty was an injunction by the court to stop the City of Prescott from enforcing the ordinance.

Mr. Paladini noted that the City of Prescott was not the only city to be targeted with the allegation. The City of Chandler received a similar challenge. The facts for the City of Chandler were quite different then the facts in the case with the City of Prescott, especially regarding the number of homes in regards to the size of the city. He noted that Prescott had roughly 157 community residences, which was about 2.5 percent of the population. He believed the number to be the largest in the state.

Mr. Paladini said that the Department of Justice (DOJ) recommendations on the Fair Housing Act noted that the local government could generally restrict the ability of groups of unrelated persons to live together as long as the restrictions are imposed on all such groups. Regarding the issue of dispersal, the DOJ and HUD took the position that density of restrictions were generally inconsistent with the Fair Housing Act. They also believed that if a neighborhood came to be composed largely of group homes, it could adversely affect individuals with disabilities and would be inconsistent with the objective of integrating persons with disabilities into the community. Mr. Paladini said staff believed that the ordinance was an attempt to reach a balance.

He cited the Arizona Republic from August 2014, talked about a Scottsdale woman who sought regulation for sober homes. He said there was a section on how other valley cities and towns regulated sober living homes, and read their restrictions.

Councilman Blair asked if six unrelated and three related people could live in one house. Mr. Paladini said the City defined family as 1 or more persons living together as a single housekeeping unit in a dwelling unit. He said a single housekeeping unit was any number of related, or up to six unrelated persons living as the functional equivalent of a traditional family. Mr. Paladini said there could be an additional six persons living with Councilman Blair's family, however, the six unrelated people would have to be part of the family community.

Mr. Paladini said the City's ordinance was very reasonable. He felt that the City of Prescott had a strong case if they got an objective and honest look. He noted that one of the complaints was that the ordinance made it difficult for group homes to establish themselves in the City of Prescott. He noted that there had been an increase in number of group homes since the ordinance went into effect.

Mayor Pro Tem Kuknyo said it was time to move forward. He noted that the City's goals and industries goals were similar. He said there needed to be an exit requirement, a licensed caregiver from the state and standards of care. Residents who failed the program needed to be sent home and not kept in Prescott. He said that he would like to see staff give some type of legislation by January 30, that could be taken to the state to get rules in place to take care of the health care issue.

Mr. Paladini said that of the 157 known residences, there were approximately 30 that were licensed by the state. Those thirty had to meet the regulations, but the remaining did not.

Councilman Blair said the simple minority was driving this issue and the majority did not like it. Mr. Paladini said it was about trying to find a balance. The Fair Housing Act had good intent.

Councilman Lamerson asked why the City had not worked with HUD from the beginning.

Councilman Lazzell asked how long it would take to get the issue to trial, if that was what the Council decided on. Mr. Paladini said it was hard to predict. He thought the earliest would be five to six months.

There was a discussion on discrimination and protected classes.

Councilwoman Wilcox said that the City of Prescott's ordinance could be too broad. She wondered if staff could go back and look for an opportunity to conciliate the issue with HUD to more narrowly draw the ordinance in order to get to the problem. She sympathized with the neighbors who had to put up with the nuisance that existed around the group homes. She did not want to forget that people who were dealing with addiction and said they also needed help. She said there needed to be quality group homes and state licensing would help.

Mayor Kuykendall asked if the City's ordinance would remain in effect until we got some resolution. Mr. Paladini said yes.

Mayor Kuykendall asked if there was a requirement that the six unrelated people living in a residence home had to be receiving so type of treatment while living there. Mr. Paladini said that disability was not referenced in the definition of community residence. He said the guidance from the DOJ was to not distinguish between disabled and able bodied people.

Councilman Arnold noted that Chino Valley's ordinance made it almost impossible to have a community residence or a group home in the residential neighborhoods without a conditional use permit. The face of Prescott was changing and it was about high intensity uses in residential neighborhoods. He said there was an industry that was coming to together to find a way to improve outcomes.

B. Issues related to community residences

Craig McConnell, City Manager, said the purpose was to air the complaint in front of the Council and the public. Staff proposed to bring the issue to Council again on January 27, 2015, it would consist of a Phase II Action Plan. That would be followed on January 30, 2015, with a meeting with the legislative delegation to discuss specific legislation.

II. ADJOURNMENT

There being no further business to be discussed, the Special Meeting of January 6, 2015, adjourned at 2:53 P.M.

____
MARLIN D. KUYKENDALL, Mayor

ATTEST:

____
DANA R. DeLONG, City Clerk

PRESCOTT CITY COUNCIL
WORKSHOP MEETING
TUESDAY, JANUARY 6, 2015
PRESCOTT, ARIZONA

MINUTES OF THE WORKSHOP OF THE PRESCOTT CITY COUNCIL HELD ON JANUARY 6, 2015, in the COUNCIL CHAMBERS located at CITY HALL, 201 SOUTH CORTEZ STREET, Prescott, Arizona.

- **CALL TO ORDER**

  Mayor Kuykendall called the meeting to order at 3:01 P.M.

- **INTRODUCTIONS**

  No introductions were made.

- **INVOCATION** by the Reverend Kimball Arnold, St. Luke's Episcopal Church

- **PLEDGE OF ALLEGIANCE** by Mayor Kuykendall

- **ROLL CALL**

Present:	Absent:
Mayor Kuykendall	None
Mayor Pro Tem Kuknyo	
Councilman Arnold	
Councilman Blair	
Councilman Lamerson	
Councilman Lazzell	
Councilwoman Wilcox	

- **ANNOUNCEMENTS**

- **PRESENTATIONS**

  A. Proclaiming January 2015 as National Stalking Awareness Month

Councilman Blair read the proclamation and presented it to City of Prescott Deputy Chief of Police Reinhardt.

  B. Proclaiming January 19, 2015, as Martin Luther King Jr. Day of Service in Prescott

Councilman Lazzell read the proclamation and presented it to a representative from the Day of Service.

- **PRESENTATIONS**

A. Prescott Chamber of Commerce – Introduction of new business

Neal Sneller, Membership Director Chamber of Commerce, addressed the Council. He invited everyone to the next mixer, on January 15, at the Hassayampa Inn from 5:00 – 6:30 p.m. The annual meeting would be Thursday, January 29th at the Yavapai College Performing Arts Center from 4:00 – 6:00 p.m.

Mr. Sneller noted their new members: Frontier Village Shopping Center, Genovese's Italian Restaurant, Bob Pike, Nicholas Lock and Security, Ray McElliot Signature Properties Central Arizona Realty Group, Rob Ashby M.D., Rustic Pie Company and Tech Rehab of Prescott.

B. Introduction of John Flicker, New President at Prescott College

Richard Ach, Prescott College Trustee, introduced the new President of Prescott College, John Flicker.

Mr. Flicker addressed the Council, noting that he spent his career protecting the environment as President of the National Audubon Society and was attracted to Prescott and Prescott College. He noted that it was a big asset to the community and he was committed to being a contributing member of the community.

C. Introduction of the Discovery Gardens at Highland Center for Natural History, presented by Dave Irvine

Dave Irvine, Executive Director Highland Center, addressed the Council. He noted that their mission was to help children and adults discover the wonders of the Central Arizona Highlands and to learn how to be better caretakers of the land.

Toby York, Board member and Chair of the Discovery Garden Project gave the PowerPoint presentation. He noted that the 80 acre garden would be an eco-destination and outdoor learning center and would be ADA accessible. He expected an additional 10,000 visitors per year to the center.

Mayor Kuykendall encouraged people to stop by the center and said it had come a long way in the past couple of years.

D. Presentation of Prescott Area Leadership "Roles in the Community", presented by David Klever and Beth Staub

Kathy Eiskamp, past President, Prescott Area Leadership, addressed the Council. She discussed the training and activities during the year, which included monthly education programs and field trips of local businesses. She noted that each class member was required to shadow a leader in the community for the majority of a day to observe their leadership style. She noted that the tuition was a fraction of the cost of other leadership programs, at $500.00, and the program was centered on the Quad City Area.

Dave Klever, President, Prescott Area Leadership, talked about the Creative Leadership class being taught as part of the program. He noted that the morning program for the new class members would be taught by Yavapai College, for college credit.

Ms. Eiskamp noted that the members would get one credit towards the Yavapai College fast-track management program. She noted that the hope was that they would enroll at Yavapai College to earn the other two credits. She asked the audience to look at their website at prescottarealeadership.org to view several videos about the organization.

Ms. Eiskamp said PAL supported the Prescott Area Youth Leadership Program, which began in February. Applications for both programs could be found online. The Hungry Kids Program was a part of PAL and sent food home to children who did not have much to eat on the weekends. The Man, Woman, Youth of the Year award program gave PAL the opportunity to bring attention to the people in the community who were living the values of service to others and improving the community.

E. Presentation and Update of Draft Public Art Policy, by Cindy Gresser

Cindy Gresser addressed the Council. She introduced a draft public art policy. She recognized Alison Zelms, Deputy City Manager, who actively participated in the construction of the policy.

Ms. Gresser discussed the art, artists, and museums in the City. She noted that, economically, arts and culture based tourism provided the highest return on investment where government funding was received. The tourists generally stayed 2.2 nights.

She asked the Council to support the arts, by considering a policy that would avoid conflicts, provide a process for the acceptance of art, and catalogue that which currently existed. She noted that the citizens of Prescott, interested in the arts, needed a voice. The policy would open doors to potential funding in the future, should a public arts project be needed or wanted. She presented a map to Prescott's art treasures to the Council.

Ms. Gresser read a letter from Greg Payne, public artist and part of the original committee. His goal was to create a means to propose project concepts to the City in an approved, above board way. A transparent process, managed by qualified people was crucial to retain public credibility and self respect. He noted that public art was a legitimate profession for almost everyone in the world. The work gave people a lasting sense of pride.

Mayor Pro Tem Kuknyo thanked Ms. Gresser. He noted the policy was years in the making and it was time the City had one.

Councilman Lamerson thanked Ms. Gresser. He said the arts were a statement of who we were.

I. DISCUSSION ITEMS

A. Presentation – Purchase an Implementation of a Time & Attendance System

Mary Jacobsen, Human Resources Director, presented. She showed a PowerPoint presentation, which included:

- WHAT IS A TIME & ATTENDANCE SYSTEM
- WHY DOES THE CITY NEED A SYSTEM
- THE AFFORDABLE CARE ACT (OBAMACARE)

Craig McConnell, City Manager, said this was a real requirement of the Federal Affordable Care Act. The City did not have an alternative. He discussed the $1 million fine that could be handed down to the City for not offering an eligible employee health insurance benefits.

Ms. Jacobsen continued,

- ACCURATE TIME REPORTING & AUTOMATED REQUESTS
- IMPROVED MANAGEMENT TOOLS & AUTOMATED PAYROLL PROCESS
- WORK SCHEDULING SCREEN
- REMOTE ACCESS SCREEN
- SUPERVISOR TIME APPROVAL SCREEN
- TIMEKEEPING HARDWARE
- SYSTEM SELECTION & IMPLEMENTATION
- PROCUREMENT – Executime was the recommended product based on the feedback from the user group and IT. Their pricing was the lowest and the project was budgeted at $210,000.00 for FY 15, with the initial implementation of $180,000.00. She said it would go live in FY 16.
- PROJECT TIMELINE

Councilman Lamerson said the implementation of the system was not to question the work ethics of the City's employees. He noted that this would have to be paid out of the General Fund. At some point this community would have to discuss options for generating other revenue, because they could not continue to count on sales tax. He noted that municipalities were continually challenged to pay for things that they did not want.

Councilman Arnold asked how the item addressed people who were working on call. Ms. Jacobsen said staff would build payroll rules into the program. It would automatically populate the rate of pay. He asked if the system would note a GPS coordinate if someone logged in through a mobile device. Ms. Jacobsen said she did not think that the system had a GPS component, but it would be a supervisory issue.

Councilman Arnold asked Mr. Woodfill about what he thought of the program and the ease of use. Mr. Woodfill responded that the challenge with any software implementation was education.

Councilman Arnold said the company had been recognized by many groups, with positive input from communities and employers who were currently using them.

Councilwoman Wilcox asked how the system worked for an employee who was allowed to work from home. Ms. Jacobsen said they would log in through their computer or Smartphone. She noted that it would typically be for an exempt employee. Councilwoman Wilcox asked about doctor's appointments during the middle of the day and if the employee would have to log in and out. Ms. Jacobsen said yes, or the supervisor could flex the schedule.

Mayor Pro Tem Kuknyo asked what would happen if an employee did not have a Smartphone. Ms. Jacobsen said they would use a computer. She said staff would work with all of the departments to see what would work best for each operation.

Councilman Blair asked if the system would keep the City out of lawsuits for not paying employees' overtime. Ms. Jacobsen responded that the system would electronically calculate overtime and send it to payroll. Councilman Blair asked if she saw a cost savings to the City based on the system. Mr. Jacobsen said the vendor said there would be a positive return on investment.

Councilman Arnold asked how an employee would currently find out how much PTO time they had. Ms. Jacobsen said they would go through Employee Self-Service in the Munis System. She said that it was not real time and depended on the payroll cycle. She noted that the new system would be real time. Councilman Arnold asked if Council and the Mayor, as temporary employees, would have to clock in and out. Ms. Jacobsen said maybe so, she was not sure.

Councilman Lamerson asked if there were projected costs to do the reporting required by the federal government. Ms. Jacobsen said they would know shortly.

Mayor Kuykendall said the item was geared to satisfy the need for insurance. He asked since there was no option for insurance for the Council, why they would have to be part of the system. Ms. Jacobsen said she had not received guidelines for elected officials.

B. Presentation – Alternative Water Portfolio and Budget for Calendar Year 2015

Craig McConnell, City Manager, said that in December/January annually, the City Manager's office made a presentation to Council consisting of an update and overview of the City's Water Portfolio and made a recommendation to the Council of the Annual Water Budget. He said staff proposed to present Council with a resolution and a recommendation for setting the water budget for new development.

Mr. McConnell said the presentation would raise a number of water management policy questions. He noted that the policy was set by the City Council, within the administrative oversight of the laws of the Arizona Department of Water Resources (ADWR). He noted that there would be policy implications.

Councilman Lamerson asked Ms. Graser to give a brief resume of her past employment. Prior to being employed by the City, she worked for the Arizona Department of Water Resources for 12 years. Her work ranged from field operations, mapping and was generally science based. She worked in the recharge program and then on to statewide water planning. She noted that she applied her science and management tools from Title 45 to her current job.

Ms. Graser noted that each year since 1999, the City prepared a budget for allocation of a portion of the City's water supply, known as the alternative water supply. Each year the City saw deductions in that account as the supply was placed in the contracts. She showed a PowerPoint presentation, which included:

- PRESENTATION
- AMA REQUIREMENTS – 1980 GROUNDWATER MANAGEMENT ACT (GMA) – she noted that the Groundwater Management Act became state law in 1980. Currently, the basin continued to be regulated as part of the Prescott Active Management Area Third Management Plan. In the future, the Fourth Management Plan was adopted in September 2014 and would not go into effect until January 2017. The fifth and final management plan would be issued by the State of Arizona, which was expected to cover the 2020 – 2025 time periods.
- AMA REQUIREMENTS – 1988 DECLARATION OF GROUNDWATER MINING IN THE PRESCOTT AMA – because the Prescott AMA was out of safe – yield, the moratorium on ground water supplies went into effect. The state said that water providers such as the City of Prescott and future subdivisions, which applied to the department for an assured water supply, would be required to

acquire renewable water to meet the subdivision needs. The renewable water was the alternative water supply she addressed.

- ADWR DECISION AND ORDERS (D&Os)
- ASSURED WATER SUPPLY DESIGNATION – THE 1999 D&O – this was solely treated effluent in the amount of 1,085 acre feet of groundwater and alternative water
- ASSURED WATER SUPPLY DESIGNATION – THE 2005 D&O – the alternative supplies were put into sub-categories
- ASSURED WATER SUPPLY DESIGNATION – THE 2009 D&O – a new block of alternative water related to the Big Chino Sub basin was added. There was no increase in surface water.
- IMPLEMENTATION BY THE CITY – POLICY AND WATER BUDGETS
- STATUS OF SUPPLIES – 1999 AND 2005 D&Os

Ms. Graser noted that the assured water supply rules had seven criteria for new development as defined by state law that must be met for a developer to obtain a certificate of assured water supply or to be identified as a designated provider of assured water supply:

- ♦ The water supply must be physically, legally and continually available for 100 years.
- ♦ The water supply must be sufficient in quality for the proposed use
- ♦ The proposed water must be consistent with not only the management goal of the AMA, but with the current management plans for the AMA
- ♦ The applicant must demonstrate the financial capability to construct any necessary water storage treatment and delivery system.

Ms. Graser showed a series of diagrams, which were a progression of the City's designation of assured water supply of the D&O. (Designation and Order of the Assured Water Supply)

The 1999 D&O had a volume of 1,085 acre feet. The 2005 D&O brought in 2,484 acre feet, which was a combination of both surface water and treated effluent. The total was 3,560 acre feet. She noted that the Council budgeted a portion of the water in 1999 equal to 1,000 acre feet. That water was intended for the 1999 – 2004 time frame. In 2005, the Council budgeted 1,085 acre feet, intended for the 2005 - 2009 time frame.

Ms. Graser noted that the volume of water in contract from 1999 – 2013 was 1,455 acre feet. She noted that reservations were placed by previous Councils; the first one was for vacant residential within the city limits. The next one was for historical agreements dating back to the 1940's or earlier, of about 58 acre feet. The next reservation was related to the Chino Valley Irrigation District (CVID). The last reservation was for Deep Well, with the first increment at 450 acre feet.

Councilman Blair asked if the water would go back into the City's portfolio when the CVID allocation went away. Ms. Graser responded that she would like to take more time to research the document.

Councilman Blair asked the date the agreement expired. Ms. Graser said that it would not expire. Councilman Blair asked if the water would go back into the City's portfolio if it was not being pumped for agriculture, as the land was sold.

Mr. McConnell said there was a contract between the City and CVID of which every CVID property owner was a party to that agreement. He said there was a bank of storage credits on the effluent side, which would be depleted. In return for property owners giving up certain water rights the City had incurred an obligation to serve municipal and industrial water.

Councilman Blair asked how many residential structures were associated with an acre foot of water. Ms. Graser responded that within the CVID agreement, it stated that .25 acre feet per acre would be the allocation for those properties. Councilman Blair asked how many houses could be built with the remaining vacant residence reserve of 672 acre feet of water. Mr. McConnell noted that it would be roughly three times the amount.

Ms. Graser continued with the PowerPoint presentation:

- Status of Supplies – 1999 and 2005 D&Os – noting that 331.47 acre feet remained from the 1999 and 2005 volumes
- State of Supplies – 1999 and 2005 D&Os (cont) – the end of the year alternative water portfolio volumes was 221.72 for 2014, based on pending agreements to be placed into contract
- State of Supplies – 2009 D&O – Analysis of the new effluent supplies and the water budgeted or reserved by Council. She noted that it appeared that 737.98 acre feet were available from the 2009 D&O.

Councilwoman Wilcox said if the City was obligated to honor the water allocated to state lands if the Council did not adopt it. Mr. McConnell said it would be a matter of Council Policy. He questioned if there was state land with similar zoning to that of the City, would that be treated differently.

Councilwoman Wilcox asked if the City knew how much state land there was in the City of Prescott. Mr. McConnell said the City's relationship with the Arizona State Land Department, as it related to water, had more complexity than the reserved acre feet.

Mayor Kuykendall said the state land within the City limits was allocated water as the City needed to purchase the land for growth. Mr. McConnell noted that there was some flexibility, such as using Big Chino water to develop the state land.

- Status of Supplies – 2009 D&O (cont.) – Analysis of the new Big Chino supplies and water budgeted or reserved by Council

Ms. Graser noted that the total allocation was 8067.40. An intergovernmental agreement was written, Contract No. 2004-255, with the Town of Prescott Valley for 3,702.9 acre feet. In addition there was a reservation for the Deep Well Third Increment for 900 acre feet. The remaining volume was 3,464.50 acre feet.

- Evaluation of the Availability of Supplies Recognized by the 2009 D&O – the Big Chino was not presently a source of deliverable supply and surface water deliveries to the City's recharge facility had not met the projections in the 2005 D&O

Councilman Blair talked about Watson and Willow Lakes. He asked if there was a need to side step the conservation requirement of the lakes and drain them lower, to reach a higher projection in recharge. Ms. Graser said that would be a policy question that Council would have to look at in the near future.

Councilman Blair asked if the City should drain the lakes completely to remove the silt to allow for more capacity for water storage. Mr. McConnell said it would depend on what was in the silt, how to dispose of the silt and the cost to do that.

- Evaluation of the Availability of Supplies Recognized by the 2009 D&O (cont.) – treated effluent deliveries to the recharge facility have not met the 2009 D&O projections

Ms. Graser noted that the projected numbers were based on projected population. She noted that the City leadership expected the Big Chino to be on line by 2009. Those numbers changed in the early 2000's, due to the economy.

Mayor Pro Tem Kuknyo asked where the treated effluent went. Ms. Graser noted that the City had commitments for the direct delivery of effluent recognized in the D&O.

- City Alternative Water Budgets

    - ♦ Between 1999 and 2004 the City's yearly alternative water budget (quantity made available for new development) ranged from 100 to 120 acre feet per year
    - ♦ Between 2006 and 2013, the budget was 200 acre feet per year (160 for market and 40 for workforce)
    - ♦ For Calendar Year 2014, the budget was also 200 acre feet and carryover of unallocated balances in the separate market and workforce accounts was discontinued

- D&O vs. Physical Supplies – the supplies lasted five years beyond their expected timeframe (2009). Only 92 acre feet of treated effluent supply was physically available from the 2009 D&O.
- D&O vs. Physical Supplies (cont.) – 314 acre feet remain physically available in the alternative water category of the portfolio for future development

Ms. Graser noted that the recommendation was to make the 314 acre feet from the 1999 and 2005 D&Os available in increments of 100 acre feet per year for each of the next three years.

- D&O vs. Physical Supplies (cont.) – the imported Big Chino supplies recognized by the 2009 D&O may be physically available in 2021 at the earliest. The 2009 D&O required modification if the Big Chino Water Ranch pipeline did not have an ADEQ Approval to Construct by 2019. Ms. Graser said the modification of the D&O was anticipated to be initiated in Calendar Year 2016.

Mr. McConnell said that an important point of the application for modification was that the City would be doing new long-term projections of treated effluent and surface water recharge.

Councilman Lamerson asked if the process for a new D&O opened the door for ADWR to revisit the 8,100 acre feet out of the Big Chino. Ms. Graser said she did not believe so because it was within the law.

Councilwoman Wilcox asked about the recommendation of 100 acre feet per year and how many residential units that would be. Ms. Graser said 300 single-family residential units.

Councilwoman Wilcox asked about the flexibility of the water budget. Mr. McConnell said that Council could override its water budget if a very desirable project presented itself. He noted that they Council would be limited by the amount of water recognized by the ADWR.

Councilman Lamerson said that because 100 acre feet was made available, did not mean that it would be used, which was why the water had lasted longer than expected.

There was a discussion about the markup of water per acre feet to allow for industrial and multi-family structures.

Mayor Kuykendall noted that the recharge numbers would rise if the residences were built. Ms. Graser said there were many components in regards to addressing the treated effluent and no one correct fix. She noted that the number of sewer hookups projected did not occur. She noted that outdoor watering never made it back to the treatment plants. She noted that water conservation was always a part of water management.

Ms. Graser noted that the comprehensive Agreement No. 1, which encompassed the enhanced ground and surface water monitoring and flow model refinements, was in year two of an eight-year effort. She said that year three was when the modeling was supposed to begin. That meant that the City would acquire technical modeling support and the model build would begin. She noted that the eight years would be used to continue the data sets that would be coming in.

- D&O vs. Physical Supplies (cont.) – no imported water was available of delivery into the City's existing system. No water budget action for the Big Chino water was necessary until the wellfield had been developed, and the pipeline and other storage and pumping infrastructure was in place and capable of conveying flow to the City's transmission and distribution system.
- 2015 and Future Years; Other Available D&O Supplies
  - ♦ groundwater allocations associated with pre-1998 preliminary plats and associated final plats with undeveloped lots was approximately 7,000 dwelling units (all within City limits)
  - ♦ alternative water reservations made for the vacant tracts within City limits that were residentially zoned and adjusted to slope limitations was 672 acre feet or 1,920 dwelling units
  - ♦ alternative water reservations made for historic water agreements totaling 58 acre feet
  - ♦ alternative water reservation for Deep Well Ranch, first and second increments of 950 acre feet

Mr. McConnell said the slide represented the single-family building permit boom in the early 2000's, continuing that rate for 20 – 25 years. He said staff had conservatively and responsibly managed the water portfolio.

Ms. Graser noted that the reservation that was not listed, but fully accounted for, was related to the municipal and industrial document, documented in the intergovernmental agreement between the City of Prescott and the parties to the Chino Valley Irrigation District.

- Summary – The City of Prescott was part of the region that was 34 years into a 45 year plan, established by state and local laws to bring the area into safe yield using conservation, importation and augmentation. The Prescott Active Management Area Third Management Plan would remain in effect until 2017, at which time it would be replaced by the Fourth Management Plan.
- Summary (cont.) – The physical availability of Big Chino water would depend upon the demonstration of a sound basis for export from the sub-basin through the enhanced monitoring and modeling and subsequent construction of the infrastructure necessary to bring the Alternate water into the Prescott Active Management Area.
  - ♦ Community water use would continue to be closely tracked, to assure satisfaction of state requirements.

- Upcoming Action Items – the Alternative Water Budget for Calendar Year 2015 would be provided in a resolution at the next Council meeting of January 13, 2015. Other policy recommendations would be brought to the Water Issues Committee in upcoming months.

Councilman Lazzell asked how long the 672 acre feet of alternative water would be reserved for vacant tracts. Mr. McConnell said there was no time associated with that water.

Councilman Lamerson said there were a significant number of lots in the City of Prescott that were zoned. The water reserved for those lots was based on that zoning. If the zoning was changed the water would have to be place back in the pool for alternate water. He said that based on the current zoning, the Council at the time thought it was unjust not to insure the property owners for the water rights for their property.

Councilman Arnold said that as Chair of the Water Issues Committee, he looked forward to going through the recommendations.

Councilman Blair asked if staff knew how much more surface water the City would be able to store if the lakes were dredged. Mr. McConnell said the analysis would go into the decision making process. He said there were construction plans and a finite quantity of storage, which the City had. He said the number would be important because the City would not want to spend a lot of money if the recharge was not substantially increased.

Mayor Kuykendall said the Water Issues Committee, which consisted of Councilmen Lamerson, Blair and Arnold would continue through the next year.

III. ADJOURNMENT

There being no further business to be discussed, the Workshop Meeting of January 6, 2015, adjourned at 5:18 P.M.

MARLIN D. KUYKENDALL, Mayor

ATTEST:

DANA R. DeLONG, City Clerk

FPRESCOTT CITY COUNCIL
SPECIAL MEETING
TUESDAY, JANUARY 13, 2015
PRESCOTT, ARIZONA

MINUTES OF THE SPECIAL MEETING OF THE PRESCOTT CITY COUNCIL HELD ON JANAURY 13, 2015, in the LOWER LEVEL CONFERENCE ROOM located at CITY HALL, 201 SOUTH CORTEZ STREET, Prescott, Arizona.

◆ **CALL TO ORDER**

Mayor Kuykendall called the meeting to order at 1:31 P.M.

◆ **ROLL CALL**

Present:	Absent/Excused
Mayor Kuykendall	Councilman Lazzell
Mayor Pro Tem Kuknyo	Councilwoman Wilcox
Councilman Arnold	
Councilman Blair	
Councilman Lamerson	

Staff
Craig McConnell, City Manager
Jon Paladini, City Attorney
Dana DeLong, City Clerk
Alison Zelms, Deputy City Manager
Matt Podracky, Assistant City Attorney
Tom Guice, Community Services Director
George Worley, Planning Manager

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.

MAYOR POR TEM KUKNYO MOVED TO RECESS INTO EXECUTIVE SESSION; SECONDED BY COUNCILMAN ARNOLD PASSED UNANIMOUSLY.

The Prescott City Council recessed into Executive Session at 1:31 P.M.

EXECUTIVE SESSION

I. LEGAL MATTERS

A. The City Council will meet with the City Attorney for legal advice, discussion and consultation regarding its position in pending or contemplated litigation, including settlement discussions conducted in order to avoid or resolve litigation. A.R.S. §38-431.03(A)(3)and(4):

1) HUD Complaint dated December 17, 2014 (Case No. 09-15-0257-8)

B. The executive session adjourned at 2:42 P.M.

II. ADJOURNMENT

There being no further matters to come before the Special Meeting, the meeting was adjourned at 2:42 p.m.

____
MARLIN D. KUYKENDALL, Mayor

ATTEST

____
DANA R. DeLONG, 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 13th day of January, 2015. I further certify the meeting was duly called and held and that a quorum was present.

Dated this _____ day of ___________________, 2015.

AFFIX
CITY SEAL

____
DANA R. DeLONG, City Clerk

PRESCOTT CITY COUNCIL
REGULAR VOTING MEETING
TUESDAY, JANUARY 13, 2015
PRESCOTT, ARIZONA

MINUTES OF THE REGULAR VOTING MEETING OF THE PRESCOTT CITY COUNCIL HELD ON JANUARY 13, 2015, in the COUNCIL CHAMBERS located at CITY HALL, 201 SOUTH CORTEZ STREET, Prescott, Arizona.

◆ **CALL TO ORDER**

Mayor Kuykendall called the meeting to order at 3:00 P.M.

◆ **INTRODUCTIONS**

No introductions were given.

◆ **INVOCATION** by Pastor Jesse Liles, Willow Hills Baptist Church

◆ **PLEDGE OF ALLEGIANCE** by Mayor Pro Tem Kuknyo

◆ **ROLL CALL:**

Present:	Absent:
Mayor Kuykendall Mayor Pro Kuknyo Councilman Arnold Councilman Blair Councilman Lamerson Councilman Lazzell Councilwoman Wilcox	None

◆ **ANNOUNCEMENTS**

I. CONSENT AGENDA

Mayor Pro Tem Kuknyo declared a potential conflict of interest on Item I.B.

A. Approval of purchase of five (5) ea. ergonomic modular work stations from Phoenix Interior Solutions for the Sundog Transfer Station using The Cooperative Purchasing Network (TCPN) Contract No. R4971 pricing in the amount of $14,706.01 (Solid Waste Fund)

B. Adoption of Resolution No. 4270-1479 approving a one-year extension to the Intergovernmental Agreement with the City of Phoenix for disposition of residential recyclable materials (City Contract No. 2013-195A1)

C. Award of City Contract No. 2015-081 for the Hummingbird Way Culvert Replacement Project to Lyon Engineering in an amount not to exceed $19,825.00

COUNCILMAN ARNOLD MOVED TO APPROVE CONSENT AGENDA ITEMS I.A. AND I.C; SECONDED BY SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOSLY.

COUNCILMAN ARNOLD MOVED TO ADOPT CONSENT AGENDA ITEM 1.B.; SECONDED BY COUNCILMAN LAMERSON; PASSED 6-0 with Mayor Pro Tem Kuknyo declaring a conflict of interest.

II. REGULAR AGENDA

A. Adoption of Resolution No. 4271-1480 approving an Alternative Water Budget for Calendar Year 2015

Leslie Graser, Water Resource Specialist, presented. She noted that a presentation was given at the prior meeting to provide a background on the City's water portfolio, an update on the alternative water supplies and a recommendation for budgeting of the alternative water supplies for calendar year 2015.

Ms. Graser said the recommendation stated budgeting for the remaining 314 acre feet, from the alternative water portfolio, in increments of 100 acre feet per year. She noted that the 100 acre feet would be apportioned as 80 acre feet for market development and 20 acre feet for workforce housing. The portioning was consistent with the City's Water Management Policy as extended.

Councilman Arnold said he thought the City of Prescott did away with the 80/20 split last year. Ms. Graser responded the portion that changed last year was at the end of the calendar year, the City would not keep holding a workforce account and a market account. Both accounts were combined.

Councilwoman Wilcox asked about the rationale for the 80-20 split. Ms. Graser noted that the Water Management Policy was making sure that there was opportunity in both categories.

Councilman Lamerson said the rationale was to cut down on the urban sprawl and afford property owners the opportunity to bring projects forward that could address affordable housing to service providers in the City. There was significantly more water available in the portfolio at the time the decision was made. Very few projects had come forward in the past 10 years. Councilwoman Wilcox asked if there was any other rationale for using the number 20. Councilman Lamerson said there was not.

Councilman Blair said the numbers could be changed. Councilman Lamerson said it would be based on the value of the project by the sitting Council.

Craig McConnell, City Manager, said that was a Council policy determination. The policy could be changed during the year. In addition to the 100 acre feet there were other reservations for undeveloped tracks.

Mayor Pro Tem Kuknyo talked about the definitions of work force affordable. He would like to see the definition changed to allow some creativity, so investors could purchase the homes to rent out.

Mayor Kuykendall asked if the Council could make that change. Mr. McConnell responded said the definition was a Federal definition. He said the item was about water allocation in the City of Prescott. The City Council could provide its own definition of workforce housing, as it related to water allocation.

Daniel Matteson, citizen, addressed the Council. He commented about workforce/ affordable housing. The Federal definition was not suitable for this community because the income of the retired citizens raised the average income for all. He noted that when he was working on the General Plan, the committee asked that a definition be developed by City Council, which was not received. He said there needed to be housing for people making $20,000.00 per year. He encouraged the City Council to establish a local definition.

Councilman Lamerson said they would be looking at that definition at the Unified Development Code meeting. He noted that the lot size was also not palatable for an affordable community.

COUNCILMAN LAMERSON MOVED TO ADOPT RESOLUTION NO. 4271-1480; SECONDED BY COUNCILMAN ARNOLD; PASSED UNANIMOUSLY.

B. Award of City Contract No. 2015-085 to ExecuTime Software, LLC, in the amount of $148,419.00, for purchase and implementation of time and attendance payroll system.

Mary Jacobsen, Human Resources Director, presented. She noted that she was seeking approval of the contract with ExecuTime Software for the time and attendance payroll system.

Councilwoman Wilcox noted that she read an article noting that the City of Prescott would be getting 60 television screens. She asked if those were to be used with the new system. Ms. Jacobsen said they were actually a small computer with a device for swiping identification cards and could be logged on to with a Smart phone and the televisions were not for the time and attendance system.

Councilwoman Wilcox asked if that cost was included with the staff report. Ms. Jacobsen said yes.

Councilman Lamerson asked how the system got tied in with the Affordable Care Act. Ms. Jacobsen responded that the City had always needed a time and attendance bridge between hours worked by the employees and the payroll process. She noted that the Affordable Care Act was a catalyst to move toward that system, due to the imposed fines if hours were reported incorrectly. She said the information had to be gathered electronically.

Councilman Lazzell asked if personal information could be obtained if the system were hacked. Ms. Jacobsen responded no, payroll controlled all private information.

Daniel Mattson, citizen, addressed the Council. He said he was concerned with the use of the system by a Smartphone. He said the weakest Smartphone would be the link that would allow someone to hack the system. The system may not have social security numbers, but it may have information about where a particular employee would be at a specific time. He noted that allowing mobile access opens up a new security problem.

Ms. Jacobsen said the Information Technology Department had been working closely with the vendor and firewalls had been installed on the entire system, which would apply to the payroll system.

Mr. Mattson said there should be a policy in place to enforce security on the mobile devices. Ms. Jacobsen said the policy was currently in place.

COUNCILMAN BLAIR MOVED TO AWARD CITY CONTRACT NO. 2015-085; SECONDED BY COUNCILWOMAN WILCOX; PASSED UNANIMOUSLY.

Councilman Lamerson asked Ms. Jacobsen where the money would come from for the hardware discussed. Ms. Jacobsen said the hardware was included in the contract price. Mayor Pro Tem Kuknyo noted that there was a line under “not included” that said, “Hardware $15,000.00”. Ms. Jacobsen said if any wiring had to be done, there would be an extra expense, of which she did not anticipate.

C. Adoption of Resolution No. 4263-1472 approving Amendment No. 1 to an intergovernmental agreement with Yavapai County Community College District for joint use of facilities; and approval of a $25,000.00 contribution toward an additional tennis court at Yavapai College (City Contract No. 2011-447A1, Parks and Recreation Development Impact Fee Fund and Transient Occupancy Fund)

Joe Baynes, Recreation Services Director, presented. He noted that during the FY2015 Budget process, the City Council discussed a contribution toward the expansion of the College tennis court facility. The agenda item enabled payment of that contribution.

Mr. Baynes noted that the college could charge a use fee for the courts consistent with other college facilities and would maintain the courts and pay for the utilities. The existing intergovernmental agreement had a five-year extension and would remain in force until May of 2016. He noted that there were four multi-day tennis tournaments schedule for the calendar year, as well as nine single-day tournaments.

Mr. Baynes noted that the funding would be shared equally between Parks and Recreation Impact Fees and the Transient Occupancy Tax.

Councilman Lazzell thought that the City had already done their part and said he would be voting no.

Councilman Blair said the biggest issue was that there was a usage fee tied to the court. He asked if the college would be in charge of that account and who would determine if repairs were needed. Mr. Baynes said Yavapai College would handle the repairs through that account. He noted that the courts got into disrepair previously, because the maintenance for them was unfunded.

Councilman Lamerson said the courts would attract tourism and he appreciated the partnership and the funding options for the seventh court.

Councilman Arnold said the ribbon cutting was well attended and the courts were very nice. The user fees were being collected well, and the program seemed to be working. He noted that it was a great opportunity to continue a partnership with Yavapai College.

COUNCILMAN BLAIR MOVED TO ADOPT RESOLUTION NO. 4263-1472; SECONDED BY COUNCILMAN ARNOLD; PASSED 5-2, COUNCILWOMAN WILCOX AND COUNCILMAN LAZZELL DISSENTING.

COUNCILMAN BLAIR MOVE TO AUTHORIZE THE CONTRIBUTION OF $25,000.00 TOWARD AN ADDITIONAL TENNIS COURT AT YAVAPAI COLLEGE; SECONDED BY COUNCILMAN ARNOLD; PASSED 6-1, COUNCILMAN LAZZELL DISSENTING.

D. Award of City Contract No. 2015-083 for the Zone 101 Pump Station Project to Fann Environmental, LLC, in the amount of $1,730,660.00 (Water Fund)

Joel Berman, Utilities Manager, presented. He noted that it had been determined through the City of Prescott Water System Model that an additional water pressure zone was needed to service Zone 101. The pump station would provide service to areas north and south of State Route 89. The development agreement between the City of Prescott and Granite Dells Estates Properties stated that the City shall be responsible to provide water production facilities. He noted that the project was 100 percent impact fee funded.

Councilman Blair asked how much money the community spent on major projects the past calendar year.

Craig McConnell, City Manager, said he would provide the number for the current fiscal year, to date, to the Council.

Councilman Arnold asked if it was the City or the developer that initiated the project. Mr. Berman said the developer had to give notice to the City prior to March 15, 2015 if he planned on constructing. The developer started construction and gave the City notification.

Councilman Arnold said with that being the case he would need to declare a conflict of interest and step away.

Councilwoman Wilcox asked why the City awarded a contract that exceeded the engineers estimate. Mr. Berman responded that the engineer's estimates were just estimates based on the most recent information engineers had for materials, equipment and labor rates.

Councilwoman Wilcox said she received an answer the previous day that the contractors had more recent information and there and been price increases due to the rising economy and increases in equipment prices.

Mayor Pro Tem Kuknyo asked about the bid process and how it was advertised. Mr. Berman responded that the City advertised in the Daily Courier on two consecutive Sundays. He noted that there were approximately four contractors who attended the pre-bid meeting and only two elected to bid.

COUNCILMAN LAMERSON MOVED TO AWARD CITY CONTRACT NO. 2015-083 FOR THE ZONE 101 PUMP STATION PROJECT TO FANN ENVIRONMENTAL, LLC, IN THE AMOUNT OF $1,730,660.00; SECONDED BY COUNCILMAN LAZZELL; PASSED 6-0, with Councilman Arnold declaring a conflict of interest.

E. Approval of a three-year renewal of the Annual Software Maintenance Agreement with CRW Systems, Inc., "TRAKIT", in the amount of $43,885.80 (City Contract No. 2015-077)

Gwen Rowitsch, Engineering Technician, presented. She noted that the software was used primarily by Community Development, Fire Department and the Public Works Departments for tracking plan review and permit issuance, and managing inspection of public and private development projects within the City. She noted that there were 125 users in 2014, 7000 permit reviews, 2,200 project reviews, 18,000 inspections, 1,290 code cases and almost 1,900 permits.

Mayor Kuykendall asked if the item was for an annual maintenance renewal or a three-year renewal. Ms. Rowtisch said it was a three-year contract at approximately $14,000.00 per year.

Councilman Blair asked if TRAKIT had the capability to interact with Yavapai County system. Ms. Rowitsch said the system was a LAN based computer program. She said the county's GIS fed the City's GIS, which then fed the LAN track portion of TRAKIT.

COUNCILWOMAN WILCOX MOVED TO APPROVE A THREE-YEAR RENEWAL OF THE ANNUAL SOFTWARE MAINTENANCE AGREEMENT WITH CRW SYSTEMS, INC; SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY.

F. Approval of City Contract No. 2015-086 with Kuehl Enterprises, LLC, in the amount of $22,500.00, for preparation of the 2015-2019 Community Development Block Grant (CDBG) Consolidated Plan

Tom Guice, Community Development Director, presented. The Consolidated Plan set out the guiding principles for the Annual Action Plans for five years. In September 2014, Council approved an Intergovernmental Agreement (IGA) with the Northern Arizona Council of Governments (NACOG) to perform a portion of the administrative work of the CDBG program, which included preparing the Annual Action Plan for the upcoming budget year. This contract covered the Consolidated Plan, which needed to be completed ahead of the Annual Action Plan.

Mr. Guice said the Annual Allocation Plan would be done every year. The Consolidated Plan would be running concurrently to that process. There would be three public hearings between now and May 2015, with the first one occurring in February, using the Citizens Advisory Committee for both plans. The second hearing would be March and the final hearing would be in May, for Council's approval of the plan.

Councilman Arnold asked when the Council would be involved in setting the priorities for CDBG for the next five years. Mr. Guice responded that it would be in early March. Staff would go out for a 30-day public review process where copies would be provided to any individual who had an interest. Copies would also be available to read at City Hall and the Prescott Public Library.

Councilman Lamerson said the City recently received a Housing and Urban Development inquiry regarding how the City handled the group home situation. He asked if the funds the City was entitled to receive under the CDBG Grant Program be affected by that inquiry. Mr. Guice said that was something that could potentially happen.

COUNCILMAN LAZZELL MOVED TO APPROVE CITY CONTRACT NO. 2015-086 WITH KUEHL ENTERPRISES, LLC, IN THE AMOUNT OF $22,500.00; SECONDED BY COUNCILWOMAN WILCOX; PASSED UNANIMOUSLY.

G. Award of a professional services contract for the Sundog Transfer Station Floor Slab Remediation Project (Phase I) to SCS Engineers in an amount not to exceed $25,000.00 (City Contract No. 2015-080: Solid Waste Fund)

Stephanie Miller, Field and Facilities Director, presented. She noted that the Sundog Transfer Station was constructed in 1999. The Transfer Station served the solid waste disposal and transfer needs for the City of Prescott and the surrounding areas. The floor had worn down due to day to day use, to a point where regular maintenance was no longer maintaining the floor. The pit walls and the floors needed repair, which included rehabilitating the concrete floor as well as repairing the exposed edges of the pit area.

Ms. Miller said the facility handled about 200 tons of waste per day and it was designed with the capacity of 250 tons per day. She noted that after reviewing the growth projections for the area, the Transfer Station should be able to carry the City of Prescott through the next 20 years without an addition. If approved, staff hopes to move forward in January, with three months to complete Phase I.

Mayor Kuykendall said he had been following the engineering and consulting studies. He noted that the engineers' amount was usually about 10 percent of the final cost for repair. Ms. Miller responded that it very well could be. The reason staff wanted to do Phase I was to assess what needed to be done to the Transfer Station floor. She noted that there was $250,000.00 budgeted for the project.

Councilman Blair asked if the City needed an engineer to tell them how to poor concrete. He asked if $25,000.00 really needed to be spent. Ms. Miller said it was prudent to approach a project that way. She said there was more to the floor than just the concrete. She noted that it was in a bad spot and the edges were crumbling and the repair had been needed for several years.

Councilwoman Wilcox asked about recycling batteries. Ms. Miller said citizens should not dispose of batteries in the garbage. She noted that auto parts stores would take them. She also said that the household hazardous waste event was held every year at the Transfer Station, in which people could bring all sizes of batteries.

Mayor Pro Tem Kuknyo asked if the company was going to look into putting steel into the top layer of concrete. Ms. Miller said she was not sure.

COUNCILMAN ARNOLD MOVED TO AWARD PROFESSIONAL SERVICES CONTRACT FOR THE SUNDOG TRANSFER STATION FLOOR SLAB REMEDIATION PROJECT (PHASE I) TO SCS ENGINEERS IN AN AMOUNT NOT TO

EXCEED $25,000.00 (CITY CONTRACT NO. 2015-080; SOLID WASTE FUND); SECONDED BY COUNCILWOMAN WILCOX; PASSED UNANIMOUSLY.

H. Approval of purchase of one (1) ea. 2015 Ford F350 regular cab 4x2 pickup truck with service body from Peoria Ford using State of Arizona Contract ADSPO14-063237 pricing in the total amount of $28,521.78 (Wastewater Fund)

Stephanie Miller, Field and Facilities Director, presented. The approved FY 15 budget contained funding for a new maintenance specialist position for the Utilities Division and a vehicle for that employee. She noted that the employee would perform maintenance at the wastewater treatment facilities.

Mayor Kuykendall asked what work the Fleet Facilities Service Department did for the City of Prescott. Ms. Miller said they managed about 420 vehicles and 48 generators. They serviced light fleet vehicles, maintained the public safety vehicles, solid waste trucks, heavy equipment and motorcycles. Transmission and body work was sent out. She noted that 48 vehicles per maintenance employee were fairly average and the City of Prescott had 92 vehicles to one maintenance employee.

Mayor Kuykendall asked how they charged for their work. Ms. Miller said there was a software system that generated a work order. The mechanic logged time and parts and closed out the work order when the job was done. She noted that the cost was charged to the billing system for the individual departments. The mechanics had been charging $95.00 per hour for their services, which recovered for the division fairly well.

COUNCILMAN LAMERSON MOVED TO APPROVE THE PURCHASE OF ONE (1) EA. 2015 FORD F350 REGULAR CAB 4X2 PICKUP TRUCK WITH SERVICE BODY FROM PEORIA FORD USING STATE OF ARIZONA CONTRACT ADSPO14-063237 PRICING IN THE TOTAL AMOUNT OF $28,521.78; SECONDED BY COUNCILMAN ARNOLD; PASSED UNANIMOUSLY.

I. Discussion re the 2015 Legislative Session

Alison Zelms, Deputy City Manager, presented. The legislative session started the prior day with The State of the State address from Governor Ducey. She noted that the Executive Budget would be release Friday. She said the governor’s focus was on education, the state budget and the economy. Governor Ducey issued an executive order that continued from the former governor that was a moratorium on rule making for state agencies with the goal of reducing regulation at the state level.

Mayor Kuykendall said it looked like Representative Karen Fann’s first priority was to get the legislature to take another look at the construction sales tax. He asked why she was looking into that. Ms. Zelms said the main issue arose at a luncheon with the Yavapai Contractors Association. The contractors were concerned, as the New Year neared, that they did not have clarity as to how construction sales tax would impact their business and how they were supposed to be reporting. She noted that the Department of Revenue's interpretation of the legislation was different than all of the discussions that had happened over the past two legislative sessions regarding prime contracting.

An example given was a contractor asking if he would be paying sales tax to repave Interstate 17 because it was not a new road and the answer was yes, which was not what was discussed at the state level.

Mayor Kuykendall said the interpretation might be different then the intent of the legislation and it would take legislation to change the interpretation. Ms. Zelms agreed.

Councilman Lamerson said Representative Campbell ran for office to address the proliferation of alcohol and drug rehabilitation facilities in rural communities. Councilman Lamerson noted that he would like to keep that at the forefront for Representatives Fann and Campbell. Councilman Lamerson noted that the issue created a real problem in the City of Prescott, especially with the overabundance of heroine in the area.

Councilwoman Wilcox asked about issues regarding community residences. She noted that health department regulations and licensing might help the problem of unqualified re-habilitation homes in the area. She asked what the strategy would be for getting around the moratorium on rule making and getting the legislature to do something to address the problem. Ms. Zelms said there was a mention in the current legislation, regarding the executive order, which would prevent a significant threat to public health and safety.

Councilman Lazzell said the community residences would economically affect the City of Prescott. He noted that parents may not send their children to colleges here if the City was known for community residences. He said it had to be addressed. Ms. Zelms said that the City of Prescott was not the only community in Arizona that was impacted.

Councilman Lamerson said the City should get an audience with Governor Ducey to discuss the local issues. He noted that at least one-in-ten residents was a recovering alcoholic or drug addict.

Councilman Arnold agreed with talking to the governor and said that it was one-in-forty residents who were recovering. Councilman Lamerson talked about the number of addicts who were placed back into the community, when their programs were unsuccessful.

III. ADJOURNMENT

There being no further business to be discussed, the Regular Voting Meeting of January 13, 2015, adjourned at 4:17 P.M.

____
MARLIN D. KUYKENDALL, Mayor

ATTEST:

____
DANA R. DeLONG, City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Voting Meeting of the City Council of the City of Prescott, Arizona held on the 13th day of January, 2015 I further certify the meeting was duly called and held and that a quorum was present.

Dated this ____ day of ____________________, 2015.

AFFIX
CITY SEAL

____
DANA R. DeLONG, City Clerk

CITY OF PRESCOTT
Everybody's Hometown

COUNCIL AGENDA MEMO

MEETING DATE/TYPES: VOTING SESSION 2-10-15

DEPARTMENT: Police

AGENDA ITEM: Approval of grant applications to the Governor's Office of Highway Safety in the total amount of $50,000.00 for enforcement programs

Approved By:		**Date:**
Police Chief:	Monahan, Jerald	02/02/2015
City Manager:	McConnell, Craig	02/03/2015

Item Summary

The Prescott Police Department requests approval to submit two applications for grant funding provided by the Arizona Governor's Office of Highway Safety. The total amount requested is $50,000.00. Funds awarded will be used to further the 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 has received notification from the Governor's Office of Highway Safety of the opportunity to apply for Federal Fiscal Year 2016 grant funding. Applications for funding in the categories listed below are proposed.

<u>DUI Enforcement</u>

> This application will be for $35,000 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

<u>Speed and Aggressive Driver Enforcement</u>

This application will be for the amount of $15,000 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 approve two grant applications to the Governor's Office of Highway Safety for enforcement programs in the total amount of $50,000.00.

CITY OF PRESCOTT
Everybody's Hometown

COUNCIL AGENDA MEMO

MEETING DATE/TYPES: VOTING SESSION 2-10-15

DEPARTMENT: Police

AGENDA ITEM: Approval of acceptance of a grant from the Arizona Governor's Office for Children, Youth, and Families for sexual assault victim advocacy training in the amount of $16,900.00

Approved By: **Date:**

Police Chief:	Monahan, Jerald	02/02/2015
City Manager:	McConnell, Craig	02/04/2015

Item Summary

The Arizona Governor's Office for Children, Youth and Families announced the availability of grants for financial assistance to enhance programs that would minimize crimes of violence against women. On September 9, 2014, Council approved submission of an application for funding to include a victim advocate position and training of personnel.

Background

The Police Department submitted a grant application for a Victim Advocate position as well as training for police personnel. Due to limited funding, we were not awarded the entire amount requested, but $16,900.00 was approved for sexual assault training of Department personnel. The victim advocate position was not funded as part of this grant request.

Financial Impact

Grant requirements necessitate that the City match 25 percent of the total amount received on an in-kind services basis (personnel costs of the employees who attend the training). Reimbursement for the training attended will be made by the Governor’s Office on a quarterly basis.

Recommended Action: MOVE to approve acceptance of a grant from the Arizona Governor's Office for Children, Youth and Families for sexual assault victim advocacy training in the amount of $16,900.00.

CITY OF PRESCOTT
Everybody's Hometown

COUNCIL AGENDA MEMO

MEETING DATE/TYPES: VOTING SESSION 2-10-15

DEPARTMENT: Community Development

AGENDA ITEM: Approval of FP15-001, Final Plat of Sierry Peaks Trails, a 6-lot subdivision encompassing approximately 3.28 acres [Zoning: Single-family 18 (SF-18); Property Owner: Alan R. Payne Revocable Trust; APN 115-10-004M]

Approved By:		**Date:**
Director:	Guice, Tom	02/02/2015
City Manager:	McConnell, Craig	02/04/2015

Item Summary

The Sierry Peaks Trails Final Plat will create a six-lot residential subdivision on the west side of Sierry Peaks Drive. The lots range in size from 18,017 square feet to 26,406 square feet, compliant with the SF 18 zoning district. Lots 1, 2, 5, and 6 front directly on Sierry Peaks Drive. Lots 3 and 4 are designed to share a common driveway to Sierry Peaks Drive, thereby avoiding an open space parcel owned by the Forest Trails Homeowner's Association.

Background

The Final Plat is substantially the same as the Preliminary Plat approved by the City Council on December 16, 2014. The subject property is 3.28-acres in size.

The Forest Trails PAD (Unit 1) community aligns with the east side of Sierry Peaks Drive and is zoned SF-12 with lot sizes ranging from just below 6,000 square feet up to 15,000 square feet. The Sierry Peaks Trails subdivision will create slightly larger lots compatible with the existing development nearby. As a standard subdivision plat, common property is not proposed nor is it required.

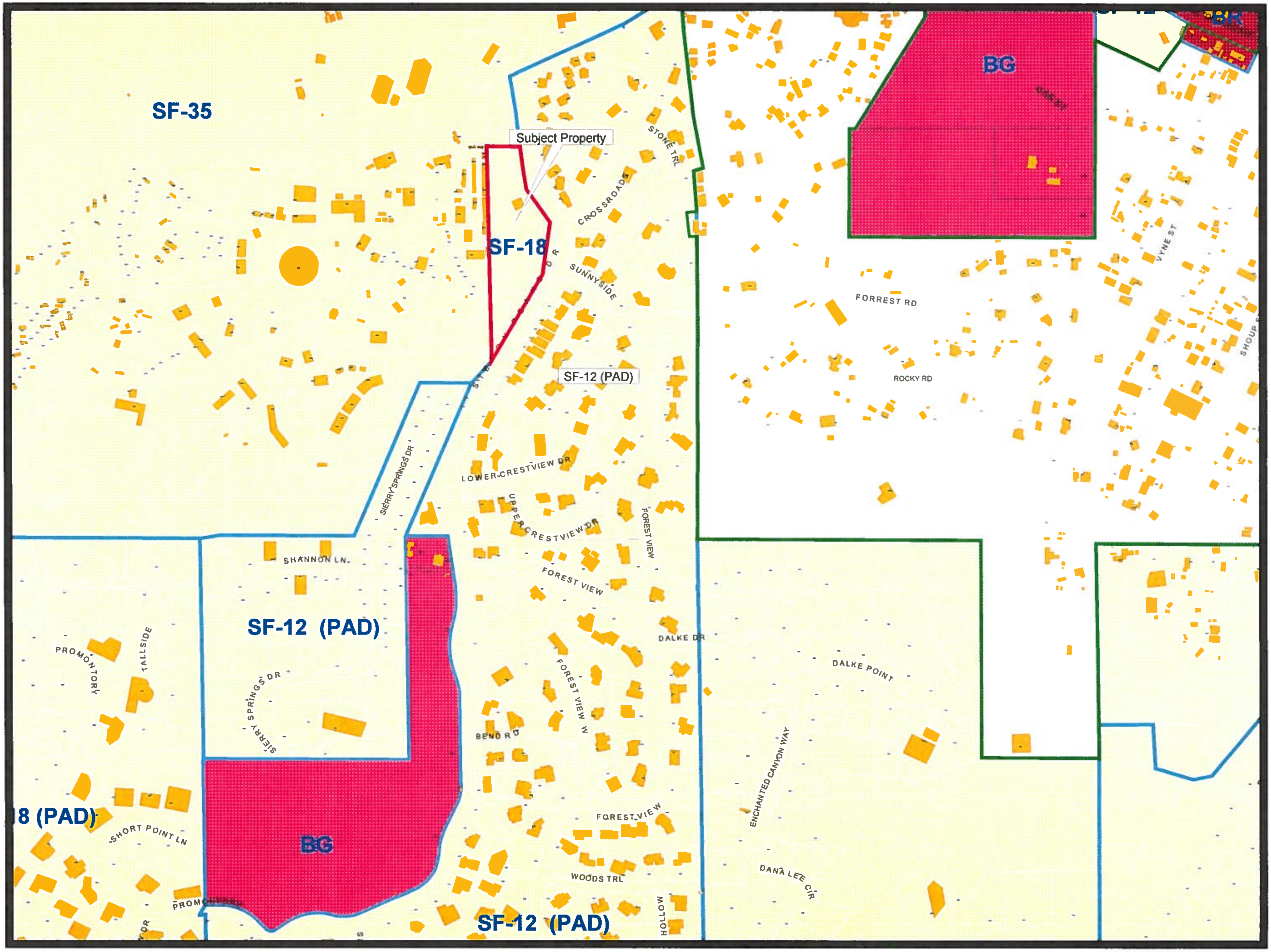
Four of the lots are nearly at grade with Sierry Peaks Drive. Lots 3 and 4 lie several feet below the street grade. Access and utility easements are proposed within the common driveway for Lots 3 and 4.

Adequate water and sewer utilities exist in Sierry Peaks Drive. An engineered open channel system along the rear of the lots (the south side) and along the Sierry Peaks Drive frontage of Lots 4, 5 and 6 will convey drainage.

Attachments

1. Vicinity/Zoning Map
2. Aerial Map
3. Preliminary Plat
4. Final Plat

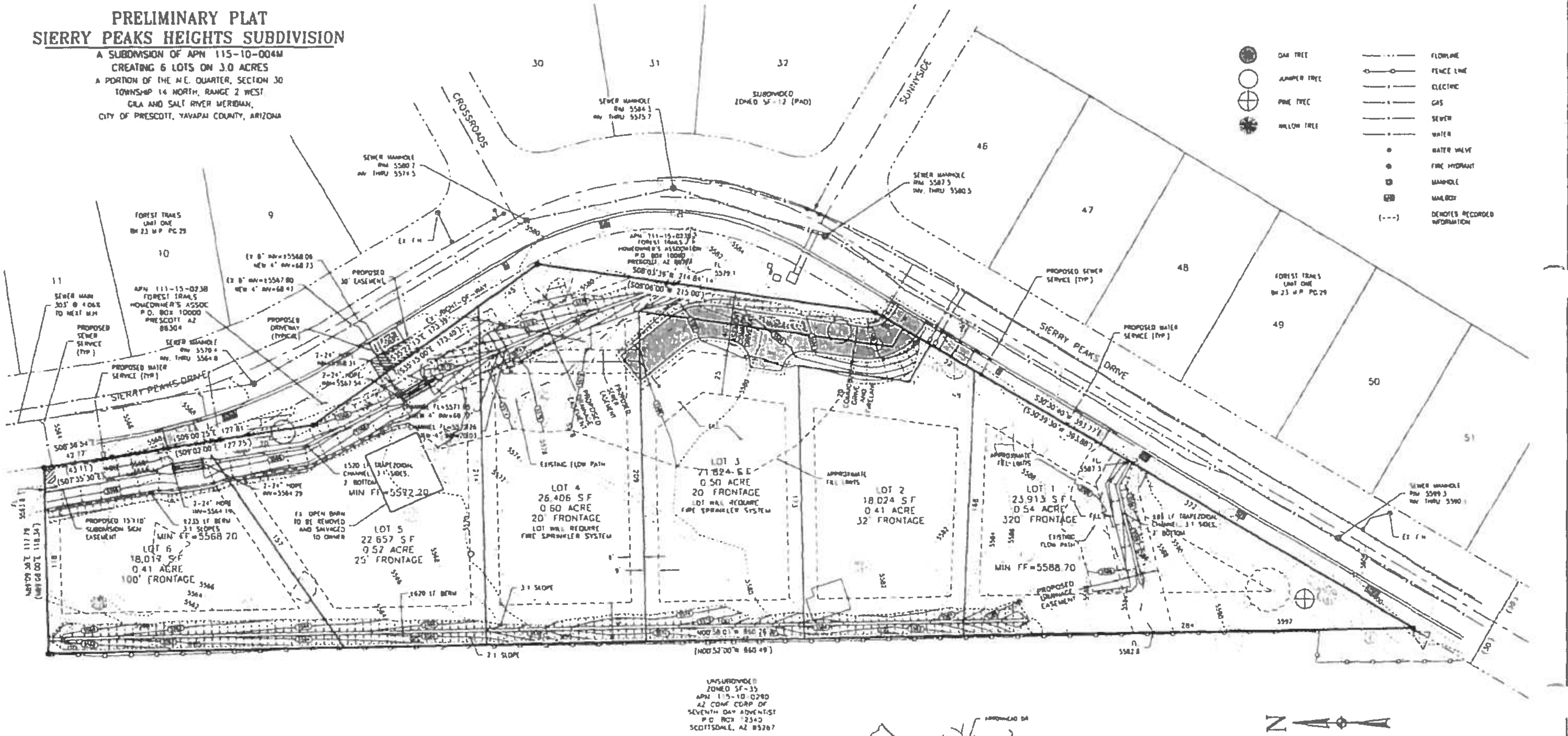
Recommended Action: MOVE to approve FP15-001, the Final Plat of Sierry Peaks Trails.


SF-35
Subject Property
SF-18
SF-12 (PAD)
SF-12 (PAD)
SF-12 (PAD)
BG
BG
8 (PAD)
STONE TRL
CROSSROADS
SUNNYSIDE
SIERRY SPRINGS DR
LOWER CRESTVIEW DR
UPPER CRESTVIEW DR
FOREST VIEW
FOREST VIEW W
FOREST VIEW
FOREST VIEW
SHANNON LN.
DALKE DR
BEND RD
WOODS TRL
HOLLOW
PROMONTORY
TALLSIDE
SIERRY SPRINGS DR
SHORT POINT LN
FORREST RD
ROCKY RD
VYNE ST
DALKE POINT
ENCHANTED CANYON WAY
DANA LEE CIR


D R
D S

PRELIMINARY PLAT
SIERRY PEAKS HEIGHTS SUBDIVISION

A SUBDIVISION OF APN 115-10-004M
CREATING 6 LOTS ON 3.0 ACRES
A PORTION OF THE N.E. QUARTER, SECTION 30
TOWNSHIP 14 NORTH, RANGE 2 WEST
GILA AND SALT RIVER MERIDIAN,
CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA



ZONING:

THE PARCEL SHOWN HEREON IS CURRENTLY ZONED SF-18. REFERENCE CITY ORDINANCE 4175 AS RECORDED IN BOOK 3889 OF OFFICIAL RECORDS AT PAGE 983, Y.C.R.O.

SETBACKS:

FRONT	25
REAR	25
SIDE	9'
CORNER	15

NOTE:

THIS PARCEL BOUNDARY AS SHOWN HEREON IS AS SURVEYED BY JOSEPH B SARVIS AS RECORDED UNDER RECEPTION NO. 2014-0004095 IN THE OFFICE OF THE YAVAPAI COUNTY RECORDER

UTILITIES AS PLOTTED HEREON DEPICT APPARENT ABOVE GROUND APPURTENANCES AND DO NOT REPRESENT THE RESULTS OF A "BLUE-STAKED" SURVEY

FLOOD ZONE DESIGNATION:

THE PARCEL PROPOSED TO BE SUBDIVIDED, AS SHOWN HEREON, LIES WHOLLY IN ZONE X (UNSHADED) PER THE FLOOD INSURANCE RATE MAP 04025C2035C (REVISED 9.3.2010)

LAND USE TABLE:

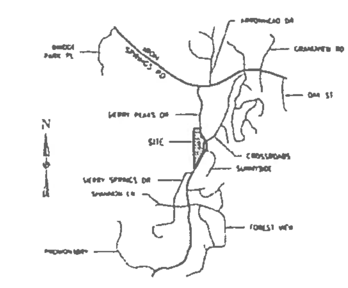
RESIDENTIAL LOTS	3.0 ACRES
DEDICATED R.O.W.	0.0 ACRES
OPEN SPACE	0.0 ACRES
COMMON AREAS	0.0 ACRES
TOTAL	3.0 ACRES

DATUM:

THIS SURVEY WAS PERFORMED UTILIZING THE CITY OF PRESCOTT SURVEY DATUM AS THE BASIS OF HORIZONTAL AND VERTICAL CONTROL

ELEVATIONS ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD-1988)

THE CONTOUR INTERVAL SHOWN HEREON IS 2 FOOT



VICINITY MAP
N.T.S.

OWNER:
THE ALAN B. PAYNE REVOCABLE LIVING TRUST
DATED OCTOBER 27, 1994 AND RESTATED ON MAY 30, 2012
ALAN B. PAYNE, TRUSTEE
301 E. MARLETTE AVE
PHOENIX, AZ 85012
(602) 279-0345
(602) 390-4436

CIVIL ENGINEER:
LAND SURVEYOR:
KELLEY/WISE ENGINEERING, INC.
CARY B. KELLEY P.E. 22880
CHRISTOPHER J. KIMBALL L.S. 48100
146 GROVE AVENUE
PRESCOTT, ARIZONA 86301
(928) 771-1730

ELECTRONIC COPY OF SEALED ORIGINAL ON FILE WITH KELLEY/WISE ENGINEERING, INC.	PRELIMINARY PLAT - ALAN PAYNE SUBDIVISION OF APN 115-10-004M KELLEY / WISE ENGINEERING, INC. 146 GROVE AVENUE PRESCOTT, ARIZONA 86301 (928) 771-1730 FAX 778-2720	SURVEY	MRK	REVISED
		DRAWN	WPB	
		CHECK	CJK	
		DATE	6/10/14	
		JOB	14-013	
		SHEET NO. 1 OF 1		

FINAL PLAT
SIERRY PEAKS TRAILS SUBDIVISION

A PORTION OF SECTION 30,
TOWNSHIP 14 NORTH, RANGE 2 WEST,
GILA AND SALT RIVER MERIDIAN,
YAVAPAI COUNTY, ARIZONA

COMPRISED OF ASSESSOR'S PARCEL NUMBER 115-10-004M

OWNER:
PER THE WARRANTY DEED RECORDED UNDER INSTRUMENT NO 2014-0028427 IN THE OFFICE OF THE YAVAPAI COUNTY RECORDER THE OWNER OF THE PARCEL SHOWN SUBDIVIDED HEREON IS THE ALAN R PAYNE REVOCABLE LIVING TRUST DATED OCTOBER 27 1994 AND RESTATED ON MAY 30 2012

ALAN R PAYNE TRUSTEE
301 E MARLETTE AVE
PHOENIX, AZ 85012
(602) 279-0365
(602) 390-4426

CIVIL ENGINEER - LAND SURVEYOR:
KELLEY/WISE ENGINEERING, INC.
146 GROVE AVE
PRESCOTT AZ 86301
(928) 771-1730
GARY R KELLEY P E 22880
CHRISTOPHER J KIMBALL L S 48100

PURPOSE FOR PLAT:
THIS PLAT IS PREPARED TO SUBDIVIDE THE EXISTING PARCEL INTO SIX LOTS.

ZONING:
THE CURRENT ZONING FOR THE PARCEL SHOWN SUBDIVIDED HEREON IS SF-18 REFERENCE CITY ORDINANCE 4175 AS RECORDED IN BOOK 3883 O R PAGE 983. Y C R O. NO ZONING CHANGE IS REQUESTED WITH THIS PLAT

LAND USE AREA:
LOT 1 23,913 S F (0 55 ACRE)
LOT 2 18,024 S F (0 41 ACRE)
LOT 3 21,824 S F (0 50 ACRE)
LOT 4 26,406 S F (0 61 ACRE)
LOT 5 22,657 S F (0 52 ACRE)
LOT 6 18,017 S F (0 41 ACRE)

TOTAL 3 00 ACRE

NOTE:
THIS SUBDIVISION IS LOCATED WITHIN THE WATER SERVICE AREA OF THE CITY OF PRESCOTT ARIZONA WHICH IS AN AREA DESIGNATED AS HAVING AN ASSURED WATER SUPPLY PURSUANT TO SECTION E OF ARS 45-576

FIRE DEPARTMENT NOTE:
LOTS 3 AND 4 WILL REQUIRE FIRE SPRINKLERS PER CITY OF PRESCOTT FIRE DEPARTMENT

DRAINAGE EASEMENT REQUIREMENTS:
1 RESPECTIVE HOMEOWNERS ARE RESPONSIBLE FOR MAINTAINING THE DRAINAGE EASEMENTS INTEGRITY ON THEIR RESPECTIVE LOTS. DRAINAGE EASEMENTS CONFORM TO NATURAL OR MAN-MADE WATER COURSES. THESE WATER COURSES WILL REQUIRE PERIODIC MAINTENANCE TO CONVEY ON-SITE OR OFF-SITE DISCHARGES PERIODIC MAINTENANCE WILL CONSIST OF THE REMOVAL OF EARTH AND/OR VEGETATION THAT HAS ACCUMULATED SINCE THE ORIGINAL APPROVAL OF THE FINAL PLAT FOR THIS SUBDIVISION

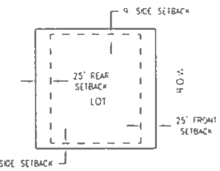
2 IN THE EVENT THE DRAINAGE EASEMENTS ARE NOT ADEQUATELY MAINTAINED BY THE PROPERTY OWNERS, IN THE OPINION OF THE CITY OF PRESCOTT ENGINEER, THE CITY OF PRESCOTT SHALL HAVE AUTHORITY TO ENTER THE PROPERTY AND/OR CAUSE THE NECESSARY MAINTENANCE, AND SHALL FURTHER HAVE THE AUTHORITY TO PASS ON ALL COSTS ASSOCIATED WITH SAID MAINTENANCE TO THE RESPONSIBLE PROPERTY OWNER(S) AS APPLICABLE

3 NO CONSTRUCTION SHALL IMPEDE CONSTRICT OR BLOCK THE FLOW OF WATER IN ANY EASEMENT OR NATURAL WATERCOURSE NO FENCING SHALL BE ALLOWED WITHIN A DRAINAGE EASEMENT EXCEPT ALONG THE BOUNDARY OF SUCH EASEMENT APPROXIMATELY PARALLEL TO THE ANTICIPATED FLOW DRAINAGE EASEMENTS MAY BE USED FOR LANDSCAPING, PROVIDED LANDSCAPING DOES NOT CONFLICT WITH THE DRAINAGE FUNCTION OR PURPOSE OF THE EASEMENT

BASIS OF BEARING:
THE MEASURED BEARINGS AS SHOWN HEREON ARE BASED ON THE CITY OF PRESCOTT'S SURVEY DATUM ANY MONUMENTED LINE SHOWN MAY BE UTILIZED AS A LOCAL BASIS OF BEARING

REFERENCE DOCUMENTS.
ON FILE WITH THE YAVAPAI COUNTY RECORDER
R1 - WARRANTY DEED 2014-0028427
R2 - FOREST TRAILS UNIT ONE BK 23 M P PG 29
R3 - RECORD OF SURVEY 2014-0004095

SURVEYOR'S CERTIFICATION:
THIS IS TO CERTIFY THAT I, CHRISTOPHER JOHN KIMBALL AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA THIS MAP AND THE SURVEY ON WHICH IT IS BASED WAS MADE UNDER MY DIRECT SUPERVISION THE SURVEY AND MAP ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF ALL MONUMENTS ARE ACCURATELY REPRESENTED AND SUFFICIENT TO ALLOW THE SURVEY TO BE RETRACED



SETBACKS
FRONT 25
REAR 25
SIDE 9
CORNER 15

TYPICAL BUILDING SETBACKS
N T S

C.C.&R'S:
LOTS 1-6, INCLUSIVE WILL BE SUBJECT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR SIERRY PEAKS TRAILS SUBDIVISION, RECORDED ____________ __ 2015 AT INSTRUMENT NO 2015________ RECORDS OF YAVAPAI COUNTY

DECLARATION:
KNOW ALL MEN BY THESE PRESENTS

THAT THE ALAN R PAYNE REVOCABLE LIVING TRUST DATED OCTOBER 27 1994 AND RESTATED ON MAY 30, 2012, AS OWNER HAS SUBDIVIDED UNDER THE NAME OF "SIERRY PEAKS TRAILS SUBDIVISION" A PORTION OF SECTION 30 TOWNSHIP 14 NORTH, RANGE 2 WEST GILA AND SALT RIVER MERIDIAN, YAVAPAI COUNTY ARIZONA, AS REFLECTED ON THIS PLAT AND HEREBY PUBLISHES THIS PLAT AS AND FOR THE PLAT OF "SIERRY PEAKS TRAILS SUBDIVISION" HEREBY DECLARES THAT THIS PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF LOTS CONSTITUTING THE SAME AND THAT THE LOTS SHALL HEREAFTER BE KNOWN BY THE NUMBER THAT IS GIVEN ON THIS PLAT AND GRANTS THE EASEMENTS AS SHOWN FOR THE PURPOSE NOTED

IN WITNESS WHEREOF THE ALAN R PAYNE REVOCABLE LIVING TRUST DATED OCTOBER 27 1994 AND RESTATED ON MAY 30, 2012, HAS HEREUNTO CAUSED IT'S NAME TO BE AFFIXED AND THE SAME TO BE ATTESTED BY THE SIGNATURE OF ALAN R PAYNE, TRUSTEE, DULY AUTHORIZED TO SO DO

DONE THIS ______ DAY OF ________________ 2015

THE ALAN R. PAYNE REVOCABLE LIVING TRUST DATED OCTOBER 27 1994 AND RESTATED ON MAY 30, 2012

____
BY ALAN R. PAYNE, TRUSTEE

ACKNOWLEDGMENT:
COUNTY OF ___________ }
STATE OF ___________ } SS

ON THIS _________ DAY OF _________________ 2015, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, DID PERSONALLY APPEAR ALAN R PAYNE WHO ACKNOWLEDGED HIMSELF AS TRUSTEE OF THE ALAN R PAYNE REVOCABLE LIVING TRUST, DATED OCTOBER 27, 1994 AND RESTATED ON MAY 30, 2012, THE OWNER OF THE REAL PROPERTY PLATTED HEREON, AND AS SUCH EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND OFFICIAL SEAL

____
NOTARY PUBLIC

MY COMMISSION EXPIRES: ____________

ACCEPTANCE CERTIFICATE:
THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT ARIZONA, ON THIS _____ DAY OF ___________________ , 2015 HEREBY APPROVE THIS FINAL PLAT

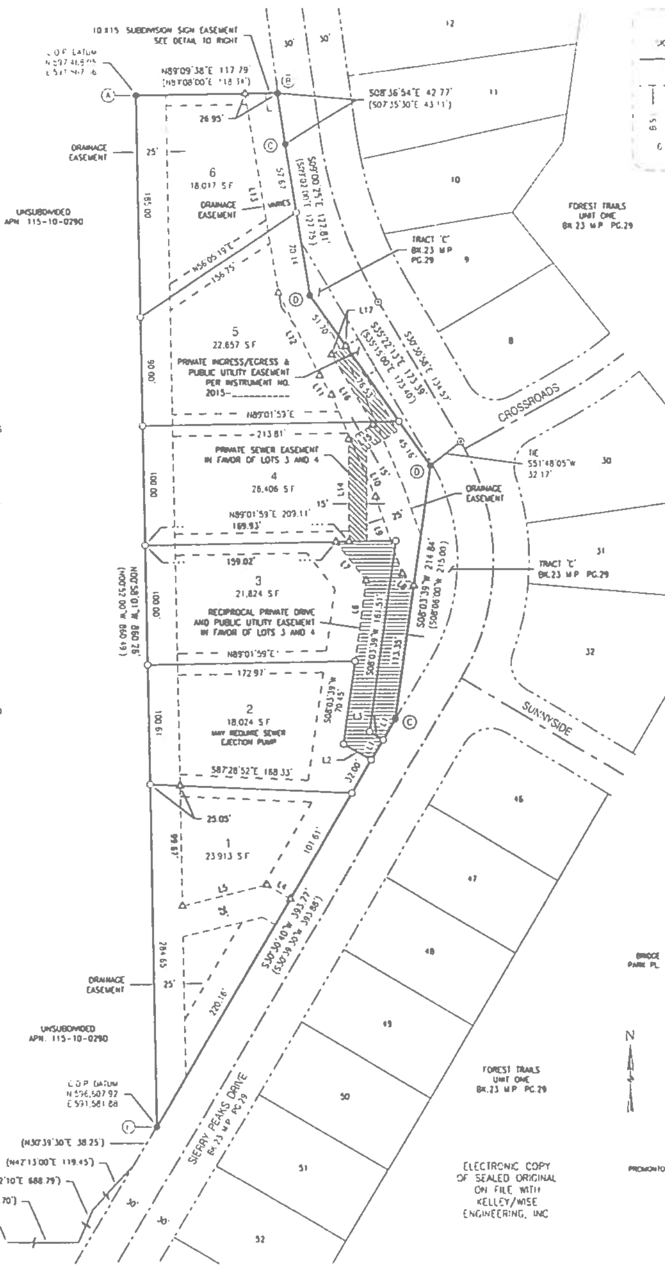
________________________ ________________________
MAYOR CITY CLERK

CITY ZONING CERTIFICATE:
I HEREBY CERTIFY THAT THIS PLAT IS IN COMPLIANCE WITH THE ZONING CODE REGULATIONS OF THE CITY OF PRESCOTT

____
COMMUNITY DEVELOPMENT DIRECTOR

PUBLIC WORKS CERTIFICATE:
I HEREBY CERTIFY THAT THIS PLAT IS IN COMPLIANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF PRESCOTT

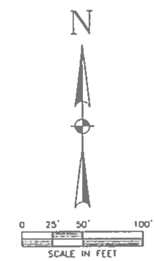
____
PUBLIC WORKS DIRECTOR



LEGEND:

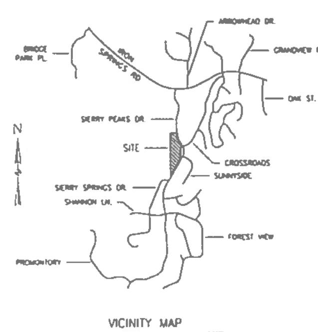
●	FOUND AS NOTED
○	SET 1/2" REBAR WITH CAP "LS 48100" U N O
◎	FOUND CENTERLINE MONUMENT
△	CALCULATED POINT, NOTHING SET
BK	BOOK
PG	PAGE
O R	OFFICIAL RECORDS
L S	LAND SURVEYS
M P	MAPS AND PLATS
Y C R O	YAVAPAI COUNTY RECORDER'S OFFICE
APN	ASSESSOR'S PARCEL NUMBER
B S L	BUILDING SETBACK LINE
S F	SQUARE FEET
P U	PUBLIC UTILITY
(---)	DENOTES RECORD DIMENSION
- - - -	BUILDING SETBACK LINE
-----	EASEMENT LINE

MONUMENT NOTE:
(A) FOUND 1/2" REBAR WITH CAP "LS 15331"
(B) FOUND 1/2" REBAR WITH CAP "LS 15331"
(C) FOUND 1/2" REBAR WITH BRASS TAG "LS 15304"
(D) FOUND 1/2" REBAR NO CAP OR TAG, AFFIXED BRASS TAG "LS 48100"
(E) FOUND "+" SCRIBED IN GRANITE, SET MAG NAIL WITH ALUMINUM WASHER "LS 48100"



LINE TABLE:

LINE	BEARING	DISTANCE
L1	S30°30'40"W	20.00'
L2	S53°29'20"E	26 75
L3	S59°29'20"E	13.38'
L4	N53°29'20"W	22 59
L5	S76°12'15"W	72 50'
L6	N08°03'39"E	68 15'
L7	N37°58'00"W	40 94
L8	N44°29'54"W	13 50'
L9	N19°00'39"W	68 39'
L10	N23°14'27"W	92 57'
L11	N31°41'19"W	18 74'
L12	N26°28'33"W	76 67
L13	N09°18'03"W	168 28'
L14	N00°00'00"E	85 81'
L15	N59°26'21"E	23 75
L16	N30°33'39"W	67 66'
L17	N59°26'21"E	13 74



VICINITY MAP
PRESCOTT AZ N T S

FILED AND RECORDED AT THE REQUEST OF
CITY OF PRESCOTT

__________________________ A D 2015

AT ____________________ O'CLOCK ___ M

INSTRUMENT NO ____________________
RECORDS OF YAVAPAI COUNTY ARIZONA

____
COUNTY RECORDER

____
DEPUTY RECORDER

KELLEY / WISE ENGINEERING, INC.
146 GROVE AVENUE
PRESCOTT AZ 86301
PHONE (928) 771-1730
E-MAIL ckimball@kelley-wise.com

JOB NO	14-013	CHECKED	CJK
DRAWN	CJK	DATE	1/7/15

CITY OF PRESCOTT
Everybody's Hometown

COUNCIL AGENDA MEMO

MEETING DATE/TYPES: VOTING SESSION 2-10-15

DEPARTMENT: Fire

AGENDA ITEM: (1) Adoption of Resolution No. 4277-1486 accepting an Arizona Department of Homeland Security Reallocation Grant for portable radio chargers; and (2) approval to purchase 35 ea. radio chargers in the amount of $11,092.33 from Creative Communications using State Contract No. ADSP013-036880 pricing (Grants Fund)

Approved By:		**Date:**
Fire Chief:	Light, Dennis	02/02/2015
City Manager:	McConnell, Craig	02/04/2015

Item Summary

The Fire Department has been awarded additional funding from the Arizona Department of Homeland Security, under the previously approved Federal Fiscal Year (FFY) 2013 Homeland Security Grant Program. The additional funding is for radio chargers.

Background

Last year, Prescott's funding application was reviewed by the West Regional Advisory Council of Homeland Security, which reviews all requests from Yavapai, Mohave, and La Paz Counties. Funding was not recommended at that time pending Homeland Security providing the requested radio chargers by reallocation of inventory in the Phoenix area. The chargers were not available when the West Regional Advisory Council recently reallocated surplus 2013 funding; therefore, the original request for portable radio chargers has been approved.

The requested chargers have a deeper well enabling the radios to be seated securely for optimum charging. The existing chargers, desk models modified for vehicle mounting, are not stable given the motion of the apparatus, reducing battery life and causing interruption of transmissions. The grant will enable the replacement of existing chargers on all front line apparatus and emergency response vehicles.

The radio chargers are available through Creative Communications under a State purchasing contract.

Agenda Item: (1) Adoption of Resolution No. 4277-1486 accepting an Arizona Department of Homeland Security Reallocation Grant for portable radio chargers; and (2) approval to purchase 35 ea. radio chargers in the amount of $11,092.33 from Creative Communications using State Contract No. ADSP013-036880 pricing (Grants Fund)

Financial Impact

Potential funding of Homeland security grants was included in the FY15 grants budget. The project is funded at 100%, requiring no matching City funds.

Attachments

1. Resolution No. 4277-1486

Recommended Action: MOVE to: (1) adopt Resolution No. 4277-1486; and (2) approve the purchase of 35 ea. radio chargers from Creative Communications, using State Contract No. ADSP013-036880 pricing, in the total amount of $11,092.33.

RESOLUTION NO. 4277-1486

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, ACCEPTING AN ARIZONA HOMELAND SECURITY REALLOCATION GRANT FOR PORTABLE RADIO CHARGERS

RECITALS:

WHEREAS, the Council of the City of Prescott ("City") wishes to formally accept an Arizona Homeland Security Reallocation Grant in the amount of $11,092.33 for portable radio chargers; and

WHEREAS, the grant is 100% funded by the Arizona Homeland Security Reallocation Grant Program and there is no match or contribution required of the City; and

WHEREAS, accepting the grant funding from the Arizona Homeland Security Grant Program for the equipment cited above will be in the best interests of the health, safety, and welfare of the City.

ENACTMENTS:

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

Section 1. THAT, the City Council of the City of Prescott hereby formally accepts the grant funding of $11,092.33 from Arizona Homeland Security Reallocation Grant for the purchase of portable radio chargers.

Section 2. THAT, the Mayor and staff are hereby authorized to sign this Resolution, and any documents effectuating the terms contained in this Resolution.

PASSED, APPROVED AND ADOPTED by the Mayor and Council of the City of Prescott this _____ day of ________________, 2015.

____
MARLIN D. KUYKENDALL, Mayor

ATTEST:

____
DANA R. DeLONG
City Clerk

APPROVED AS TO FORM:

____
JON M. PALADINI
City Attorney

CITY OF PRESCOTT
Everybody's Hometown

COUNCIL AGENDA MEMO

MEETING DATE/TYPES: VOTING SESSION 2-10-15

DEPARTMENT: Police

AGENDA ITEM: Approval to (1) accept additional funding from Arizona Department of Homeland Security (AZDOHS) Grant 130510-02 in the amount of $6,815.00; and (2) to combine said additional funding with the amount of $3,630.32 remaining from Grant 140515-01 in order to purchase nine (9) ea. Twin Port Specialist Responder Kits (CBNR) masks in the amount of $10,034.63 from FDC Rescue LE Division

Approved By:		**Date:**
Police Chief:	Monahan, Jerald	02/02/2015
City Manager:	McConnell, Craig	02/04/2015

Item Summary

The City, through the Police Department, has been awarded additional grant funding in the amount of $6,815.00 through reallocated funds from Arizona Department of Homeland Security (AZDOHS) Grant 130510-02. The grant funds will be used toward purchase of nine (9) ea. Twin Port Specialist Responder Kits (CBNR) masks in the amount of $10,034.63 from FDC Rescue LE Division. The balance required to purchase the nine (9) CBNR masks is available from AZDOHS Grant 140515-01 ($3,630.32), remaining after the purchase of thirty-two (32) ea. Point Blank Level III Stand Alone, Triple Curve, Shooters Cut Rifle Plates from FX Tactical, LLC. (Original awarded amount $18,016.00; $14,385.68 used for the purchase).

Background

On March 11, 2014, Council authorized the Police Department to apply for AZDOHS funds for thirty-two (32) ea. Ballistic Rifle Plates and sixteen (16) ea. National Institute for Occupational Safety and Health approved Chemical, Biological, Nuclear, and Radiological protective masks. The AZDOHS approved grant funding for only the thirty-two (32) ea. Ballistic Rifle Plates in the amount of $18,016.00. On October 14, 2014, Council approved accepting the awarded funds and to purchase the thirty-two (32) ea. Ballistic Rifle Plates at a cost of $14,385.68. On December 19, 2014, AZDOHS notified the City, through the Police Department of additional funds ($6,815.00 Grant 130510-02) that were reallocated to us for the purchase of up to sixteen (16) ea. National Institute for Occupational Safety and Health approved Chemical, Biological, Nuclear, and Radiological protective masks. AZDOHS also authorized the remaining $3,630.32 from

Grant 140515-01 could be combined with the newly reallocated funds to make the purchase.

Financial Impact

There are no requirements for matching funds by the City. The Arizona Department of Home Land Security granted additional funds in the amount of $6,815.00, to be combined with the remaining $3,630.32 to purchase the nine (9) ea. Twin Port Specialist Responder Kits (CBNR) masks in the amount of $10,034.63.

Attachments

1. FDC Rescue LE Division Quotation #4338

Recommended Action: MOVE to: (1) accept additional funding from Arizona Department of Homeland Security (AZDOHS) Grant 130510-02 in the amount of $6,815.00; and (2) to combine said additional funding with the amount of $3,630.32 remaining from Grant 140515-01 in order to purchase nine (9) ea. Twin Port Specialist Responder Kits (CBNR) masks in the amount of $10,034.63 from FDC Rescue LE Division

FDC RESCUE LE DIVISION

2202 W. Lone Cactus Dr., Suite #5
Phoenix, AZ 85027
Ph: (623) 463-2235
Fax: (623) 463-2237

Quotation # 4338

Bill To: Prescott Police Department
Accounts Payable
222 S. Marina St.
Prescott, AZ 86303

Ship To: Prescott Police Department
Jon Brambila
222 S. Marina St.
Prescott, AZ 86303

Date	Terms		F.O.B.	Rep
12/17/2014	Net 30	*All quotations valid for 30 days unless otherwise indicated.*	Cadillac, MI	AM

Part Number	Description	Qty	Cost	Total
72601-229	FM53 Twin Port Specialist Responder Kit , Medium Kit includes: NIOSH FM53 Twin Port Mask; Voice Projection Unit w/Microphone Assembly, Clear Outsert, Blue Blocker Outsert, CTCF50 Conformal Riot Agent canister, CBRN Canister, Universal Mask Carrier, Filter Mount Plug Tool, Face Form, User Manual	9	1,019.25	9,173.25T
Shipping	Shipping & Handling		100.00	100.00
	NOTE: Prior to order, FDC will provide initial sizing of personnel free of charge. Upon delivery, FDC will provide Basic User Training in donning, doffing, operation, and maintenance at no additional charge.			

Shipping Charges are provided as an ESTIMATE ONLY. Actual S/H will be added to your invoice.

Subtotal	$9,273.25
Sales Tax (8.3%)	$761.38
Total	**$10,034.63**

www.FDCrescue.com

Veteran Owned Small Business VOSB CVE

To accept quotation, sign here. ______________________

Your Purchase Order No. ______________________

CITY OF PRESCOTT
Everybody's Hometown

COUNCIL AGENDA MEMO

MEETING DATE/TYPES: VOTING SESSION 2-10-15

DEPARTMENT: City Clerk

AGENDA ITEM: Public Hearing and consideration of a Series 12, Restaurant liquor license application from Rafael Reyna-Ortega, applicant for Lindo Mexico Restaurante Mexicano, located at 1260 Gail Gardner Way, Suite A

Approved By:		**Date:**
City Clerk:	DeLong, Dana	02/02/2015
City Manager:	McConnell, Craig	02/03/2015

Item Summary

Rafael Reyna-Ortega has applied for a new Series 12 liquor license for Lindo Mexico Restaurante Mexicano.

Background

A Liquor License Application, City No.15-250, State No. 12133605, has been received from Rafael Reyna-Ortega, applicant for Lindo Mexico Restaurante Mexicano, located at 1260 Gail Gardner Way, Suite A, for a Series 12 Restaurant license. The application was properly posted for the State-mandated 20-day period. No petitions or protests were received during this period. The application cleared Planning and Zoning and the City of Prescott Police Department. The applicant has been requested to attend the Council meeting to answer any questions Council may have.

The completed application is on file in the City Clerk's office.

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. 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. 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.

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 fee have been paid. According to state law, proceeds from liquor license fees are required to be used for hospitality promotion (tourism development) purposes.

Recommended Action: (1) MOVE to close the Public Hearing: and **(2) MOVE** to approve/deny Liquor License Application No. 12133605, for a Series 12, Restaurant license for Lindo Mexico Restaurante Mexicano located at 1260 Gail Gardner Way, Suite A.

CITY OF PRESCOTT
Everybody's Hometown

COUNCIL AGENDA MEMO

MEETING DATE/TYPES: VOTING SESSION 2-10-15

DEPARTMENT: Field and Facilities Services

AGENDA ITEM: Approval of City Contract No. 2015–098 for household hazardous waste disposal services with Clean Harbors Environmental Services, Inc., using pricing from City of Mesa Contract No. 2014-013 in an amount not to exceed $70,000.00 (Solid Waste Fund)

Approved By:		**Date:**
Director:	Miller, Stephanie	01/29/2015
City Manager:	McConnell, Craig	02/04/2015

Item Summary

This item requests approval to enter into a contract with Clean Harbors Environmental Services, Inc., using pricing from City of Mesa Contract No. 2014-013 for professional collection and disposal of household hazardous waste (HHW) collected at the City's HHW event to be held March 22, 2015, at the Sundog Transfer Station.

Background

Unused household products that contain corrosive, toxic, ignitable, or reactive ingredients are considered to be household hazardous waste (HHW). Products such as paint, paint thinners, Freon, cleaners, motor oil, batteries, tires, fertilizers and pesticides which contain potentially hazardous ingredients require special disposal methods to avoid contamination of groundwater and reduce environmental pollution.

In order to provide safe disposal options for City residents, the City has been holding an annual HHW Collection Day. This year's event is scheduled for Sunday, March 22, 2015, from 8:00 a.m. to noon, at the Transfer Station (2800 Sundog Ranch Road).

This service will be offered at no additional cost to participating City of Prescott residents. The event personnel will be checking and verifying residency through a driver's license or other state issued identification.

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In 2014, the Council approved entering into Intergovernmental Agreements (IGAs) with the Town of Dewey-Humboldt (Resolution No. 4208-1415), the Town of Chino Valley (Resolution No. 4206-1417), the Town of Prescott Valley (Resolution No. 4209-1418), and Yavapai County (Resolution No. 4210-1419), "the Cooperating Agencies". The Cooperating Agencies have opted to not participate with the City in this year's event.

Financial Impact

Funding of $70,000 for this budgeted FY15 item is available in the Solid Waste Fund.

Recommended Action: **MOVE** to approve City Contract No. 2015–098 for household hazardous waste disposal services with Clean Harbors Environmental Services, Inc., using pricing from City of Mesa Contract No. 2014-013 in an amount not to exceed $70,000.00.

CITY OF PRESCOTT
Everybody's Hometown

COUNCIL AGENDA MEMO

MEETING DATE/TYPES: VOTING SESSION 2-10-15

DEPARTMENT: Airport

AGENDA ITEM: Adoption of Resolution No. 4276-1485 supporting the continuation of Essential Air Service for Prescott Municipal Airport by Great Lakes Aviation, Ltd.

Approved By:	**Date:**
Airport Manager: Cox, John	02/05/2015
Economic Initiatives Director: Burt, Jeff	02/05/2015
City Manager: McConnell, Craig	02/05/2015

Item Summary

The Essential Air Service (EAS) program was created by Congress to assure a minimum level of schedule air services to smaller communities served by certificated air carriers prior to the 1978 airline Deregulation Act. Great Lakes Aviation, Ltd., the only respondent to the recent U.S. Department of Transportation (USDOT) Order Requesting Proposals, submitted multiple options for a new EAS contract to become effective May 1, 2015:

Los Angeles (non-stop) and/or Denver (one-stop)	Nine (9) Seat Beech 1900D
Los Angeles (non-stop) and/or Denver (one-stop)	Nineteen (19) Seat Beech 1900D
Los Angeles (non-stop)	Thirty (30) Seat EMB-120

Background

Through the EAS program, Mesa Airlines provided service from Prescott to Phoenix from 2001 until 2005, and then again from late 2007 (dba Air Midwest) until ceasing operations in early 2008. Great Lakes Aviation (GLA) provided service to Phoenix from 2005 to 2007, and again in 2008 after Mesa left. In 2008, GLA also began providing service to Ontario, CA. This service quickly proved to be more popular than the service to Phoenix, and in April 2009, GLA replaced service to Phoenix with new service to Denver, CO.

Congressionally mandated changes to FAA pilot qualification rules have created an industry-wide pilot shortage which has significantly impacted GLA; this resulted in the cancellation of the Denver route in early 2013. To maintain the scheduled flights to LAX, GLA received authorization from the Federal Aviation Administration (FAA) to allow hiring of pilots to operate the Beechcraft 1900D, a 19-seat aircraft, in a nine (9) passenger seat configuration.

Prescott is presently served by three daily flights to Los Angeles International Airport providing 20 weekly round-trips utilizing the Beechcraft 1900D configured with nine (9) passenger seats. While the number of flights continues to exceed the current EAS contract minimum, the number of passenger seats has been reduced.

The USDOT currently funds and manages the EAS contract, which will expire April 30, 2015. USDOT issued Order 2014-11-15 on November 25, 2014, soliciting proposals from carriers interested in providing air service to Prescott for a new contract period beginning May 1, 2015 (Docket #DOT-OST-1996-1899).

Proposals were due by December 22, 2014; however, an extension requested by one airline was approved by USDOT with a revised due date of January 20, 2015. On January 20th, the City received from USDOT a copy of the only proposal submitted, from Great Lakes Aviation, Ltd. The airline requesting the extension to the deadline ultimately did not submit a proposal. USDOT is seeking comments from the City regarding the GLA proposal no later than February 20, 2015.

Multiple options were submitted by GLA, without a specific commitment of aircraft. Resolution No. 4276-1485 supports the continuation of service to Los Angeles, requesting the larger thirty (30) passenger Embraer 120 Brasilia aircraft.

Financial Impact

The USDOT manages and funds the EAS program, paid directly to the airline.

The City received $28,589 in FY14 directly from the airline providing service to Prescott Municipal Airport via landing fees and rental of facilities (office, counter, and storage space). This figure does not include revenues from fuel purchases from the FBO or other services provided to the airline from local airport businesses.

The TSA currently provides a reimbursement program at $20/hour for each Law Enforcement Officer physically present at the TSA checkpoint during passenger screening operations, amounting to $27,400 in 2014. The additional non-reimbursable annual expense to the City for providing law enforcement at the airport is estimated at $12,100 in FY 2015.

The City of Prescott Fire Department budgeted $386,866 to provide 24 hour coverage at the airport in FY 2015. The firefighting requirement for airline service is 30 minutes before and after each commercial flight, or 3 hours/day. The actual expense for airline firefighting coverage is $48,358.25, the remainder of the budgeted airport fire station expenses is to provide non-commercial airport operations and local structural coverage throughout the airport area.

Adoption of Resolution No. 4276-1485 supporting the continuation of Essential Air Service for Prescott Municipal Airport by Great Lakes Aviation, Ltd.

Attachments

1. Great Lakes Aviation, Ltd., Response to Order Requesting Proposals 2014-11-15
2. Resolution No. 4276-1485

Recommended Action: MOVE to adopt Resolution No. 4276-1485.

Before the United States Department of Transportation

Washington, DC

January 20, 2015

Essential Air Service at **PAGE, ARIZONA** **PRESCOTT, ARIZONA** **SHOW LOW, ARIZONA** under 49 U.S.C. 41731 et.seq.	**Docket OST-1997-2694** **Docket OST-1996-1899** **Docket OST-1998-4409**

This document contains the response of Great Lakes Aviation, Ltd. to Order Requesting Proposals 2014-11-15

Great Lakes Aviation, Ltd. is pleased to submit these proposals to provide essential air transportation to these Arizona communities addressed in the Order as stand alone proposals.

Our proposals provide conveniently timed schedules to our Denver, Phoenix and Los Angeles hubs, whereby passengers may utilize our code-share agreement with United Airlines. In addition to our code share agreement with United Airlines, Great Lakes maintains electronic interline ticketing and baggage agreements with American, Delta and United. Passengers will also be eligible for Delta Sky Miles Frequent Flyer program when travel is booked through Delta's sales channels. All of which will offer passengers traveling to and from these communities supplemental access to the domestic and international air transportation system.

Great Lakes is proposing multiple service alternatives for all three communities. The proposals consist of Beech 1900D service configured with nine seats and Beech 1900D service configured with 19 seats. Due to pilot supply, in the near term, we have been forced to offer nine seat service. To illustrate the economic impact of the effect of the pilot shortage on small community air service, the Beech 1900D service with 19 seats offers a substantial reduction in subsidy requirement due to the availability of more seats which can generate more passenger traffic and revenue. We have also offered a service option for Prescott utilizing pressurized 30 seat Embraer EMB-120 Brasilia aircraft. Please refer to the attached proposals for the the specific service patterns being offered for each community.

For illustrative and comparison purposes, we have also provided a Phoenix service option for Prescott that would be subject to significant modifications at the Phoenix hub gate facilities.

Changes to FAA pilot qualification rules have created an industry-wide pilot shortage which has had an acute impact on Great Lakes. These rules mandated that first officers obtain an Airline Transport Pilot certification (“ATP”) prior to being qualified to perform crewmember duties in scheduled airline passenger service under FAR Part 121 regulatory requirements. A key factor to enable a pilot to receive an ATP certificate is the accumulation of 1,500 flight hours.

Great Lakes received FAA operations specifications allowing us to hire pilots under its FAR Part 121 certificate utilizing FAR Part 135 regulatory hiring requirements. This allows our new hire pilots to operate the Beech 1900D aircraft in a nine seat configuration and will enable Great Lakes to restore pilot staffing levels while maintaining FAR Part 121 pilot training and aircraft maintenance standards.

It is Great Lakes' belief that the unintended consequences of the changes in pilot qualification rules have debilitated small community air service whereby excessive subsidy requirements will force communities to loose EAS service eligibility. To avert these unintended consequences and revitailize small community air service, will necessitate regulatory relief. Great Lakes stands ready to participate in creative solutions to assist small communities in their efforts to remain in the National Air Transportation System.

Questions and comments may be referred to:

Michael O. Matthews
Chief Financial Officer
Great Lakes Aviation, Ltd.
1022 Airport Parkway
Cheyenne, WY 82001
(307) 432-7000

Table of Contents:

Bid	Service Points	Hub Options	Equipment	Subsidy Requirement	Passengers Forecast	Average Fare	Subsidy Cost per Passenger
1	Page	Phoenix (non-stop) and/or Denver (one-stop) and/or Los Angeles (one-stop)	Nine Seat Beech 1900D	**$2,690,636**	9,500	$125.72	$283.22
2	Page	Phoenix (non-stop) and/or Denver (one-stop) /and or Los Angeles (one-stop)	19 Seat Beech 1900D	**$2,275,111**	14,250	$117.94	$159.66
		Cost of 1,500 hour ATP to EAS program		$415,525	(4,750)		$123.57
3	Prescott	Los Angeles (non-stop) and/or Denver (one-stop)	Nine Seat Beech 1900D	**$3,152,565**	8,500	$139.18	$370.89
4	Prescott	Los Angeles (non-stop) and/or Denver (one-stop)	19 Seat Beech 1900D	**$2,721,884**	14,000	$124.92	$194.42
		Cost of 1,500 hour ATP to EAS program		$430,682	(5,500)		$176.47
5	Prescott	Los Angeles (non-stop)	30 Seat EMB-120	**$2,657,002**	15,200	$119.10	$174.80
6	Show Low	Phoenix (non-stop) and/or Denver (one-stop)	Nine Seat Beech 1900D	**$2,275,339**	5,000	$106.74	$455.07
7	Show Low	Phoenix (non-stop) and/or Denver (one-stop)	19 Seat Beech 1900D	**$1,894,384**	9,500	$102.98	$199.41
		Cost of 1,500 hour ATP to EAS program		$380,955	(4,500)		$255.66
	Total Annual Cost of 1,500 hour ATP to US DOT for Arizona EAS Communities			**$1,227,162**	**(14,750)**		

Great Lakes Aviation, Ltd.

Annual Compensation Requirements for Essential Air Service at

Page, Arizona

B1900 - (nine seat configuration)
(at 98 percent completion)

Departures:							1936
Operating Revenues:							
	Passenger:	PGA	9,500	psgrs at	$125.72	$1,194,340	
	Other:	(at 0.62% of passenger revenue)				$7,405	
Total Operating Revenues:							$1,201,745
Operating Expenses:							
	Direct:	Aircraft and Hull Insurance				$365,710	
		Fuel and Oil				$1,101,034	
		Flying Operations				$471,364	
		Maintenance				$806,661	
	Total Direct Expenses:						$2,744,769
	Total Indirect Expenses:						$962,260
Total Operating Expenses:							$3,707,029
Operating Loss							($2,505,284)
Profit Element (5.0% of Total Operating Expenses)							$185,351
Annual Compensation Requirement:							**$2,690,636**

Current published schedules should be used as sample service levels. Hub options eligible for subsidy are Phoenix (non-stop) and/or Denver (one-stop) or Los Angeles (one-stop).

At Great Lakes discretion, Great Lakes would operate four peak day round trip departures with reduced service to two round trips per day in off peak seasonal periods.

No less than 1,936 annual departures would be operated assuming a 98% completion factor.

Great Lakes Aviation, Ltd.

Annual Compensation Requirements for Essential Air Service at

Page, Arizona

B1900 - (19 seat configuration)
(at 98 percent completion)

Departures:							1936
Operating Revenues:							
	Passenger:	PGA	14,250	psgrs at	$117.94	$1,680,645	
	Other:	(at 0.62% of passenger revenue)				$10,420	
Total Operating Revenues:							$1,691,065
Operating Expenses:							
	Direct:	Aircraft and Hull Insurance				$365,710	
		Fuel and Oil				$1,101,034	
		Flying Operations				$471,364	
		Maintenance				$806,661	
	Total Direct Expenses:						$2,744,769
	Total Indirect Expenses:						$1,032,541
Total Operating Expenses:							$3,777,310
Operating Loss							($2,086,245)
Profit Element (5.0% of Total Operating Expenses)							$188,866
Annual Compensation Requirement:							**$2,275,111**

Current published schedules should be used as sample service levels. Hub options eligible for subsidy are Phoenix (non-stop) and/or Denver (one-stop) or Los Angeles (one-stop).

At Great Lakes discretion, Great Lakes would operate four peak day round trip departures with reduced service to two round trips per day in off peak seasonal periods.

Great Lakes Aviation, Ltd.

Annual Compensation Requirements for Essential Air Service at

Prescott, Arizona to Los Angeles (LAX)

Three Round Trips - B1900 - (nine seat configuration)

(at 98 percent completion)

Departures:						1835
Block Hours:						2,860
Revenue Passenger Miles:						2,924,000
Available Seat Miles:						5,681,160
Operating Revenues:						
Passenger:	PRC	8,500	psgrs at	$139.18	$1,183,030	
Other:	(at 0.62% of passenger revenue)				$7,335	
Total Operating Revenues:						$1,190,365
Operating Expenses:						
Direct:	Aircraft and Hull Insurance				$365,710	
	Fuel and Oil				$1,284,941	
	Flying Operations				$568,339	
	Maintenance				$877,672	
Total Direct Expenses:						$3,096,662
Total Indirect Expenses:						$1,039,462
Total Operating Expenses:						$4,136,124
Operating Loss						($2,945,759)
Profit Element (5.0% of Total Operating Expenses)						$206,806
Annual Compensation Requirement:						**$3,152,565**

Current published schedules should be used as sample service levels. Hub options eligible for subsidy are Los Angeles non-stop and/or Denver (one-stop alternative hub).

Great Lakes Aviation, Ltd.

Annual Compensation Requirements for Essential Air Service at

Prescott, Arizona to Los Angeles (LAX)

Three Round Trips - B1900 - (19 seat configuration)
(at 98 percent completion)

Departures:						1835
Block Hours:						2,860
Revenue Passenger Miles:						4,816,000
Available Seat Miles:						11,993,560
Operating Revenues:						
Passenger:	PRC	14,000	psgrs at	$124.92	$1,748,880	
					$0	
Other:	(at 0.62% of passenger revenue)				$10,843	
Total Operating Revenues:						$1,759,723
Operating Expenses:						
Direct:	Aircraft and Hull Insurance				$365,710	
	Fuel and Oil				$1,284,941	
	Flying Operations				$568,339	
	Maintenance				$877,672	
Total Direct Expenses:						$3,096,662
Total Indirect Expenses:						$1,171,535
Total Operating Expenses:						$4,268,197
Operating Loss						($2,508,474)
Profit Element (5.0% of Total Operating Expenses)						$213,410
Annual Compensation Requirement:						**$2,721,884**

Current published schedules should be used as sample service levels. Hub options eligible for subsidy are Los Angeles non-stop and/or Denver (one-stop alternative hub).

Great Lakes Aviation, Ltd.

Annual Compensation Requirements for Essential Air Service at

Prescott, Arizona to Los Angeles (LAX)

Two Round Trips - EMB-120 (30 seat aircraft)
(at 98 percent completion)

Departures:	1431
Block Hours:	2,230
Revenue Passenger Miles:	5,228,800
Available Seat Miles:	14,767,920

Operating Revenues:							
	Passenger:	PRC	15,200	psgrs at	$119.10	$1,810,320	
	Other:	(at 0.62% of passenger revenue)				$11,224	
Total Operating Revenues:							$1,821,544
Operating Expenses:							
	Direct:	Aircraft and Hull Insurance				$365,975	
		Fuel and Oil				$1,326,966	
		Flying Operations				$535,022	
		Maintenance				$829,807	
	Total Direct Expenses:						$3,057,770
	Total Indirect Expenses:						$1,207,512
Total Operating Expenses:							$4,265,282
Operating Loss							($2,443,738)
Profit Element (5.0% of Total Operating Expenses)							$213,264
Annual Compensation Requirement:							**$2,657,002**

This Proposal is submitted with no upline scheduling restrctions

Great Lakes Aviation, Ltd.

Annual Compensation Requirements for Essential Air Service at

Show Low, Arizona

B1900 - (nine seat configuration)
(at 98 percent completion)

Departures:						1792

Three Round Trips in Summer Schedules - Two Round trips in Winter Schedules

Operating Revenues:						
Passenger:	SOW	5,000	psgrs at	$106.74	$533,700	
Other:	(at 0.62% of passenger revenue)				$3,309	
Total Operating Revenues:						$537,009
Operating Expenses:						
Direct:	Aircraft and Hull Insurance				$365,710	
	Fuel and Oil				$714,108	
	Flying Operations				$276,022	
	Maintenance				$597,551	
Total Direct Expenses:						$1,953,391
Total Indirect Expenses:						$725,036
Total Operating Expenses:						$2,678,427
Operating Loss						($2,141,418)
Profit Element (5.0% of Total Operating Expenses)						$133,921
Annual Compensation Requirement:						**$2,275,339**

Current published schedules should be used as a sample service level. Hub options eligible for subsidy are Phoenix hub (non-stop) and/or Denver (one-stop alternate hub)

No less than 1,082 departures would be operated from May 1st through October 31st and no less than 710 departures would be operated from November 1st through April 30th.

No upline scheduling restrictions.

Great Lakes Aviation, Ltd.

Annual Compensation Requirements for Essential Air Service at

Show Low, Arizona

B1900 - (19 seat configuration)
(at 98 percent completion)

Departures:						1792
	Three Round Trips in Summer Schedules - Two Round trips in Winter Schedules					
Operating Revenues:						
Passenger:	SOW	9,500	psgrs at	$102.98	$978,310	
Other:	(at 0.62% of passenger revenue)				$6,066	
Total Operating Revenues:						$984,376
Operating Expenses:						
Direct:	Aircraft and Hull Insurance				$365,710	
	Fuel and Oil				$714,108	
	Flying Operations				$276,022	
	Maintenance				$597,551	
Total Direct Expenses:						$1,953,391
Total Indirect Expenses:						$788,285
Total Operating Expenses:						$2,741,676
Operating Loss						($1,757,300)
Profit Element (5.0% of Total Operating Expenses)						$137,084
Annual Compensation Requirement:						**$1,894,384**

Current published schedules should be used as a sample service level. Hub options eligible for subsidy are Phoenix hub (non-stop) and/or Denver (one-stop alternate hub)

No less than 1,082 departures would be operated from May 1st through October 31st and no less than 710 departures would be operated from November 1st through April 30th.

No upline scheduling restrictions.

Great Lakes Aviation, Ltd.

Annual Compensation Requirements for Essential Air Service at

** Prescott, Arizona to Phoenix (PHX)

Four Round Trips - B1900 - (nine seat configuration)

(at 98 percent completion)

Departures:						2454
Block Hours:						1,718
Revenue Passenger Miles:						739,500
Available Seat Miles:						1,921,482
Operating Revenues:						
Passenger:	PRC	8,500	psgrs at	$54.10	$459,850	
Other:	(at 0.62% of passenger revenue)				$2,851	
Total Operating Revenues:						$462,701
Operating Expenses:						
Direct:	Aircraft and Hull Insurance				$365,710	
	Fuel and Oil				$791,689	
	Flying Operations				$341,401	
	Maintenance				$784,259	
Total Direct Expenses:						$2,283,059
Total Indirect Expenses:						$867,158
Total Operating Expenses:						$3,150,217
Operating Loss						($2,687,516)
Profit Element (5.0% of Total Operating Expenses)						$157,511
Annual Compensation Requirement:						**$2,845,027**

This illustrative option assumes no upline scheduling restrctions

** For illustrative and comparison purposes, we have also provided a Phoenix service option for Prescott that would be subject to significant modifications at the Phoenix hub gate facilities.

Great Lakes Aviation, Ltd.

Annual Compensation Requirements for Essential Air Service at

** Prescott, Arizona to Phoenix (PHX)

Four Round Trips - B1900 - (19 seat configuration)

(at 98 percent completion)

Departures:						2454
Block Hours:						1,718
Revenue Passenger Miles:						1,044,000
Available Seat Miles:						4,056,462
Operating Revenues:						
Passenger:	PRC	12,000	psgrs at	$50.72	$608,640	
Other:	(at 0.62% of passenger revenue)				$3,774	
Total Operating Revenues:						$612,414
Operating Expenses:						
Direct:	Aircraft and Hull Insurance				$365,710	
	Fuel and Oil				$791,689	
	Flying Operations				$341,401	
	Maintenance				$784,259	
Total Direct Expenses:						$2,283,059
Total Indirect Expenses:						$905,548
Total Operating Expenses:						$3,188,607
Operating Loss						($2,576,193)
Profit Element (5.0% of Total Operating Expenses)						$159,430
Annual Compensation Requirement:						**$2,735,624**

This illustrative option assumes no upline scheduling restrctions

** For illustrative and comparison purposes, we have also provided a Phoenix service option for Prescott that would be subject to significant modifications at the Phoenix hub gate facilities.

RESOLUTION NO. 4276-1485

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, SUPPORTING THE CONTINUATION OF ESSENTIAL AIR SERVICE FOR PRESCOTT MUNICIPAL AIRPORT BY GREAT LAKES AVIATION.

RECITALS:

WHEREAS, the Essential Air Service (EAS) program was created by Congress to assure a minimum level of commercial air service to smaller communities served by certificated air carriers prior to the 1978 Airline Deregulation Act; and

WHEREAS, Great Lakes Aviation (Great Lakes) was the sole respondent to the recent Order Requesting Proposals (Docket #DOT-OST-1996-1899) issued by the U.S. Department of Transportation; and

WHEREAS, the Great Lakes submission identified three (3) EAS options for the City of Prescott, Arizona (Prescott); and

WHEREAS, Prescott has a 10-year history of participating in the EAS Program, and wishes to continue such participation; and

WHEREAS, the City Council of Prescott wishes to indicate its support for and endorsement of the EAS application of Great Lakes, and to affirmatively request that Great Lakes provide air passenger service to Los Angeles from Prescott (as the subsidized route) on the basis of not less than two (2) roundtrips per day utilizing 30-passenger Embraer EMB 120 aircraft; and

WHEREAS, the City Council of Prescott recognizes that the availability of commercial air service is vital to the future economic growth of the Prescott region, and is an important factor in investment decisions by prospective businesses; and

WHEREAS, independent research has verified the enhanced economic benefit that would accrue to the Prescott region by air service expansion for Prescott, especially to eastern hubs; and

WHEREAS, Prescott has benefitted from air service provided by Great Lakes in recent years, and wishes to formally convey its support for their proposal.

ENACTMENTS:

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

Section 1. That the City of Prescott hereby expresses its support for continuation of Essential Air Service from and to Prescott Municipal Airport.

Section 2. That Prescott endorses the proposal of Great Lakes Aviation to provide Essential Air Service for the City.

Section 3. That the City of Prescott requests that Great Lakes Aviation commit to provide Essential Air Service between Prescott and Los Angeles using Embraer EMB 120 aircraft, with not less than two daily nonstop flights.

Section 4. That Prescott hereby expresses its strong interest in obtaining air service additional to that provided under the EAS program, to other hubs such as Denver and Phoenix, to expand the air travel choices available to residents of the Prescott region.

Section 5. That the Mayor and staff are hereby authorized to sign this Resolution and any other necessary documents, and take any further action to effectuate the terms contained herein.

PASSED, APPROVED, AND ADOPTED by the Mayor and Council of the City of Prescott this 10th day of February, 2015.

____
MARLIN D. KUYKENDALL, Mayor

ATTEST:

____
DANA R. DeLONG
City Clerk

APPROVED AS TO FORM:

____
JON M. PALADINI
City Attorney

CITY OF PRESCOTT
Everybody's Hometown

COUNCIL AGENDA MEMO

MEETING DATE/TYPES: VOTING SESSION 2-10-15

DEPARTMENT: Public Works

AGENDA ITEM: Approval of a one-year extension of City Contract No. 2012-131A1 with D & K Farming Enterprises, LLC, for the hauling of bio-solids from the Airport and Sundog wastewater treatment plants in an amount not to exceed $260,000.00

Approved By:		**Date:**
Director:	Hash, Henry	02/02/2015
City Manager:	McConnell, Craig	02/04/2015

Item Summary

This item is to extend the existing unit price contract with D & K Farming Enterprises, LLC (D&K), for a period of one (1) year for hauling bio-solids from City wastewater treatment plants to the Southwest Regional landfill, or Arlington Farms in the greater Phoenix area. The hauling contract is necessary to properly dispose of the bio-solids per regulatory standards.

Background

On January 24, 2012, the City of Prescott entered into a three (3) year contract with D & K to haul bio-solids from the City's wastewater treatment plants. The City exercised a month-to-month extension, pursuant to the contract, which amended the expiration date to May 24, 2015. After examining other options, extension of the existing contract with D & K proved to be the most cost effective after examining other options.

Contract 2012-131 contains a provision to extend for two (2) additional one (1) year terms if both parties mutually agree. D & K has agreed to the extension under the same terms and conditions.

Schedule

Written confirmation has been received from D&K Farming confirming their acceptance of the contract extension with the same terms and conditions of the original contract. Pending Council approval, bio-solids hauling will continue per the contract provisions.

Agenda Item: Approval of a one-year extension of City Contract No. 2012-131A1 with D & K Farming Enterprises, LLC, for the hauling of bio-solids from the Airport and Sundog wastewater treatment plants in an amount not to exceed $260,000.00

Financial Impact

Extension of this contract will allow the City to continue these services based on the original terms and conditions during the one (1) year extension. The FY15 budget included appropriations in the Wastewater Fund for hauling services.

Recommended Action: MOVE to approve a one-year extension of City Contract No. 2012-131A1 with D & K Farming Enterprises, LLC, for hauling bio-solids in an amount not to exceed $260,000.00.

CITY OF PRESCOTT
Everybody's Hometown

COUNCIL AGENDA MEMO

MEETING DATE/TYPES: VOTING SESSION 2-10-15

DEPARTMENT: Public Works

AGENDA ITEM: Award of Contract No. 2015-094 for the Blackhawk Drainage and Pavement Improvements Project to CLM Earthmovers, LLC, in the amount of $1,391,904.70

Approved By:		**Date:**
Director:	Hash, Henry	02/04/2015
City Manager:	McConnell, Craig	02/04/2015

Item Summary

This item is to award the construction contract for drainage improvements in the Blackhawk Subdivision. The project, funded through an Intergovernmental Agreement with Yavapai County Flood Control District, will provide improved capacity and conveyance of storm water flows in areas that have experienced recurring problems in recent years. Reconstruction of severely distressed asphalt pavement on streets in the subdivision is also included, to be funded by the City's One-Cent Sales Tax for Streets and Open Space.

Background

On November 23, 2010, Council approved a contract for development of master drainage plans for the Cliff Rose and Blackhawk Subdivisions. Within the Blackhawk subdivision, several deficiencies within the existing drainage system were identified; the associated master plan, developed through comprehensive hydrologic and hydraulic analysis along with input from local residents, identified an estimated 25 residential properties as being affected by various drainage deficiencies.

On April 9, 2013, City Council awarded a contract to Kelley/Wise Engineering, Inc., to develop the plans, specifications, and estimates for the Blackhawk drainage work. consisting of surface channels and subsurface storm sewer infrastructure improvements along Lakeview Drive, Golden Bear Drive, and Golden Hawk Drive, all identified as priority projects in the master plan.

On January 28, 2014, Council awarded a design contract to Kelley/Wise Engineering, Inc., to develop plans, specifications, and estimates for streets in the Blackhawk Subdivision that were identified for reconstruction in the FY 2015 Pavement Reconstruction Program.

The distressed asphalt pavement on Lakeview Drive, Peace Pipe, Golden Bear Drive, and Golden Hawk Drive has been combined with the drainage improvements to comprise Contract No. 2015-094.

Bid Results

A mandatory pre-bid meeting was held on December 17, 2014; five bids were received on January 8, 2015, as follows:

Bidder	Location	Total Bid
CLM Earthmovers, LLC	Prescott, AZ	$1,391,904.70
Earth Resources Corporation	Dewey, AZ	$1,535,427.75
Asphalt Paving & Supply, Inc.	Prescott Valley, AZ	$1,559,592.00
Fann Contracting, Inc.	Prescott, AZ	$1,566,321.00
Capital Improvements, LLC	Prescott, AZ	$2,027,700.00

Engineer's Estimate $1,681,625.00

Written confirmation of their bid has been received from the low responsive bidder, CLM Earthmovers, LLC. Verification of the company's license, bonding, references, and past performance of similar projects has been completed.

Project Schedule

The contract allows one hundred twenty (120) calendar days for completion of the work, with project milestones listed below:

Award of Contract	February 10, 2015
Pre-Construction Meeting	Week of February 12, 2015
Notice to Proceed (NTP)	Week of February 23, 2015
Substantial Project Completion	Week of June 22, 2015

Financial Impact

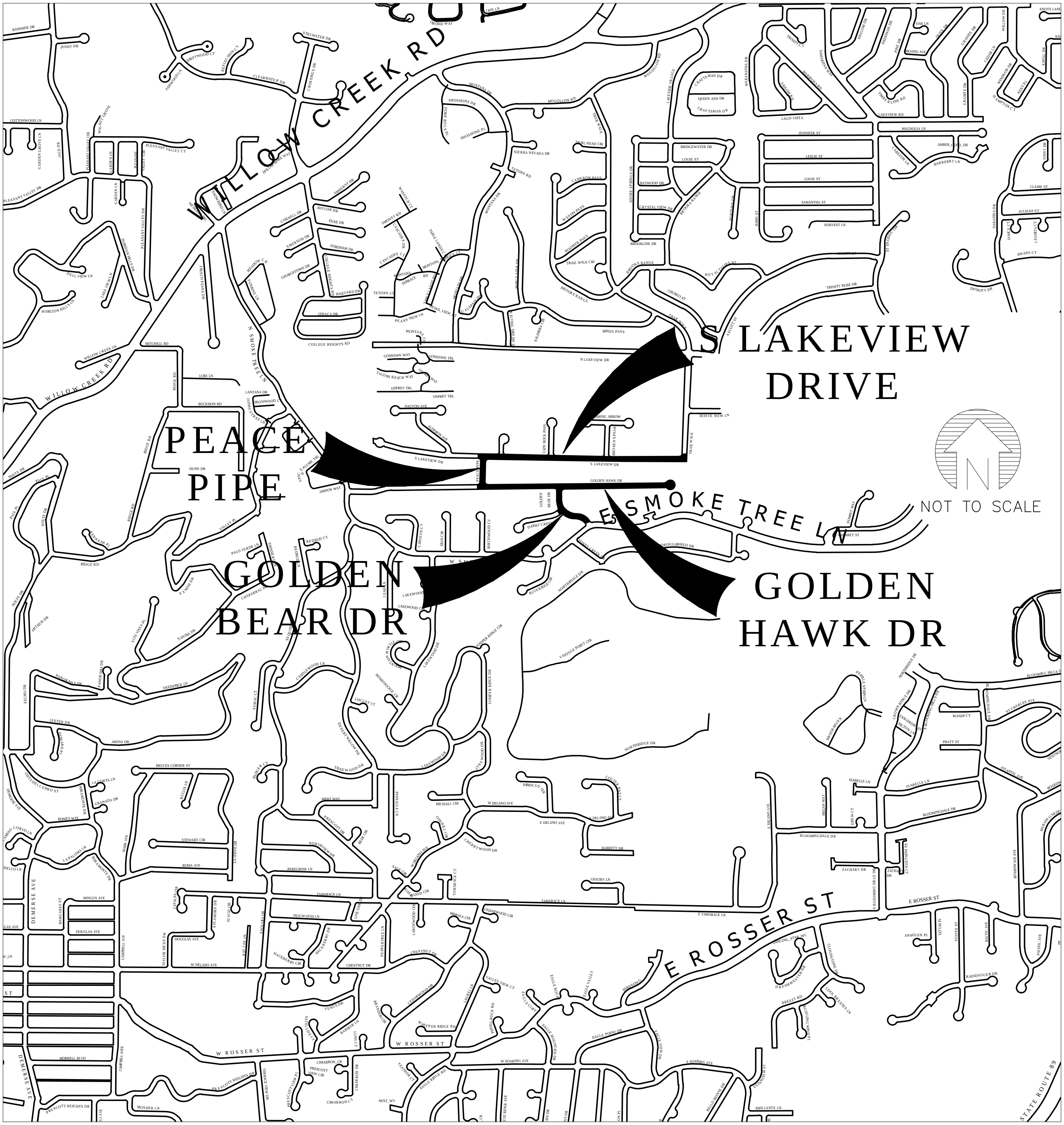
FY 2015 funding for this project is available from YCFD ($684,484) and One-Cent Sales Tax for Streets and Open Space Funds ($707,420).

Agenda Item: Award of Contract No. 2015-094 for the Blackhawk Drainage and Pavement Improvements Project to CLM Earthmovers, LLC, in the amount of $1,391,904.70

Attachments

1. Blackhawk Vicinity Map

Recommended Action: MOVE to award City Contract No. 2015-094 for the Blackhawk Drainage and Pavement Improvements Project to CLM Earthmovers, LLC, in the amount of $1,391,904.70.



VICINITY MAP

BLACKHAWK DRAINAGE AND PAVEMENT IMPROVEMENTS PROJECT

CITY OF PRESCOTT
PUBLIC WORKS DEPARTMENT

CITY OF PRESCOTT
Everybody's Hometown

COUNCIL AGENDA MEMO

MEETING DATE/TYPES: VOTING SESSION 2-10-15

DEPARTMENT: Police

AGENDA ITEM: Adoption of Resolution No. 4275-1484, approving Contract No. 2015-095, an Intergovernmental Agreement (IGA) with the Arizona Department of Transportation (ADOT), providing for the acceptance and use of $50,000.00 to be utilized to implement the Arizona Traffic and Criminal Software (TraCS)

Approved By: **Date:**

Police Chief:	Monahan, Jerald	02/03/2015
City Manager:	McConnell, Craig	02/05/2015

Item Summary

The Prescott Police Department is requesting authorization for the City to enter into an IGA with ADOT for installation of the TraCS system. A compatible interface will be created enabling the electronic collection and transfer of data including vehicle crashes, citations and other collected reporting statistics to both ADOT and the court systems.

Background

To enhance efficiency, the Police Department researched options for integrating electronic ticket writing and electronic reporting data collected by officers in the field which is then transferred to ADOT and the court systems. A program provided by ADOT TraCS, was researched and determined to be suitable. This system was developed for the State of Arizona as a custom safety data collection system with the intent from ADOT to change the mandated reporting information from paper to electronic submission.

In September 2014, Council approved a prior IGA with ADOT allowing the City to utilize TraCS on a preliminary basis. The subject IGA will provide funding to further implement the software. ADOT is providing up to $50,000 to the City for this purpose.

Financial Impact

ADOT will provide up to $50,000.00 for the installment of TraCS system. No City match is required. This funding will be obtained through quarterly reimbursement claims as expenses are incurred to implement the system. $50,000.00 will provide sufficient funding for the installment of TraCS.

Agenda Item: Adoption of Resolution No. 4275-1484, approving Contract No. 2015-095, an Intergovernmental Agreement (IGA) with the Arizona Department of Transportation (ADOT), providing for the acceptance and use of $50,000.00 to be utilized to implement the Arizona Traffic and Criminal Software (TraCS)

Attachments

1. Resolution No. 4275-1484
2. IGA with ADOT (City Contract No. 2015-095)

Recommended Action: MOVE to adopt Resolution No. 4275-1484.

RESOLUTION NO. 4275-1484

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, APPROVING CITY CONTRACT NO. 2015-095, AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA, THROUGH ITS DEPARTMENT OF TRANSPORTATION, FOR IMPLEMENTATION OF TRAFFIC AND CRIMINAL SOFTWARE (“TraCS”) TO IMPROVE CRASH TEST DATA FOR THE PRESCOTT REGION AND THE STATE OF ARIZONA.

RECITALS:

WHEREAS, the Council of the City of Prescott (“City”) wishes to enter into an Intergovernmental Agreement (“IGA”) with the State of Arizona, through the Arizona Department of Transportation (“ADOT”), for the implementation of TracCS software; and

WHEREAS, the IGA will allow for improved crash test data for the Prescott region and the State of Arizona; and

WHEREAS, the implementation of TracCS software will provide a mobile crash reporting system, that can be used for electronic traffic citations and developing traffic crash reports; and

WHEREAS, the City of Prescott is authorized to enter IGAs with the State through its City Charter, A.R.S.§11-951, et seq., and A.R.S. §48-572 and the State of Arizona is authorized to enter this IGA pursuant to A.R.S. §11-951, et seq. and A.R.S. §28-401; and

WHEREAS, entering into this IGA with the State is in the best interests of the health, safety and welfare of the City.

ENACTMENTS:

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

Section 1. THAT, the City Council hereby approves City Contract No. 2015-095, an IGA with the State of Arizona, through ADOT, for implementation of the TraCS software.

Section 2. THAT, the Mayor and staff are hereby authorized to sign this Resolution, and any documents effectuating the terms contained in this Resolution.

PASSED, APPROVED AND ADOPTED by the Mayor and Council of the City of Prescott this _____ day of ________________, 2015.

MARLIN D. KUYKENDALL, Mayor

ATTEST:

DANA R. DeLONG
City Clerk

APPROVED AS TO FORM:

JON M. PALADINI
City Attorney

ADOT CAR No.: IGA /JPA 14-0004827-I
AG Contract No.: P001 2014 004185
Project: Systematic Improvement of Crash Data – TraCS (Traffic Criminal Software)
Federal-aid No.: 999-M(144)S
ADOT Project No.: M5162 01X
TIP/STIP No.: N/A
CFDA No.: 20.205 - Highway Planning and Construction
Budget Source Item No.: 728XX

INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
CITY OF PRESCOTT POLICE DEPARTMENT
City Contract No. 2015-095

THIS AGREEMENT is entered into this date ________________________________, pursuant to the Arizona Revised Statutes §§ 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State" or "ADOT") and the PRESCOTT POLICE DEPARTMENT, (the "PPD"). The State and the PPD are collectively referred to as "Parties."

I. RECITALS

1. The State is empowered by Arizona Revised Statutes § 28-401 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.

2. The PPD is empowered by Arizona Revised Statutes § 48-572 to enter into this Agreement and has resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the PPD.

3. In accordance with the Moving Ahead for Progress in the 21st Century Act (MAP-21), Highway Safety Improvement Program (HSIP) funds have been approved by Federal Highway Administration (FHWA) for the statewide crash data improvement effort for Arizona. Traffic and Criminal Software (TraCS), a mobile crash reporting system, that can be used for electronic traffic citations and developing traffic crash reports, will be implemented as part of this effort, which will consist of installing the TraCS software, providing training, and consultant fees.

4. Successful implementation of TraCS requires the collaboration of ADOT and PPD Information Technology resource(s) (PPD IT) and subject matter expert(s) (PPD SME).ADOT will acquire federal funds for the purchase, implementation, training and/or consultant fees associated with TraCS software, to establish compatibility between the PPD's Records Management System (RMS) and ADOT's crash data system, hereinafter referred to as the "Project". The Project will be completed in four (4) phases. This funding does not allow for the purchase of any hardware.

THEREFORE, in consideration of the mutual Agreements expressed herein, it is agreed as follows:

II. SCOPE OF WORK

1. The State will:

a. Upon execution of this Agreement, be the designated agent for the PPD for the Project, in order to acquire funds, as approved by FHWA.

b. Upon FHWA authorization, notify the PPD that they may proceed with the development and implementation of the Project.

c. Provide the TraCS Software to the PPD, assign Serial Numbers and Service Account to the PPD, grant access to Test and Production servers, as needed, provide a pre-configured Demo version of the TraCS Software to be used during Phase 1, assist PPD IT during Phase 2 and perform the tasks listed under phase 4 below.

d. Phase 4: Ongoing Support
- Only cover TraCS application issues
- Address those TraCS application issues that cannot be resolved by the PPD SME and the PPD IT staff
- Escalate any requests that cannot be resolved by ADOT IT to the National TraCS Support
- Acknowledge support requests received via AZTraCSSupport@azdot.gov within:
  - 24 hours or less for issues impacting production environment
  - 5 business days for issues impacting test/development environment

e. Within thirty (30) days of receipt of an invoice and documentation of payment for services, reimburse the PPD for eligible costs incurred not to exceed **$50,000.00**. Any costs incurred prior to the date of the official Notice to Proceed will not be eligible for reimbursement.

f. Evaluate the PPD's Project one year after reimbursement to ensure Project development and implementation has been completed. Should the Project not be in place and/or compatible, the State will invoice the PPD for all reimbursed federal funds acquired for the Project.

2. The PPD will:

a. Upon execution of this Agreement, designate the State as the authorized agent for the PPD for the Project, in order to be eligible for federal funds, as approved by FHWA.

b. Upon notification from the State of FHWA authorization, proceed with the development and implementation of the Project.

c. Provide all necessary software except for TraCS, provide all necessary hardware including servers, workstations, laptops and peripherals, and perform the tasks listed under Phases 1 - 4 below.

d. Phase 1: SME Training and Design
- PPD SME and PPD IT must review all TraCS Documentation to gain a general understanding of the platform, features and available configuration options
- PPD SME and PPD IT will gather user requirements and identify the TraCS user base
- PPD IT will design the TraCS environment based on PPD requirements

e. Phase 2: Initial Configuration
- PPD IT will install and configure the database server for TraCS
- PPD IT will install and configure the TraCS <u>Master</u> workstation

- PPD IT will install and configure peripheral devices that they supply and desire to use (B/C scanners, printers, GPS, etc...)
- PPD IT will install and configure at least one TraCS regular workstation
- PPD IT will configure TraCS Transmission Utility interfaces to ADOT, AOC, and any other services required by the agency (RMS, etc...)

f. Phase 3: Rollout
- PPD IT will install and configure additional TraCS workstations
- PPD IT or LEA SME will create initial users accounts
- PPD SME will train additional TraCS users

g. Phase 4: Ongoing Support -
- PPD IT or LEA SME will manage user access (new users, change existing, etc...)
- PPD SME will provide first level support
- PPD IT will provide second level support for issues not resolved by LEA SME
- PPD IT or PPD SME will then forward any unresolved TraCS Application issues to ADOT

h. Upon payment for services, no more than monthly, invoice the State, providing all necessary documentation, for reimbursement of eligible costs incurred, not to exceed **$50,000.00**. Any costs incurred prior to the date of the official Notice to Proceed will not be eligible for reimbursement.

i. Within one year of reimbursement, ensure Project development and implementation has been completed. Should the Project not be in place and/or compatible within one year after federal funds were made available, the PPD will repay all federal funds received for the Project.

j. Agree to continue to use this process and software for sending crash data to ADOT from the date of Project implementation.

III. MISCELLANEOUS PROVISIONS

1. Either party may terminate this Agreement for convenience or cause upon thirty (30) days prior written notice to the other party. Upon any termination of this Agreement, the PPD shall repay all federal funds received for implementation of the Project.

2. To the extent permitted by law, the PPD hereby agrees to save and hold harmless, defend and indemnify from loss the State, any of its departments, agencies, officers or employees from any and all liability, costs and/or damage incurred by any of the above arising or resulting from the Agreement; and from any other liability, damage to any person or property whatsoever, which is caused by any activity, condition, misrepresentation, directives, instruction or event arising out of the performance or non-performance of any provisions of this Agreement by (a) the State, any of its departments, agencies, officers and employees, or its independent contractors; or (b) the PPD, any of its agents, officers and employees, or its independent contractors. Costs incurred by the State, any of its departments, agencies, officers or employees shall include in the event of any action, court costs, and expenses of litigation and attorneys' fees.

3. The Parties warrant compliance with the Federal Funding Accountability and Transparency Act of 2006 and associated 2008 Amendments (the "Act"). Additionally, in a timely manner, the PPD will provide information that is requested by the State to enable the State to comply with the requirements of the Act, as may be applicable.

4. The PPD acknowledges compliance with federal laws and regulations and may be subject to the Office of Management and Budget (OMB), Single Audit, Circular A-133 (Audits of States, Local Governments, and Non-Profit Organizations). Entities that expend $500,000.00 or more (prior to 12/26/14) and $750,000.00 or more (on or after 12/26/14) of federal assistance (federal funds, federal grants, or federal awards) are required to comply by having an independent audit. Either an electronic or hardcopy of the Single Audit is to be sent to Arizona Department of Transportation Financial Management Services within the required deadline of 9 months of the sub recipient fiscal year end.

ADOT – FMS
Attn: Cost Accounting Administrator
206 S 17th Ave. Mail Drop 204B
Phoenix, AZ 85007
SingleAudit@azdot.gov.

5. This Agreement shall become effective upon signing and dating of the Determination Letter by the State's Attorney General.

6. This Agreement may be cancelled in accordance with Arizona Revised Statutes § 38-511.

7. To the extent applicable under law, the provisions set forth in Arizona Revised Statutes §§ 35-214 and 35-215 shall apply to this Agreement.

8. This Agreement is subject to all applicable provisions of the Americans with Disabilities Act (Public Law 101-336, 42 U.S.C. 12101-12213) and all applicable Federal regulations under the Act, including 28 CFR Parts 35 and 36. The parties to this Agreement shall comply with Executive Order Number 2009-09 issued by the Governor of the State of Arizona and incorporated herein by reference regarding "Non-Discrimination".

9. Non-Availability of Funds: Every obligation of the State under this Agreement is conditioned upon the availability of funds appropriated or allocated for the fulfillment of such obligations. If funds are not allocated and available for the continuance of this Agreement, this Agreement may be terminated by the State at the end of the period for which the funds are available. No liability shall accrue to the State in the event this provision is exercised, and the State shall not be obligated or liable for any future payments as a result of termination under this paragraph.

10. In the event of any controversy, which may arise out of this Agreement, the Parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes § 12-1518.

11. All notices or demands upon any party to this Agreement shall be in writing and shall be delivered in person or sent by mail, addressed as follows:

For Contract Administration:
Arizona Department of Transportation
Joint Project Administration
205 S. 17th Avenue, Mail Drop 637E
Phoenix, Arizona 85007
(602) 712-7124
(602) 712-3132 Fax

City of Prescott Police Department
Attn: Jerald Monahan, Police Chief
201 S. Cortez
Prescott, Arizona 86303
(928) 777-1900

For Program Administration:
Rick D. Turner
Arizona Department of Transportation
Intermodal Transportation Division
Traffic Records Section
206 S. 17th Ave, Mail Drop 064R
Phoenix, AZ 85007-3233

City of Prescott
Attn: Mark Parker
201 S. Cortez
Prescott, Arizona 86303
(928) 777-1997
Mark.parker@prescott-az.gov

For Financial Administration:
Arizona Department of Transportation
Joint Project Administration
205 S. 17th Avenue, Mail Drop 637E
Phoenix, Arizona 85007
(602) 712-7124
(602) 712-3132 Fax

City of Prescott
Attn: Mark Woodfill
201 S. Cortez
Prescott, Arizona 86303
(928) 777-1222
Mark.woodfill@prescott-az.gov

12. The Parties shall comply with the applicable requirements of Arizona Revised Statutes § 41-4401.

13. The Parties hereto shall comply with all applicable laws, rules, regulations and ordinances, as may be amended.

14. In accordance with Arizona Revised Statutes § 11-952 (D) attached hereto and incorporated herein is the written determination of each Party's legal counsel and that the Parties are authorized under the laws of this State to enter into this Agreement and that the Agreement is in proper form.

IN WITNESS WHEREOF, the Parties have executed this Agreement the day and year first above written.

CITY OF PRESCOTT POLICE DEPARTMENT

By ______________________________
JERALD MONAHAN
Police Chief

ATTEST:

By ______________________________
DANA DeLONG
City Clerk

STATE OF ARIZONA
Department of Transportation

By ______________________________
STEVE BOSCHEN, P.E.
ITD Division Director

January 12th 2015 -ly

IGA/JPA 14-0004827-I

ATTORNEY APPROVAL FORM FOR
THE CITY OF PRESCOTT POLICE DEPARTMENT

I have reviewed the above referenced Intergovernmental Agreement between the State of Arizona, acting by and through its DEPARTMENT OF TRANSPORTATION, and the CITY OF PRESCOTT POLICE DEPARTMENT, an agreement among public agencies which, has been reviewed pursuant to Arizona Revised Statutes §§ 11-951 through 11-954 and declare this Agreement to be in proper form and within the powers and authority granted to the PPD under the laws of the State of Arizona.

No opinion is expressed as to the authority of the State to enter into this Agreement.

DATED this ___________________ day of ___________________

____
Attorney

CITY OF PRESCOTT
Everybody's Hometown

COUNCIL AGENDA MEMO

MEETING DATE/TYPES: VOTING SESSION 2-10-15

DEPARTMENT: City Manager

AGENDA ITEM: Approval of a Memorandum of Understanding with the Yavapai-Prescott Indian Tribe for Calendar Year 2015 pass-through funding of contributions to various community non-profit recipients (City Contract No. 2015-099)

Approved By:	**Date:**
City Manager: McConnell, Craig	02/04/2015

Item Summary

The 2003 Tribal-State Gaming Compact between the Yavapai-Prescott Indian Tribe (YPIT) and State of Arizona allows YPIT to make 12% of its total contributions required by the Compact to municipalities and/or counties for services which benefit the general public.

Similar to the handling of contributions made in the past, the attached Memorandum of Understanding (MOU) provides for remittance by YPIT to the City, and in turn remittance by the City of the funding received this year on a pass-through basis to the following community non-profit recipients:

Highlands Center for Natural History	$ 9,386.00
Sharlot Hall Museum	7,500.00
U.S. Vets	8,000.00
Yavapai College Foundation	10,000.00
Yavapai Humane Society	6,000.00
Yavapai County Food Bank	10,000.00
YMCA	10,000.00
Prescott Powwow Committee	5,000.00
Granite Mountain Gourd Society	5,000.00

Agenda Item: Approval of Memorandum of Understanding with the Yavapai-Prescott Indian Tribe for Calendar Year 2015 pass-through funding of contributions to various community non-profit recipients (City Contract No. 2015-099)

Financial Impact

Upon approval of the MOU and receipt of funds from YPIT, the City will remit (pass-through) the funds to the recipients as specified. There will be no net financial impact to the City.

Attachments

1. Memorandum of Understanding (City Contract No. 2015-099)

Recommended Action: MOVE to approve the Memorandum of Understanding with the Yavapai-Prescott Indian Tribe (City Contract No. 2015-099).

MEMORANDUM OF UNDERSTANDING
BETWEEN THE
YAVAPAI-PRESCOTT INDIAN TRIBE AND
CITY OF PRESCOTT, ARIZONA

City of Prescott Contract No. 2015-099

This Memorandum of Understanding is entered into and is effective as of the _____ day of _______, 2015, by and between the Yavapai-Prescott Indian Tribe (the "Tribe"), acting through its Board of Directors, and the City of Prescott, Arizona (the "City"), acting through its City Council.

R E C I T A L S

WHEREAS, the Tribe signed a Tribal-State Gaming Compact with the State of Arizona on May 20, 2003 (the "Compact"); and

WHEREAS, Section 12 of the Compact, entitled, "Payment of Regulatory Costs; Tribal Contributions," allows the Tribe to make 12% of its total contributions required by Section 12(b) of the Compact to cities, towns or counties for government services that benefit the general public, including public safety, mitigation of impacts of gaming, or promotion of commerce and economic development; and

WHEREAS, the parties have a common objective to allow the Tribe to specifically designate its contributions to the City for particular purposes pursuant to this Memorandum of Understanding ("MOU").

NOW, THEREFORE, in consideration of the foregoing Recitals, the Parties agree as follows:

O P E R A T I O N

1. The Tribe shall pay a portion of its annual 12% contribution for the Calendar Year 2015 required under Section 12(b) of the Compact to the City. The Tribe shall make these payments in the manner and time required by Sections 12(d), (e), (f) and (g) of the Compact.

2. The Tribe shall pay the Funds to the City in amounts and on such date(s) as designated by the Tribe for the specific purpose of assisting the City with funding for the (a) Highlands Center for Natural History; (b) Sharlot Hall Museum; (c) U.S. Vets; (d) Yavapai College Foundation; (e) Yavapai Humane Society; (f) Yavapai County Food Bank; (g) YMCA; (h) Prescott Powwow Committee, and (i) Granite Mountain Gourd Society ("the Recipients"). The City and the Tribe agree that the Recipients are permitted purposes under Section 12 of the Compact. The City shall disburse the Funds to the Recipients in amounts recommended by the Tribe within 20 days of the City's receipt of the Funds from the Tribe.

3. The City understands that the Tribe cannot make the contributions for any purpose other than that permitted by the Compact, therefore, the City must remit the contributions only for the purposes stated herein. If any of the Recipients cease to exist or is otherwise unable to carry out its purposes hereunder, the City shall have the authority to determine how to use and disburse the funds and shall notify the Tribe within fifteen (15) days of such determination and the City's use of the funds.

4. Any notices relating to this MOU shall be sent by U. S. Mail, postage prepaid, to the following:

To the Tribe: Yavapai-Prescott Indian Tribe
ATTN: President
530 E. Merritt
Prescott, AZ 86301

To the City: City of Prescott
ATTN: Mayor
201 S. Cortez
Prescott, AZ 86303

5. This MOU is effective on the date written on the first page and shall continue unless terminated by any party upon 30 days written notice. This MOU will terminate in the event of lack of funding by the Tribe from the operation of its Gaming Facilities, as defined by the Compact or a change in any other applicable law that no longer requires the Tribe to make such contributions. This MOU may be modified or amended only by written agreement between the parties.

6. This MOU does not confer any rights or benefits to any third party, the City other than as specifically provided herein, the Recipients or any other distributee of the Tribe's contributions.

7. Nothing in this agreement obligates the Tribe to make: (1) any current or future expenditures in advance of the availability of gaming revenues from its Class III Net Win; or (2) any future contributions to the City or any of the Recipients beyond calendar year 2012, unless this MOU is mutually extended upon written agreement by the Tribe and the City.

8. The City shall perform all services provided under this Agreement in compliance with all applicable laws and regulations of the Tribe and all federal, state and local government entities.

9. Questions relating to the validity of the MOU, its interpretation, performance and enforcement, shall be brought in the Yavapai-Prescott Tribal Court. All such questions shall be governed by and construed in accordance with Tribal law. In the event that there is no applicable Tribal ordinance, federal law shall apply, and in the absence of federal law, law of the State of Arizona shall apply.

10. Nothing contained in this Agreement shall be construed as a waiver of the Tribe's sovereign immunity.

11. The City shall retain and shall require the Recipients to retain all data and records relating to the performance of this MOU. All such data and records shall be subject to inspection by the Tribe. Upon request, the City and/or the Recipients shall produce legible copies of any such data and records. At any time during the term of this MOU or any extensions thereof and one (1) year thereafter, the City's and/or the Recipients' books and records shall be subject to audit by the Tribe or its auditors to the extent that such books and records relate to the performance of this MOU.

12. The City shall provide to the Tribe at the end of each fiscal year either financial statements prepared in accordance with federal single audit regulations or financial statements prepared in accordance with generally accepted accounting principles, relating to the City's performance and the Recipients' receipt of Funds under this MOU.

13. Pursuant to A.R.S. Section 38-511, the City 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 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 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 from any other party to the agreement arising as a result of this agreement.

DATED:____________________

YAVAPAI-PRESCOTT INDIAN TRIBE

By________________________________
Ernest Jones, Sr., President

By________________________________
Lorna Galeano, Secretary/Treasurer

DATED:____________________ CITY OF PRESCOTT

By________________________________
Marlin Kuykendall, Mayor

By_____________________________
Dana DeLong, City Clerk

Pursuant to A.R.S. Section 11-952(D), the foregoing agreement has been reviewed by the undersigned attorney for the City of Prescott, who has determined that the agreement is in proper form and is within the powers and authority granted under the laws of this State to the City of Prescott.

____
Jon Paladini, City Attorney

Pursuant to A.R.S. Section 11-952(D), the foregoing agreement has been reviewed by the undersigned attorney for the Yavapai-Prescott Indian Tribe, who has determined that the agreement is in proper form and is within the powers and authority granted under the laws of this State.

____
Attorney for the Yavapai-Prescott Indian Tribe