



PRESCOTT CITY COUNCIL VOTING MEETING AGENDA

**PRESCOTT CITY COUNCIL
PUBLIC MEETING
TUESDAY, MARCH 11, 2008
3:00 P.M.**

**Council Chambers
201 S. Cortez Street
Prescott, AZ 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.

◆ **CALL TO ORDER**

◆ **INTRODUCTIONS**

◆ **INVOCATION:** Pastor Warren Thompson with Prescott Community Church

◆ **PLEDGE OF ALLEGIANCE:** Councilman Luzius

◆ **ROLL CALL:**

MAYOR AND CITY COUNCIL:

Mayor Wilson

Councilman Bell

Councilman Lamerson

Councilwoman Lopas

Councilman Luzius

Councilman Roecker

Councilwoman Suttles

◆ **SUMMARY OF CURRENT OR RECENT EVENTS**

NOTE: *Anyone wishing to speak regarding an item on the agenda must address the Council using the microphone at the podium. **PLEASE NOTE:** Comments from the public regarding any item on the agenda will be limited to five (5) minutes. Please refer to the Clerk's desk for the timing sequence of the lighting signals: **GREEN** at the beginning of comments, **YELLOW** with one minute remaining and **RED** when time has ended.*

THE CITY OF PRESCOTT ENDEAVORS TO MAKE ALL PUBLIC MEETINGS ACCESSIBLE TO PERSONS WITH DISABILITIES. WITH 48 HOURS ADVANCE NOTICE, SPECIAL ASSISTANCE CAN BE PROVIDED FOR SIGHT AND/OR HEARING IMPAIRED PERSONS AT PUBLIC MEETINGS. PLEASE CALL 777-1272 OR 777-1100 (TDD) TO REQUEST AN ACCOMMODATION TO PARTICIPATE IN THIS MEETING.

I. PRESENTATION

- A. Presentation re Commercial Vehicle Enforcement Program by Prescott Police Department Officer Garry Grahlmann.
- B. Badge presentation to newly-promoted Prescott Police Lieutenant Rich Gill.
- C. Presentation on 2007 Annual Water Reports to be submitted to the Arizona Department of Water Resources.
- D. Demonstration on Interactive Pothole Recording Map and Upcoming Google Map Applications.

II. CONSENT AGENDA

CONSENT ITEMS A THROUGH E LISTED BELOW MAY BE ENACTED BY ONE MOTION. ANY ITEM MAY BE REMOVED AND DISCUSSED IF A COUNCILMEMBER SO REQUESTS.

- A. Accept bid from U.S. Transportation Services and purchase of 20 six-yard and 20 eight-yard front-loading refuse containers for the amount of \$34,433.14.
- B. Approve an engineering services agreement on behalf of the Central Yavapai Metropolitan Planning Organization with Civiltec Engineering, Inc., in association with HDR, Inc., for the SR 169 Connector to Fain Road and Chino Valley Extension corridor studies, in an amount not to exceed \$538,552.00.
- C. Approve Revision of Plat for Lot 8, Block 10 Fleury's Addition, dividing the existing lot into three lots, located at the northeast corner of Willow Street and Western Avenue; Applicant Mike Terry & Patricia Munson, Gary Green, Aspen Creek Engineering (RP08-001).
- D. Adopt Ordinance No. 4643-0845 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona abandoning a portion of unused and unimproved Lorraine Drive located north of Willow Creek Road and authorizing the Mayor and City staff to take all necessary steps to effectuate such abandonment.
- E. Approve the Minutes of the Prescott City Council Regular Voting Meeting of February 26, 2008.

III. REGULAR AGENDA

- A. Approval of Supplemental Agreement No. 3 to Contract No. 07-115 with Parsons Transportation Group, for final design of a grade separated traffic interchange in the vicinity of Side Road at SR89A in the amount of \$1,699,748.88.
- B. Adoption of Resolution No. 3884-0852 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona authorizing the City of Prescott to enter into an Assignment Agreement Pertaining to the Amended Effluent Sales Agreement Contract No. 97-162A with Hassayampa Golf Club, L.L.C., thereby assigning the rights and obligations under the existing agreement, and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.
- C. Recess into Executive Session.

IV. EXECUTIVE SESSION:

- A. Discussion or consultation for legal advice with the attorney or attorneys of the public body, pursuant to ARS 38-431.03(A)(3).
 - 1. Big Chino Water Ranch.

V. ADJOURNMENT

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.

Elizabeth A. Burke, MMC, City Clerk

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COUNCIL PRESENTATION MEMO – March 11, 2008	
DEPARTMENT:	City Manager
AGENDA ITEM:	2007 Annual Water Reports to be submitted to the Arizona Department of Water Resources

Approved By:	Date:
Deputy City Manager: Craig V. McConnell <i>Craig McConnell</i>	3-3-08
City Manager: Steve Norwood <i>Steve Norwood</i>	3/3/08

Item Summary

Connie Tucker, Water Management Analyst, will make a brief presentation on the 2007 Annual Reports to be submitted to the Arizona Department of Water Resources (ADWR) by March 31, 2008. These reports include the Annual Withdrawal and Use Report, Assured Water Supply Provider Supplement, Recovery Well Reports, and Underground Water Storage Report.

Water users who pump groundwater from non-exempt wells in Active Management Areas must report withdrawals annually to ADWR. This information helps ADWR determine how much and where water is being used.

Users are also required to pay annual fees for groundwater withdrawal and recovery of long term storage credits. The fees are used to offset the cost of managing these resources and to fund augmentation projects and conservation efforts. The 2007 fees for the City of Prescott total \$ 16,835.61.

PRESCOTT CITY COUNCIL
 REGULAR VOTING MEETING
 PRESCOTT, ARIZONA
 FEBRUARY 26, 2008

A REGULAR VOTING MEETING OF THE PRESCOTT CITY COUNCIL WAS HELD ON TUESDAY, FEBRUARY 26, 2008, in the Prescott Municipal Building, 201 S. Cortez Street, Prescott, Arizona.

CALL TO ORDER

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

INTRODUCTIONS

INVOCATION: Pastor Danny Cox, Prescott Christian Church

Pastor Cox gave the invocation.

PLEDGE OF ALLEGIANCE: Councilwoman Lopas, represented by students of Primavera School leading the Pledge of Allegiance and Pledge to the Earth.

Councilwoman Lopas introduced the students of Primavera School who then led the Council and audience in the Pledge of Allegiance, and then recited the Pledge to the Earth.

ROLL CALL:

PRESENT:

Mayor Wilson
 Councilman Bell
 Councilman Lamerson
 Councilwoman Lopas
 Councilman Luzius
 Councilman Roecker
 Councilwoman Suttles

ABSENT:

None

SUMMARY OF CURRENT OR RECENT EVENTS

Ms. Hadley reported that the City has continued to recharge 5.7 million gallons of water per day for a total of 27 days, so they are at about 365 acre feet of recharge. She said that they should be able to maintain that current rate and increase as their cells can take it up through March, unless SRP tells them differently.

Mayor Wilson reported that Elisabeth Ruffner is being inducted by the Historical League of the Arizona Historical Society at their History Makers' Gala on March 29, which is a back-tie event. Tickets are \$125 each, and this is a great honor for Elisabeth.

Councilman Luzius said that the Mayor did not know that he was going to say anything, but he knows that the Mayor took a lot of heat about the installation of television screens in the lobby as people said that there is never a time for standing-room only; today indicates why they are needed, and he thanked the Mayor for doing it.

I. PUBLIC COMMENT (*Please limit your comments to five minutes*)

A. Frank Creelman re Roundabouts and Solution to Sewer Problem.

Frank Creelman, 1335 Tumbleweed, Chino Valley, said that he was going to hold up on his comments regarding roundabouts until he gets his maps that he is going to get from the USGS Survey Office. He said that there is an easy way to solve the sewer problem. They should run the water out to Sundog Ranch Road, take the effluent and treat it with ultraviolet light, put it in the boiler, and take all of the solar energy they have and boil the water. Then they would take coils and condense it out and produce distilled water out of the manure water. The water he could produce out of that system would be 100% pure water. The City is sucking stuff from Chino Valley that they are diluting down the arsenic in so they can drink it. Then they don't have to destroy the Verde River, the ecology and have SRP all over them.

He said that they've said that if they put in 100 square miles of solar panels, they could feed the whole country and under the panels they could grow a garden.

Mr. Creelman said that he would get back with them later about the \$9,000 map to look at 89 and Side Road. He is going to buy the maps and give them to the City. The Council has a responsibility to the citizens to not let someone rip them off.

He said that they ran into hard rock building the road. Mayor Wilson noted that Mr. Creelman needed to stay on the agenda. Mr. Creelman said that he would bring back to the next agenda the geologic structure of the area which is all granite.

II. PRESENTATION

A. Presentation by Howard Mechanic re Prescott Community Access Channel. (10 minutes)

Howard Mechanic, 309 Bloom Place, said that he was before the Council as Chairman of the Board of the Prescott Community Access Channel, which is a community service organization, 501(c)(3). He then introduced Monika Bishop, Station Manager, and Board Members Robert Hochi (a commercial loan officer at a local bank and also involved with Kiwanis), John Boddick (a retired city manager), who serves as treasurer and Paul Katan, Board Secretary.

Mr. Mechanic said that their organization has been focusing on four tasks:

1. Government programming – Take the government programming provided by the government and put it on the air. They also provide the workers to do the government programming. They don't control that programming, but they assist it and there are a certain number of hours at the City's request that they provide, and they generally provide much more than that.
2. Own programming – They also produce their own programs— Christmas Parade, Sunomi on the Square, and Monika has started a new program called "Spotlight on the Community" where they provide time for local groups such as United Way to provide the community with their message to get some time and get their message out.
3. Assistance to community groups – They provide assistance to other community groups to get their message out. They can provide production of their own program and they assist in doing that. There are many organizations, such as school districts, Prescott Valley Chamber of Commerce, Kiwanis Club Auction, etc. and it is fundamental that Access 13 provide that assistance to them. They raise close to \$200,000 a year through that auction.
4. Assistance to individuals - They provide assistance to individuals in the community that want to produce programs, or who want to provide programming to be broadcast, and that is where it is a misconceptions about the content. Access 13 does not tell individuals what they can say; they do not censor. There is some misunderstanding as there was a discussion a few weeks ago about possible lewdness or "four letter words." That is an issue that is a non-issue. Three years ago was the last time someone slipped in bad language into their programs and they stopped it.

There has not been any of that happening in the last three years. The issue where they do get some complaints from the community is if someone puts on a program and it includes an opinion and they ask Channel 13 about it. They have no control over the message and they tell people that if they don't like that message, they should go ahead and produce a program to get their message out.

Mr. Mechanic said that they go beyond their contract requirements. He asked how many contractors come to the City and say they want to provide more at no additional charge. Last year they provided a new program called Web Audio, where anyone can go on their website and listen to City Council meetings. They upgraded all equipment to digital and didn't ask for more money.

He said that three months ago he came to the City Manager and said they are filling up one channel, and told him there are two channels available. The City negotiated in 1984 with CableOne and its predecessors. The company was given the right to use the City's right-of-way and the City receives a franchise fee of approximately \$280,000 a year, along with two channels. About one quarter, or \$70,000, goes to Access 13.

He said that in the past if someone wanted to watch a City Council meeting, they had to be a customer of CableOne—those not on cable could not. They did some research, and with the web has developed, they want to provide programming on the web. Within two weeks, they will have all local programming produced on Access 13 on the web, at prescottlivetv.com.

He then introduced Brian Patterson, a local resident who has been involved in real estate and started a business that they have established a partnership with to provide this service, at no charge to the City, to provide streaming. They would like to provide additional services. They have a new contract with Prescott Valley that provides them some additional funding. Through the regional cooperation they can provide services in a more efficient manner. He knows that some have asked if they can save some money by getting rid of Access 13. He believes that the Council would agree that they are getting way more than their money's worth.

He said that they would like to provide additional services to the community. They would like to train the youth in the community, the schools, on how to produce videos and provide more services. They cannot do that because of a substandard facility. They would like the City to consider assisting them in providing more services by getting them a facility that is usable by the community.

B. Presentation by Mel Oliverson re Illegal Immigrants. (15 minutes)

Mel Oliverson, 807 Westview Drive, addressed the Council, stating that he was representing the Minutemen Defense Corp and he is the local chapter leader. He thanked the followers and the Minutemen that were there today, and asked them to all stand up.

He said that this is a follow-up to a meeting they had in the fall last year, which has to do with illegal immigration. He then reviewed a handout, a copy of which was presented to each Council member, attached hereto as Exhibit A.

He said that the two main things that they would ask the Council to do are shown on Page 1: (1) to complete work that has been done in the hole (at the corner of Lincoln and Grove) in closing down the work seeker pickup area by enforcing ordinances; (2) The 287G Program, conducted by the Federal immigration people and the Police Department has been trying to get representatives in that program. Part of the problem is there are only a certain number of slots, and also the financial needs of the City. They are asking that the City reshuffle some of their funds to pay for at least one year's worth of training for that program.

Mr. Oliverson said that he would like to start the discussion with the same words with which he will end it, *"Within the immigration issue, it's called legal vs. Illegal, and there is very little room for emotion or compassion. The law is the law and it must be obeyed."*

He then reviewed pages 2 through 5 of the handout.

Councilwoman Suttles said that the handout indicates that the Immigration Task Force created by the Mayor is not working, and she asked why he thought that. Mr. Oliverson said that he has met with the Mayor, asking for more structure and for consensus. He said that on one hand the Minutemen are saying "there is a legal versus illegal," but the Spanish-speaking community on the other hand is saying that they are good people and hard workers, and they should be given a break.

Councilwoman Suttles said that she had lunch today at the Republican Women with Sheriff Waugh and he has six officers going to the ICE training in March. She asked what happened to the City's two officers. Chief Oaks said that they requested to be included in the ICE training. There are two different programs within the 287G program; one for field law enforcement and the other for correction officers. The Sheriff's officers are correction officers. He said that ICE has made it clear that corrections is their priority. When someone goes into the jail, they have already

committed a criminal offense and at that time, law enforcement and the federal agents are on much stronger ground for asking questions. He said that they are concerned with field officers using their power improperly. He said that since the correction officers are getting the priority slots, it puts the City's officers way down the list. He said that he gets a call monthly asking if the City still wants their officers on the list and he tells them yes.

Councilman Roecker asked Chief Oaks how long they wait, and how many communities the size of Prescott are asking for slots. Chief Oaks said that he did not know. One of the first reasons he was given for not scheduling was that the demand was huge across the country and their budget had not increased to assist with that demand.

Councilman Roecker asked if it would be reasonable for the City to ask when they could expect to have their officers trained. Ms. Hadley said that they could ask, and they will put that in writing, but she doesn't know that they will be given an answer. Chief Oaks said that he would work with the Manager's Office regarding that request.

Councilman Lamerson asked Chief Oaks if he had any idea what it costs to ICE qualify a police officer. Chief Oaks said that he did not. He said that when they first talked to ICE about training, they had indicated that they were looking to go more regionally. He said that all of the expenses were borne by the Federal government except for the salary, and that would be the City's part.

Councilman Lamerson said that they have had certain communications with Parks and Recreation and things going on in the community, and things like people speeding all over town. He said that unfortunately they gotten into a society that is willing to accept less than excellence. They are training people that it is okay to break the law. It is not just the illegals, it is those hiring the illegals. They are going into a budgetary process and perhaps they need to look at how they spend the taxpayer's dollars.

Councilman Luzius said that he was asked by a member of the Northern Arizona Interfaith Council to ask Mr. Oliverson if he lived within the City limits. Mr. Oliverson said that he did not; he lives in Highland Pines, but he lives in the Prescott basin, and when he was with search and rescue they didn't stop at the boundary lines. He has been in the area for 20 years and he thinks it is a dumb question.

Councilman Luzius asked Mr. Oliverson if he was ever in the military. Mr. Oliverson said that he was in the service for six years, in the Navy as a combat veteran in Korea. Councilman Luzius said that he was in the

military protecting certain rights that the citizens of Prescott have, as well as the country. He said that he served the country as well and he finds it ironic that the people looking to protect the illegal immigrants would want someone that protected everyone's rights not to be able to speak in front of the Council because they didn't live in the City limits. He said that he found the question offensive, but he was asked to ask it, so he did.

Councilman Luzius said that some time ago Mr. Oliverson mentioned that the Minutemen might be willing to raise \$80,000 to contribute to the ICE education of the police officers, and asked if that offer still stands. Mr. Oliverson said that the offer still stands, but he needs to look at the terms and conditions, although they have no idea where they would get that kind of money. Councilman Luzius said that he appreciated that offer and he commended them for the job that they do. He is not against those looking for work. The fact is they are in the country illegally, and that is the whole problem he has. He asked how many benefits he would get if he went into Mexico looking for them.

Councilman Luzius said that the situation is draining the economy. He knows personally that he has seen the illegal immigrants achieve and obtain free medical service and free rides, where American citizens cannot and he thinks it is wrong. He encouraged the Chief to contact the person that keeps calling. He said that the Feds are wrong in letting this go on, but they have future plans with NAFTA. He said that if they don't wake up the community will find this is the tip of the iceberg.

Councilman Lamerson asked Mr. Kidd if there was a legally-defensible problem for the City to pay for ICE training. Mr. Kidd said that ICE is the only one that has the certification program. Staff was told to pursue that and they have a draft IGA that they got to them, but they were then told there were no slots available and they have been waiting ever since.

Mayor Wilson asked Mr. Kidd, in relationship to Mr. Oliverson's proposal, re enforcement of the sidewalk solicitation ordinance, what kind of legal dilemma they would be in if they started enforcing that. Mr. Kidd said that they have to have probable cause. They cannot just go up and ask for identification. Secondly, the Council would then also be directing the police activity. Right now the State and Federal Constitutional law give police officers discretion to determine whether or not probable cause exists, and they are empowered to do that, and it also gives them some immunity to civil rights violations if they find that probable cause exists and if they exercise their discretion. If the Council were to take away the discretion that the Police Chief has, they would take away the immunity that the City and the individual police officers have in doing the job they are trained to do.

Mr. Kidd said that the second level is in prosecution if the Police were to do that. The prosecutor also has discretion in terms of determining whether or not there is a violation and whether the charges are constitutional or whether or not there is an appropriate defense. That is another layer they have to look at.

Mr. Kidd said that each of those discretionary decisions is to some extent protected and it is required by their system of justice. They cannot direct the police to enforce a violation that doesn't exist or the police cannot determine exists, so they are jumping over their discretionary authority, and he believes taking away some of the authority that the police officers have. The last issue is arresting people on the sidewalk in general. They would be dealing with two Constitutional issues, first with Freedom of Assembly. The Federal courts have determined that the public streets, sidewalks, parks, etc. are public forums and people are allowed to congregate. The same laws that protect the Minutemen on one side of the street protect the other side.

Mr. Kidd said that gets down to the issue of charging. The police officers are required to evaluate their enforcement actions. If they violate people's Constitutional rights, the police officer and his family can be sued, and have been sued personally in a number of cases, and they face attorneys' fees and damages. The City can be sued itself. From the police officers that he has had the privilege to work with, they have not violated civil rights. They have acted appropriately and exercised their discretion.

Mayor Wilson said that one thing he would like to clarify is if the Council was to direct Chief Oaks to do what Mr. Oliverson has asked, they would be open to be sued individually, and their shield for being sued as municipal officials would be compromised by a civil rights violation. Mr. Kidd said that was correct, and also the City's taxpayers would be at risks for civil rights violations. They have to balance the rights of freedom for individuals to express themselves along with enforcing the criminal codes.

Councilman Roecker asked why they would assume they wouldn't enforce across the board. He said that if they enforced the ordinance across the City evenly, they would not be violating anyone's civil rights. Mr. Kidd said that they have to look at individual cases.

Councilman Roecker asked if the Supreme Court of the United States has ruled that the Constitution of the country protects illegal aliens. Mr. Kidd said that they have. He said that they declared there is a Constitutional right to stand on the sidewalk and look for employment.

Councilman Roecker asked what would happen if the people were prostitutes, obviously soliciting and being picked up on the streets, and if they would deal with that issue. Mr. Kidd said that he would anticipate that the Police Chief would deal with that issue. Councilman Roecker asked what the problem was if they have probable cause that people are being solicited off the sidewalk to work illegally. Mr. Kidd said that the problem is that the Supreme Court declared that there was a Constitutional right and it came from the 1930's when people were in the Depression, there was a right to stand on the sidewalk and look for employment.

Councilman Luzius said that he wondered whose rights they were protecting. He told Mr. Oliverson that he witnessed, when he pulled up across the street from where the workers congregate, that he had no less than 15 come across the street and open his door and try to get in, jump in the back of his truck and try to pull the door on the driver's side, without any provocation. He felt like he was being accosted. Mr. Oliverson said that is precisely why they think the police department needs more resources.

Mayor Wilson asked Chief Oaks about the second question of reshuffling the police department and making two additional officers available. Chief Oaks said that he is not shy with asking for help; he received 13 additional personnel in the last few years. Since that time, he has had difficulty replacing and filling some of those positions, but they are about as full as they have been, although they still have two vacancies. They do have two lateral officers showing an interest. He said that from being down 15-20% of their patrol force, their force is almost full and he has more latitude to deal with patrol issues and street crimes than he ever has. He is not asking for more personnel, but if he could keep those filled, they would have adequate officers.

Mr. Oliverson asked Chief Oaks if he would accept them if the Minutemen got them two slots for training. Chief Oaks said that he would; he maintains that commitment. He would like to have the ability to enforce the laws and his commitment is there to send two officers to the 287G program.

C. Presentation by Brenda Bobinsky re Illegal Immigrants. (15 minutes)

Brenda Bobinsky, 315 Buckingham Place, addressed the Council stating that she was a wife, a mother of three, an educator, and unlike Mr. Oliverson, a citizen of Prescott. She said that she is also a member of Sacred Heart Parrish, and a member of the Northern Arizona Interfaith Council. She added that she has other supporters with her today, and they then stood up to identify themselves.

Ms. Bobinsky said that she is invested in the community of Prescott in many levels, from raising her children in a safe and diverse town, to contributing to making Prescott a better place for their children. She said that the issue of undocumented immigrant is not a new one facing the country; the issue has frustrated and saddened Americans for decades. She began by reading a news report titled "Undocumented Workers."

"In August, local law enforcement and immigration officials began to receive reports that a group of undocumented immigrants was being offered sanctuary at a nearby residence. Furthermore, the reports went on to say during the daytime hours the immigrants were blending into portions of the local population and working on the city's factories. After several weeks of investigation, the authorities determined that, in fact, the reports of the undocumented activities were true. In response to this perceived emergency, an interagency task force of immigration and local police personnel was organized. It was decided that an early morning raid would be the quickest and safest way to take the immigrants into custody and to prepare them for deportation. In September, the raid was carried out. After a brief struggle the undocumented were overpowered, handcuffed, and taken to jail whereupon they were told to prepare themselves for hearing to determine their eligibility for deportation."

She asked the Council members to ask themselves when and where this occurrence took place. She said that it took place in a small Pennsylvania town named Christiana, in 1850.

She said that in 1850, it was not the office of Immigration Council and Enforcement (ICE) that had conducted the early morning raid, but rather an office of the US Marshall and Deputy Marshall, and in 1850 the undocumented that were being rounded up were not Latinos or Asians, but rather fugitive enslaved Africans that had crossed into Pennsylvania from Delaware in an attempt to escape slavery.

She said that to counter the earlier statement of "legal vs. illegal" she reminds the Council that within their country it was illegal for women to vote, and today she stands with two councilwomen seated before her. She asks the City Council to take a stand not only for what is right, but on a human level, what is just. She said that like slavery and denying women the right to vote, making life difficult for the day worker is unjust. The way

that they contribute to the community will not be understood until they are gone. In this time of economic and political change, Northern Arizona needs to be cautious. She said that she hopes that she does not have to remind the City that the country is in an economic downturn. They should be focused on the economy. As rental units become vacant, as revenues diminish, and as costs of goods and services increase due to higher wages at low skilled occupations, they will be scratching their heads and wondering why.

Ms. Bobinsky referred to an article that stated that the Minutemen could not account for their own money, and they should not allow them to have any say in how the City spends theirs. She asked why they would exchange money with a hate group.

She feels that the immigration task force will make progress; it takes time and education to come up with solutions. Some solutions already posed by the task force are pressing Federal officials to create a guest worker program. She said that most undocumented immigrants come here to work so they should give them a way to do so without breaking the law. They must secure the border; then by allowing the guest workers, US authorities could focus on drug dealers and security hazards instead of job seekers. They should inform the public; too many people still don't have an accurate picture of the full economic impact, both negative and positive, of immigrant labor. They should create a citizen oversight committee with a group acting as an ongoing buffer between the community and City officials.

Councilman Luzius said that the incident that happened in the 1850's included folks that were persecuted that were brought to the country as slaves. They did not want to come to this country and he cannot blame the situation they were in, but they were not illegal in the respect that they were brought here by US citizens.

He said that he is sworn to uphold the Constitution; it holds its borders sovereign and secure. It is his duty to respect that portion of the Constitution. He, too, is a member of Sacred Heart Parrish, and he is torn because he sees his fellow man in a situation that they should not be in, but they cannot expect the citizens of this City and country to take on the responsibility of those that come to the country illegally. He said that his mother immigrated from Scotland and did it legally. He understands that there are time constraints and it costs a lot of money, but the fact is that she did not do it illegally, and he thinks that anyone that does it legally deserves a helping hand.

Ms. Bobinsky said that as stated, if his mother came to the country legally, it was a long time back and it is much more expensive; the system is

broken. It is not up to the City to target a certain group of people just because of where they are raised. Councilman Luzius said that just because situations change does not give a person the right to break the law.

A brief break was taken between 4:25 p.m. and 4:29 p.m.

D. Presentation by Jim Holt on Big Chino Project Update. (10 minutes)

Mr. Holt reported that since his last update several things have happened with respect to the Big Chino Water Ranch project. He said that in October the City submitted its application for assured water supply to the Arizona Department of Water Resources. In the early part of January the ADWR requested some additional information and clarifications on 12 items in the hydrology report that supported the application. On February 19, 2008 South-west Groundwater Consultants and ADWR had a pre-submittal teleconference resulting in the filing last Friday of a supplemental report to ADWR addressing the 12 issues. They expect final decision and order to be forth coming in 12 months.

He said that the second issue is Salt River Project's petition of objections to ADWR regarding historically-irrigated acres (HIA) in the Big Chino Subbasin filed in November of last year, requesting that they use a rulemaking process for that determination. In February of this year, SRP petitioned the Governor's Regulatory Review Council and last Friday the Council had a deadline for comments and responses. The City of Prescott, Prescott Valley and Chino Valley all submitted responses to that which supported ADWR.

Mayor Wilson asked Mr. Holt who sits on that Council. Mr. Holt said that he did not know but he could get the list to him.

Mr. Holt said that this Friday the Governor's Regulatory Review Council will make its determination on whether to dismiss or conduct a hearing. ADWR has identified 3,300 acres within the subbasin which met the qualification of HIA, and 1,100 are on the Big Chino Water Ranch. Those 3,300 of HIA are equivalent to over 10,000 acre feet of groundwater which could be pumped and transported from the Big Chino into the Active Management Area. Salt River Project is objecting to ADWR's policy that allows groundwater from multiple HIA lands to be withdrawn from any HIA in the the subbasin. The City of Prescott has earmarked those lands in the Big Chino Water Ranch for either safe yield in the AMA or to offset negative impacts from pumping in the Big Chino, should they occur.

Mr. Holt said that SRP filed a challenge to Prescott's entitlement of the Big Chino groundwater in a letter to ADWR as Unconstitutional and if not held

as Unconstitutional, they suggest that City of Prescott's entitlement to Big Chino groundwater is significantly less than the ADWR's previous indication of 8,717 and also significantly less than City of Prescott's application for its assured water supply which suggests that they are entitled to 9,570 acre feet. ADWR has indicated that it will respond directly to SRP regarding that challenge.

He reported that Governor Napolitano's Office has instructed the Director of the Department of Water Resources, Herb Guenther, to immediate discussions re the Big Chino. It is the plan of the tri-city mayors to meet with Mr. Guenther within the next several weeks.

He said that he also wanted to notify the Council that the acquisition documents and appraisals upon which offers will be made for the pipeline easements are undergoing final review and they anticipate that negotiators will begin presenting offers to private property owners for easements during the month of March.

Mr. Holt said that the City of Prescott, the Town of Prescott Valley and Chino Valley are meeting regarding two issues: 1) the possibility of a tri-party pipeline and 2) exploring options for potential of private party financing, construction and operation of an importation pipeline and associated infrastructure.

Councilman Bell asked how much the City has spent so far. Mr. Holt said that he would estimate between \$33 and \$34 million including the cost of the ranch.

Councilman Bell asked Mr. Holt if he said they may be 12 months in getting an answer on the assured water supply fro ADWR. Mr. Holt said that they anticipate a 12-month process since the date of submittal, which was in October.

Councilman Bell said that if ADWR were to deny the City's application for assured water supply, or if SRP's challenge to Constitutionality is upheld, he asked what they would do. Mr. Holt said that it is the belief of the legal team that the City of Prescott is on solid ground with respect to pulling water. If for whatever reason it was not approved, he does not have an answer. That would be a serious blow to the City's water supply for the future.

Councilman Bell said that they all hope that does not happen, but he often thinks about the "cart before the horse," and if they should be turned down, they would have big decisions to make.

Councilwoman Suttles asked if they sit and wait for them to come up with a number. She suggested that perhaps they should have a Plan B. They are held at the mercy of those two groups. She is glad to see that the Governor stood up and directed them to settle the issue, rather than handling it in the Valley.

She asked if Chino Valley wasn't asked before to join in on the pipeline and didn't because of their finances. She asked how it is different now than it was three years ago.

Mayor Wilson said that the mayors and managers of the three cities have met and discussed finances, specifically that Chino Valley needs to participate on a proportionate share. They do not have a solution, but they have started discussions.

Councilman Lamerson thanked Mr. Holt for his report and said he was comfortable with what they are being told. He is comfortable with the legal team in Phoenix and very comfortable with Herb Guenther at ADWR. He thinks that he is correct that the State of Arizona owns the water in the State of Arizona, not a private entity that has a contract. With regard to what Councilman Bell was saying, he believes they also bought a 15-year ability with JWK Foundation, so they do have different options, but it is premature to think about that.

Councilman Roecker said that he does not think it would be incorrect that SRP is really assaulting all areas of the State, outside of the metro areas they serve. It just happens that Prescott is the first community in the State to be exercising their proper place to add water to their portfolio. It will be interested to see how the State handles the request. He thinks the City is right and will prevail.

Mayor Wilson said that he believes they are the second—Williams being the first. He said that he has a lot of respect for Mr. Guenther and he thinks they will make progress when they get the parties involved.

Councilman Luzius said that he would be very encouraged to see all of the issues resolved in a proper manner. It is strange how the pendulum swings. He just listened to Councilman Bell make some statements, and a year or so ago Councilman Bell had made a statement to him that he didn't want the pipeline to be built. He said that it wasn't that, but he would hate to spend the money and not be able to use it.

III. CONSENT AGENDA

CONSENT ITEMS A THROUGH J LISTED BELOW MAY BE ENACTED BY ONE MOTION. ANY ITEM MAY BE REMOVED AND DISCUSSED IF A COUNCILMEMBER SO REQUESTS.

Mayor Wilson removed Item H from the Consent Agenda.

COUNCILWOMAN LOPAS MOVED TO APPROVE CONSENT AGENDA ITEMS A THROUGH J, EXCLUDING H; SECONDED BY COUNCILMAN BELL; PASSED UNANIMOUSLY.

- A. Approve an Aviation Ground Lease for approximately 1.19 acres at Ernest A. Love Field with 2251 Ruger, L.L.C.
- B. Authorize Amendment No. 1 to City contract #2008-067 which authorized an Airport Ground Lease agreement between the City and Legend Aviation for approximately 7.17 acres of airport property at Ernest A. Love Field.
- C. Adopt Ordinance No. 4630-0832 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, amending the zoning of certain property within the City of Prescott located generally south of Rosser Street and west of S. Blooming Hills Drive and described as Open Space Tracts A, B, C, and D of the Cloudstone Unit 1 Planned Area Development Subdivision from Single Family-18 to Natural Open Space and Recreation Space Zoning.
- D. Approve Amendment No. 2 to Development Agreement No. 2002-166 with Goodman/Savage Development for Cloudstone located on the southern extension of Blooming Hills Drive south of Rosser Street.
- E. Approve Revision of Plat to Pinnacle III trail alignment with conditions, located north of Solstice Drive and east of St. Enodoc Circle. (RP08-003)
- F. Approve a Downtown Management Agreement with Prescott Downtown Partnership for 2008.
- G. Adopt Resolution No. 3882-0850 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the application for an Arizona State Heritage Fund grant for funding of open space for continuation of the Circle Trail, and authorizing the Mayor and staff to execute any and all documents to implement same.
- I. Adopt Resolution No. 3881-0849 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the City of

Prescott to enter into a Memorandum of Understanding with the Yavapai-Prescott Tribe providing for allocation of funds for the public benefit in accordance with the State of Arizona Gaming Compact and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.

- J. Approve the Minutes of the Prescott City Council Regular Voting Meeting of February 12, 2008 and the Study Session of February 19, 2008.

IV. REGULAR AGENDA

- H. Approve Supplemental Agreement No. 3 to Contract No. 07-115 with Parsons Transportation Group, for final design of a grade separated traffic interchange in the vicinity of Side Road at SR89A in the amount of \$1,699,748.88.

Councilwoman Suttles said that they had all received some e-mails from Justin Scott, dealing with the homeowners association off of Side Road. Mr. Nietupski said that the e-mails referenced were communications from the HOA that he received a few days ago with concerns on their part regarding the procession of the project for design services. Staff has arranged to meet with homeowners and their representatives March 5. The action recommended today is for contract award for engineering services; it is not for approval of the design concept.

In December there was a presentation from Parsons where they went through the process of the concept development. They have gone through a very public process over the last year, with a number of individual public meetings where all of the individual property owners within one-half mile of the project were sent direct mailing of notification of the meetings.

Mayor Wilson asked if Mr. Scott was notified in the mailing. Mr. Nietupski said that everyone within the Centerpointe East area was notified. Mr. Nietupski said that he believes that Mr. Scott is the president of the homeowners association. His understanding is that many of them were unaware of their obligations under the acquisition of that property for financial contributions to the project, so they have some concerns.

Mr. Nietupski said that there were many reasons that went into the recommendation for the location of the traffic interchange, and they are going to meet with them and try to work through their concerns to the satisfaction of all.

He said that this item is not approval of the design concept; it is merely the engineering services contract that they would perform when the

design concept is approved, which Council will be considering at some point in the future. Currently, that design concept has been submitted to ADOT for their comments and input. They don't have that concluded at this point.

Councilman Luzius said that what bothers him is that back when the road was built, Mr. Tom Foster of ADOT said they weren't going to do an interchange because they will never need one there for 25 years. He does understand that this needs to be done, especially with their commitments with other parties.

Mr. Nietupski said that the design concept for the SR89 was done in 1998 and he cannot speak for Mr. Foster, but he does know that an IGA which contemplated construction of that interchange was entered into between Yavapai County and the City as a result of the County's agreement with the State on how the facilities along the corridor were to be constructed. He said that IGA, which was approved in 2005, defined the City's responsibility for that interchange.

Councilman Luzius said that he understands that there is some kind of contribution that the property owners are supposed to bring forth, and asked if that was going to happen. Mr. Nietupski said that is one of the questions raised by the HOA representative. Under the terms of the settlement agreement with the property owner of that project at the time, the obligation was maximized in the amount of \$480,000. That is a question raised with respect to the issue.

Mayor Wilson said that he had spoken to Mr. Kidd about this earlier and he had recommended that this be tabled. Mr. Kidd said that there are a few issues involved. First, there was an original lawsuit settlement and later in 2005 there was an addendum to that contract. Part of that contract has a contribution of \$480,000. The other thing is that it refers to construction by the City at Side Road and 89A. The homeowners in their e-mail raised that as a claim as something they were entitled to. On the other hand, they also indicated a concern about knowing about the \$480,000. He thinks with the existence of the legal claim out there and settlement documents, as well as issue of \$480,000, his recommendation is to sit down and talk with them

Councilman Bell said that until they have the meeting on March 5 and get details worked out, he thinks the recommendation to table is a good one.

Councilman Luzius said that he thinks it would be good to table. He understands through the e-mail that the property owners were concerned that the interchange was being moved and would decrease the value of

their property. He said that it was not the City's desire to move the location; it was mandated to them by ADOT.

Mr. Nietupski said that the design for the interchange is in conformance with ADOT requirements. As the design concept was presented back in December, they went through a number of reasons for that recommendation.

Councilman Lamerson said that this has been on the drawing board for awhile; it shouldn't come as a surprise for anyone what is being planned. He does not see any harm in postponing a decision on this for another week.

Councilman Roecker asked if there were any substantive changes that will occur in the contract, whether they put it where they said or somewhere else. Mr. Nietupski said that as far as the design contract was concerned, he contacted Parsons and they indicated that once they have a final DCR approval, the fee for the final design would not change based on what has been submitted, as long as there was clarity and agreement with respect to ADOT and the City of Prescott. One comment they did make was that if they have to go through continuous DCR development beyond what they, they reserve the right to renegotiate.

COUNCILMAN BELL MOVED TO TABLE ITEM H TO A SPECIFIC DATE OF MARCH 11 SINCE THEY WON'T BE MEETING UNTIL MARCH 5, WHICH IS AFTER THE COUNCIL'S NEXT REGULAR MEETING DATE; SECONDED BY COUNCILMAN LUZIUS; MOTION PASSED 6 – 1, WITH COUNCILMAN ROECKER CASTING THE DISSENTING VOTE.

- A. Adoption of Resolution No. 3880-0848 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the City Manager and all City Department Heads to apply for grant funds up to \$20,000.00 providing that such application does not necessitate the City providing matching funds in excess of \$20,000.00 without prior Council approval and authorizing the City Manager and City Department Heads to accept grant funds up to \$20,000.00 without prior Council approval providing that such acceptance of grant funds does not necessitate matching of funds in excess of the City Manager's and/or City Department Head's procurement authority as set forth in the City Procurement Code.

Mr. Kidd said that this resolution was drafted to follow the City's procurement code. As it currently stands, the City's procurement code allows department heads to have contracts up to \$10,000 under their budgetary discretion; between \$10,000 and \$20,000, the City Manager must approve. Everything over that amount comes to the City Council.

This resolution proposes those same amounts with regard to grants. This resolution enables the Council to delegate the administrative ability to apply for grants. One reason they did this was they had a grant for \$600 for two officers traveling last year. Additionally, there have been a number of grants lost because of the inability to get them process through the time frame.

Councilwoman Suttles asked how many grants they have lost because of time constraints. Mr. Kidd said that he has not in his department. He spoke with Linda Hartmann the other day and she lost a CDBG grant that was additional funding grant, and then Chief Willis talked about some that they have had. He said that sometimes they are funds that are left over and they are given a very short turnaround to apply for the grants.

Councilwoman Suttles said that she was told by a lady that worked at Yavapai College that all the grants are put out six months to a year in advance, and they know which departments are going to apply and when the dates are, so it surprises her that they have such a short window. Mr. Kidd said that the other problem is being aware of the grants.

Mr. Hadley said that the grant that they approved on the consent agenda today for the Open Space was a two-week turnaround, end of the year, Heritage Fund leftover money and it is \$70,000. They would have had to come to Council for that one anyway, but that is an example. She said that this one worked because of when the City's meetings fell, but they could have potentially lost that one.

Councilman Lamerson said that it appears to be an open-ended checkbook without any Council oversight. He doesn't have a huge problem with people trying to solicit grants, but he supports only those for public health and safety. He said that does have a problem with staff soliciting for grants without the Council's knowledge. They are still the taxpayer and he does not support this.

Councilman Luzius said that he supports the resolution. He thinks it is streamlining the grant application process and does not feel they should lose a \$10,000 or \$15,000 grant if it is available because of timing.

COUNCILMAN LUZIUS MOVED TO ADOPT RESOLUTION NO. 3880-0848; SECONDED BY COUNCILMAN BELL; PASSED 5-2 WITH COUNCILWOMAN SUTTLES AND COUNCILMAN LAMERSON CASTING THE DISSENTING VOTES.

B. Bradshaw Senior Community:

1. Approval of Site Plan for Bradshaw Senior Community dated January 11, 2008 with conditions. (SI07-003)
2. Approval of Water Service Agreement with Bradshaw Apartments/Prescott LP for 60 apartment units for 21 acre-feet of water annually. (WSA08-003)

Mr. Bill Spritzer, President of Westcap Investments, 4745 N. 7 Street, Phoenix, Arizona thanked the Council for the time, noting that their development had a scheduling problem last week and they were not available to attend the meeting. He introduced Chris Fergis (project architect) and Ben Husa (project engineer). He said that this project is four-phased affordable/work-force housing, and they are currently on construction of Phase One, with completion scheduled for October 31 of this year with move-in starting in November.

Mr. Chris Fergis, 7227 N. 16 Street, Phoenix, Arizona, then presented a drawing of the proposed project. He said that based on comments that came as they were processing the applications for the first phase, it led them to actually want to develop and generate an accurate depiction of that site, the neighboring buildings and residences, and the relationship of their proposed phases to the neighbors.

Mayor Wilson said that in his mind this is a celebration of something that can be accomplished. It is a site with a lot of difficulties that they went through, and to get the neighbors on board and provide the type of housing, he is deeply appreciative of them doing.

Councilman Luzius said that the memo said that the property is income restricted and they can earn no more than 60% of the area medium income to qualify. He asked what that dollar amount was. Mr. Spritzer said that it depends on family size; a family of two would be approximately \$26,000 with the new numbers that are out. Councilman Luzius said that he lives only two blocks away. He said that he thinks it is a fine project. He asked what happened after 30 years, when the window expires. Mr. Spritzer said that it is a Federal program and the 30 years is a Federal requirement. At the end of 30 years they can go back in to the Arizona Department of Housing and apply for tax credits and do it all over again. That is the plan they have. They do not sell their projects; they continue to build their portfolio and their plan long-term is to go back and do it, if it is viable.

Councilwoman Lopas thanked the developer for bringing a project like it forward. She said that it is a great use of the land and is filling a need in

the community. She also thanked them for the digital rendering; she would like to see more developers provide those.

Councilman Lamerson said that it is like they hit a home run. They have been here several years trying to get this brought into Prescott, and he personally thanked him for not going somewhere else.

COUNCILMAN BELL MOVED TO APPROVE THE SITE PLAN FOR BRADSHAW SENIOR COMMUNITY DATED JANUARY 11, 2008, WITH THE CONDITION THAT THE APPLICANT SHALL COMPLY WITH AGENCY COMMENTS WITHIN THE STAFF REPORT DATED 1/31/2008; SECONDED BY COUNCILMAN ROECKER; PASSED UNANIMOUSLY.

COUNCILWOMAN SUTTLES MOVED TO APPROVE THE WATER SERVICE AGREEMENT WITH BRADSHAW APARTMENTS/PRESCOTT LP FOR 60 APARTMENT UNITS FOR 21 AC. FT. OF WATER ANNUALLY; SECONDED BY COUNCILMAN ROECKER; PASSED UNANIMOUSLY.

- C. Approval of Contract Amendment Two to Contract No. 07-089, Iron Springs Road Improvement Project, with Fann Contracting, Inc., in the amount of \$979,340.07.

Mr. Nietupski said that last week there were questions and discussions about the contracting process. He presented a graph to the Council that indicated that there are projects where they do save money sometimes.

He said that with regard to traffic control item, they met with some people and provided them with a little information that they hope will help them achieve a better understanding of how that item was implemented. There are units published that state the type of work and the unit price. He said that there was an allowance set aside that traffic control was paid from. As they were approved by the Council for additional flaggers, officers, signage, barriers, etc. those unit prices were applied.

Mr. Nietupski said that as of today, the amount authorized is about \$838,769.04, which is \$338,000 over the \$500,000 allowance. They are recommending a \$495,000 increase to provide compensation for the February billing which they have not received yet and the March billing, and potentially the billing for May/June when they do the final striping and lift of asphalt. They probably spend between \$50,000 and \$60,000 a month for traffic control. They may spend less than that, but they have averaged that amount for the next three months.

Councilwoman Suttles referred to the list of under-budget projects and asked if the Rosser Road took in the traffic-calming report. Mr. Nietupski said that the section referred to in the list was between Willow Creek Road and Campbell and there was a traffic calming segment.

Councilwoman Suttles said that she had asked for this to be pulled because she felt that a lot of those charges were out of line, not just the traffic control. She appreciates them dealing with the citizenry. It would have been nice to know two years ago what they were going to do with the traffic calming. She said that maybe during the budget they might be able to look at different things.

Councilman Lamerson said that last week he asked what would happen if they didn't pay for it. Mr. Nietupski said that under the terms of the contract being a unit-based contract, they would engage in litigation. Councilman Lamerson said that he does agree with Councilwoman Suttles. They are experts; the perception is very tough politically.

Councilman Luzius thanked Mr. Nietupski for the packet of information as it faired a great amount of light on the situation. It is very important to have traffic control on the project and he felt it was money well spent, even though it is a considerable amount of money

Councilman Roecker said that he agreed with Councilwoman Suttles; he did not get it. They knew that traffic was going to be intense, and they missed it by too much. He is voting no.

Mayor Wilson said that the City requested the changes. Mr. Nietupski said that was correct; the City was instrumental in directing the traffic control. The contractor provides a schedule during the course of work. Because of that it is dynamic; it does not stay consistent because of the work schedule.

MAYOR WILSON MOVED TO APPROVE CONTRACT AMENDMENT 2 TO CONTRACT NO. 07-089, IRON SPRINGS ROAD IMPROVEMENT PROJECT, WITH FANN CONTRACTING, INC. IN THE AMOUNT OF \$979,340.07; SECONDED BY COUNCILMAN LAMERSON; PASSED 5 – 2, WITH COUNCILWOMAN SUTTLES AND COUNCILMAN ROECKER CASTING THE DISSENTING VOTES.

- D. Approval of Contract Amendment One to City Contract No. 07-271, Copper Basin Road Improvement Project, with Asphalt Paving & Supply, Inc., in the amount of \$502,018.39.

Mr. Nietupski reported that after last week's meeting he received a call from Kimkley-Horn as they had read about the discussion at the meeting.

They indicated that they are eager to get together with the City to resolve the problems identified with respect to the design errors, primarily the sewer and drainage system improvements.

Councilwoman Lamerson asked why they would vote to approve this now until they know how they are going to resolve the issue. Mr. Nietupski said that the contract amendment is necessary to continue performance of the work with Asphalt Paving & Supply. Councilman Lamerson asked Mr. Nietupski if he was saying that if the City did not approve the amendment, they would not fix the road. Mr. Nietupski said that is what they would probably say. Councilman Lamerson said that he understands that they have the City over the barrel; it shows the quality of people they are dealing with.

Councilwoman Suttles asked if Kimley-Horn was looking at any other projects. Mr. Nietupski said that they are involved with the improvements on Williamson Valley Road from Sidewinder Road to the City limits, in partnership with Yavapai County. The design is about 100% complete.

Councilman Lamerson asked why they wouldn't expect the same problems with that project. Mr. Nietupski said that he appreciates the frustration of the Council. He takes no pleasure in bring these items; however the fact is that Kimley-Horn is a large firm; they do make mistakes like everyone. They worked with the City on Willow Creek Road and they are going to work with the City to resolve the issues.

Councilman Bell said that they are talking about two different entities. The recovery they expect is from Kimley-Horn and the amendment to the contract was with the contractor that they owe the money to. When a contract is not paid, they stop being paid. He feels that they need to proceed. Asphalt Paving & Supply is a very good company and they need to put that out.

Councilwoman Suttles said that they should not think they are beating the messenger. This type of information has to come to the surface for questioning the overrides, and it is turning on the light.

Councilman Luzius said that the contractor responsible for the overcharge is a subcontractor of Asphalt Paving & Supply. Mr. Nietupski said that there are various items. Some apply to the contractor performing the water and sewer installation, some apply to Asphalt Paving & Supply themselves. Councilman Luzius said that when they awarded the contract, the City had some reservations with them using the subcontractor and they guaranteed the proficiency of that contractor. Mr. Nietupski said that was correct. Councilman Luzius asked what it would hurt to table this until they have their talk with the Kimley-Horn people.

Mr. Nietupski said that they have ordered materials consistent with the requirements of ADEQ, and they are beginning to proceed with that reach of construction to install that main line, manholes, etc. They would anticipate being paid. Mayor Wilson said that it would probably stop the project and they don't want to stop the project. They want to proceed with the project and proceed also with recovery from an engineering/design flaw.

Councilman Luzius said that they would have to look long and hard at the next time a contract comes up when this subcontractor is involved. Mr. Nietupski said that the performance of the subcontractor is not really relevant to the contract amendment. It is for additional work not associated with their performance, but required for the project's completion.

COUNCILMAN ROECKER MOVED TO APPROVE CONTRACT AMENDMENT 1 TO CITY CONTRACT NO. 07-271, COPPER BASIN ROAD IMPROVEMENT PROJECT, WITH ASPHALT, PAVING & SUPPLY, INC. IN THE AMOUNT OF \$502,018.39; SECONDED BY COUNCILMAN BELL; PASSED 5 – 2 WITH COUNCILWOMAN SUTTLES AND COUNCILMAN LUZIUS CASTING THE DISSENTING VOTES.

- E. Adoption of Resolution No. 3883-0851 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, forming the Prescott Capital Needs Committee as a standing committee of the City of Prescott.

Ms. Hadley said that this resolution has been drafted to formally create the Prescott Capital Needs Committee, which has been meeting to address one of the Council's priority goals, to assess to City's capital needs and prioritize them.

COUNCILMAN ROECKER MOVED TO ADOPT RESOLUTION NO. 3883-0851; SECONDED BY COUNCILMAN BELL; PASSED UNANIMOUSLY.

V. ADJOURNMENT

There being no further business to be discussed, the Prescott City Council Regular Voting Meeting of February 26, 2008 adjourned at 5:30 p.m.

JACK D. WILSON, Mayor

ATTEST:

ELIZABETH A. BURKE, 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 26th day of February, 2008. I further certify the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____, 2008.

AFFIX
CITY SEAL

ELIZABETH A. BURKE, City Clerk

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S
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COUNCIL AGENDA MEMO – March 11, 2008

DEPARTMENTS: Transportation Engineering Services

AGENDA ITEM: Approval of Supplemental Agreement No. 3, to Contract No 07-115 with Parsons Transportation Group, for final design of a grade separated traffic interchange in the vicinity of Side Road at SR 89A in the amount of \$1,699,748.88

Approved By:

Date:

Department Heads: Mark Nietupski

Finance Director: Mark Woodfill

City Manager: Steve Norwood *SNorwood*

03/08/08

Supplemental Background

A meeting was held Wednesday March, 5, 2008, with approximately 25 property owners from Centerpointe East subdivision to discuss their concerns regarding the recommended alternative for constructing a grade separated traffic interchange (TI) near Side Road at SR 89A. Mayor Pro Tem Suttles and Councilman Lamerson were in attendance, as well as ADOT District Engineer Dallas Hammit.

The history of the project and related documents were discussed with the group including:

- | | |
|---|--------------------------------|
| Centerpointe East Traffic Impact Analysis | Generated October 7, 2004 |
| City Contract No. 03-016A1 | Council approved June 14, 2005 |
| City / County IGA No 05-120 | Council approved June 14, 2005 |
| Centerpointe East Plat | Recorded October 19, 2005 |
| SR 89A Corridor Analysis | Lima Associates February 2006 |
| Phase I Design Contract | November 2006 |
| Public Meeting 1 | June 2007 |
| Parsons SA No. 2 | September 2007 (Location C) |
| Council DCR Preview | December 18, 2007 |
| Public Meeting 2 | January 30, 2008 |

It was explained that SR 89A is an ADOT highway and that traffic interchanges on their system must be designed and constructed in conformance with ADOT requirements, to which the City has adhered.

There is a difference of opinion with respect to the agreements, which recite the obligations of the parties. Recommended Location "C" complies with ADOT requirements and we believe meets the intent of the agreements, to design and construct a grade separated traffic interchange at Side Road. The property owners believe the traffic interchange should be located, literally, at existing Side Road, not 1800' east. Alternate Locations "B" (300' east of Side Road) and "A" (1200' east of Side Road) do not meet ADOT design standards.

Agenda Item: Approval of Supplemental Agreement No. 3, to Contract No. 07-115 with Parsons Transportation Group, for final design of a grade separated traffic interchange in the vicinity of Side Road at SR 89A in the amount of \$1,699,748.88

The property owners requested the City relieve them of their financial responsibility (\$480,000 maximum per the agreement) for contribution to the improvements if the City intends to proceed with recommended Location "C".

An idea was suggested that may address the property owners concerns over the recommended TI location and access to Centerpointe East subdivision. Parsons has been requested to quickly evaluate the feasibility of adding an eastbound freeway off-ramp from SR 89 A to access Side Road from points west.

The group was informed the off-ramp must be engineered to meet ADOT design standards and would require ADOT and City approval for implementation. Parsons will also develop a cost estimate to design and construct the ramp for the City's consideration. If the off-ramp is determined feasible and receives ADOT and City approval the CPE property owners would remain obligated to contribute the maximum of \$480,000 to the project.

As we continue to work with CPE property owners to resolve their concerns it is important that the contract for Phase II final design be in place so Parsons may proceed immediately upon City and ADOT approval of the Design Concept Report

COUNCIL AGENDA MEMO – March 11, 2008

DEPARTMENT: Transportation Engineering Services

AGENDA ITEM: Approval of Supplemental Agreement No. 3, to Contract No. 07-115 with Parsons Transportation Group, for final design of a grade separated traffic interchange in the vicinity of Side Road at SR 89A in the amount of \$1,699,748.88

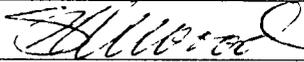
Approved By:

Date:

Department Head: Mark Nietupski

Finance Director: Mark Woodfill

City Manager: Steve Norwood



03/07/08

Item Summary

This item is to contract with Parsons Transportation Group (Parsons) for Phase II engineering services and design of a grade separated traffic interchange (TI) near Side Road intersection with SR 89A in conformance with Arizona Department of Transportation requirements.

The design phase will include preparation of design drawings, cost estimates and specifications in increasing detail (30%, 60%, 95%, and Final) for ADOT, City and utility review at each stage. The preferred interchange design concept consists of a diamond interchange with one-lane freeway ramps, 2-lane roundabouts at the south and north ramp termini with the north/south roadway, and a 4-lane bridge over SR89A. Design of the Connector Road extending south and west of the traffic interchange to link with existing Side Road at Center Point East Drive is also included. The TI will be located approximately 1800' east of Side Road and will enhance motorist safety over the current at grade intersection at Side Road and SR 89A. The initial construction will be compatible with design for the ultimate interchange improvements in the future to include 2-lane ramps, 3-lane roundabouts and a 6-lane bridge with Multi-use Path over SR 89A.

Additional design will provide for several facilities along existing Side Road adjacent and south of SR 89A including:

- Closure and removal of existing Side Road /SR 89A median turn area,
- Construction of a cul-de-sac on existing Side Road approximately 100 feet south of SR 89A (north terminus of Side Road);
- Construction of a multi-use path approaching and crossing beneath SR 89A via an existing box culvert connecting to the former railroad right-of-way north and south of SR 89A, parking lot, trailhead signs and access control fencing,

The attached scope of work contains the detailed breakdown of design tasks including supplemental efforts required by ADOT to complete the Phase I Traffic Report and Design Concept Report. Sub-consultant scopes of work, not attached, are available in the City Clerks office.

Agenda Item: Approval of Supplemental Agreement No. 3 to Contract No. 07-115, with Parsons Transportation Group, for final design of a grade separated traffic interchange in the vicinity of Side Road at SR 89A in the amount of \$1,699,748.88

Background

On November 30, 2007, Council approved the Pre-annexation Development Agreement with Granite Dells Estates Properties I & II, Inc., (GDE) which obligates to the City to provide bid ready plans and specifications for the TI, with ADOT approval, to GDE by January 15, 2009, for bidding and construction. GDE is obligated to publicly bid and commence construction by June 30, 2009. Furthermore, the City is obligated under two other agreements (an intergovernmental agreement with Yavapai County and the agreement with Country Dells property owners) to provide for construction of the interchange by the same date noted above.

Project Schedule

Phase II, Design commencement	Upon DCR approval
Phase II, Design completion	January 15, 2009
Phase III, Construction	June 30, 2009

Budget

Project design was budgeted in FY 08 with funding allocated from the One Cent Sales Tax for Streets and Open Space. The engineering fee for Phase II final design is in the amount of \$1,699,748.88. Supplemental Agreement No. 3 will not cause the City to exceed the FY08 budgeted total for the One Cent Fund.

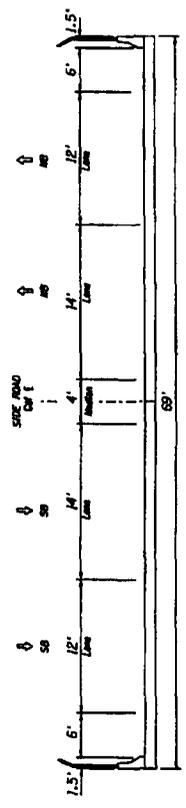
According to the previously mentioned IGA and City Contract No. 03-016, Yavapai County will provide a maximum contribution of \$1,500,000 and the Country Dells "Property Owner" will contribute a maximum of \$480,000 toward the cost of the interchange. As indicated previously the owner of the property where the TI will be located has offered to dedicate the right-of-way (25+ acres) and donate the borrow material (soil) necessary for fill construction on the project.

The current project estimate for design and construction of the TI, as detailed above, is \$18.2 million.

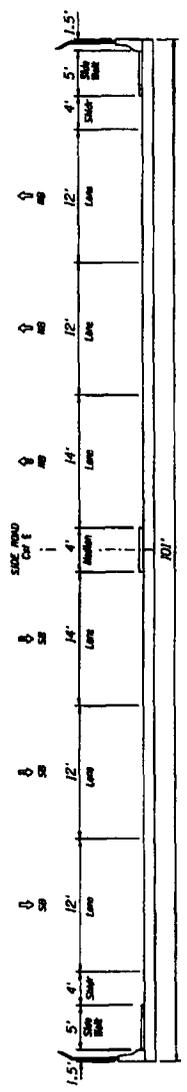
- Attachments** - Location Map
- Scope of Work and Fee Breakdown

Recommended Action: MOVE to approve Supplemental Agreement No. 3 to Contract No. 07-115, with Parsons Transportation Group, Phoenix, Arizona, for final design of a grade separated traffic interchange in the vicinity of Side Road at SR 89A in the amount of \$1,699,748.88

DATE	BY	PROJECT NO.	DATE	BY	DATE	BY
9						
SR 89A TR 317						



CONCEPTUAL SIDE ROAD
BRIDGE TYPICAL SECTION DOUBLE ROUNDABOUTS
INTERIM CONSTRUCTION

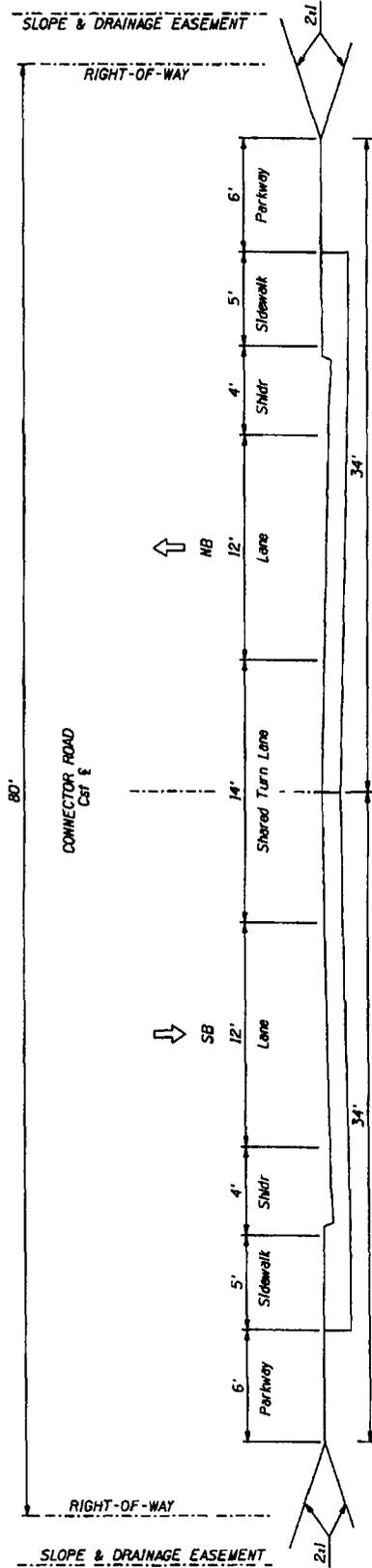


CONCEPTUAL SIDE ROAD
BRIDGE TYPICAL SECTION DOUBLE ROUNDABOUTS
ULTIMATE CONSTRUCTION

DATE	BY	PROJECT NO.	DATE	BY	DATE	BY
SR 89A TR 317						
CITY OF PRESIDENT ENGINEERING SERVICES 1400 WEST 17TH AVENUE DENVER, CO 80202						
PARSONS						
1000 17TH AVENUE, SUITE 1000 DENVER, CO 80202						
SR 89A						
TRACS NO. H 7224 SID						
SR 89A, SIDE ROAD T1						
PAGE NO. OF						

10/20/08 10:00 AM 10/20/08 10:00 AM

PROJECT NO.	DATE	BY	APP. BY
9			
COSA 11.317			



CONCEPTUAL CONNECTOR ROAD
TYPICAL SECTION

CITY OF PRESIDENT		SR 89A, SIDE ROAD 11	
ENGINEERING SERVICES		TRACS NO. H 7224 SID	
FOR THE CITY OF PRESIDENT		SR 89A	
CONNECTOR ROAD		SR 89A	
TYPICAL SECTION		SR 89A	
FIGURE 3		SR 89A	
DATE		REV. NO.	
		OF	

FILED IN THE OFFICE OF THE CLERK OF COURTS, PRESIDENT, TEXAS

DATE: 11/11/11

FILED IN THE OFFICE OF THE CLERK OF COURTS, PRESIDENT, TEXAS

DATE: 11/11/11

1. SUPPLEMENTAL STAGE I TASKS

1.1 Traffic Report

A Traffic Report is required by ADOT (e-mails from Paul O'Brien of ADOT, April 2, 2007 and April 9, 2007) in lieu of a "brief memorandum"/Traffic & Transportation Planning Summary specified by Phase 1 contract. ADOT has provided the Traffic Report for I-40/Rattlesnake Wash Traffic Interchange as a prototype. The Traffic Report is to be developed with initial preparation of a "Pre-Draft" Report for review by City traffic engineering specialists (100 hours), followed by revision and distribution of a "Draft" Report for review by a larger City and ADOT audience (60 hours), followed by a "Pre-Final" Report for City and ADOT review (50 hours), and culminating in production of a "Final" Report (40 hours). The Traffic Report effort (estimated total 220 hours) is in lieu of a "brief memorandum"/Traffic & Transportation Planning Summary (Phase 1 budget of 80 hours). Added effort to complete the Traffic Report as required by ADOT is estimated at 170 hours.

1.2 Design Concept Report (DCR)

A full Design Concept Report (DCR) is required by ADOT (letters and emails of April 2-9, 2007) in lieu of the Project Assessment (PA) specified by Phase 1 contract. The scope of the required DCR is to reflect level of detail contained in the DCR for original 1998 SR 89A Realignment from SR 89 to Great Western. The DCR is to be developed iteratively with initial preparation of a "Pre-Draft" Report for City and ADOT internal review (300 hours), followed by revision and distribution of a "Draft" Report for agency and public review (100 hours), followed by a "Pre-Final" Report for City and ADOT internal review (70 hours), and culminating in production of a "Final" DCR for general distribution (40 hours). The DCR effort (estimated total 510 hours) is in lieu of a "Project Assessment" (Phase 1 budget of 145 hours). Estimated added effort to complete the DCR as required by ADOT is 365 hours.

2. 30% DESIGN SUBMITTAL (STAGE II)

The 30% design shall consist of the preparation of preliminary plan drawings, engineer's estimate and draft specifications for review and approval by the City of Prescott and ADOT.

2.1 Roundabout Conceptual Traffic Engineering

Pursuant to conceptual interchange design provided in Phase 1, Parsons will retain the firm of Roundabouts & Traffic Engineering (RTE) to perform roundabout conceptual traffic engineering, including lane configuration, horizontal and vertical geometry, signing, striping, lighting, drainage and landscaping. Further scope of work detail is provided in the RTE proposal attached. Parsons would provide nominal oversight to Conceptual Traffic Engineering.

2.2. Side Road Interchange Roadway Design and 30% Plan Preparation – Parsons will prepare plans for all improvements in conformance with the latest edition of the ADOT and AASHTO Standards and Specifications and the City of Prescott Design Guidelines for Site Development and Infrastructure Construction. Plans will be prepared on

planimetric base, showing utilities at a scale of 1" = 40'. The roadway profile will be drawn for the centerline at a scale of 1" = 40'. Sections will be drawn at 100' intervals.

2.3. Bridge Design and 30% Plan Preparation – Parsons will design and prepare construction plans, project specifications and estimate of construction costs for the preferred bridge type over SR 89A selected by the City and ADOT.

The bridge design and plans shall be in conformance with *AASHTO LRFD Bridge Design Specifications, 3rd Edition with 2005 and 2006 Interims*, and the current edition of Arizona Department of Transportation (ADOT) Bridge Practice Guidelines. The consultant shall prepare project Special Provisions to the *ADOT Standard Specification for Road and Bridge Construction, 2000*, in standard ADOT format for all items not specifically addressed in the Standard Specifications. Bridge quantities and Estimate of Construction Costs shall be in conformance with ADOT approved Bid Tabulation items and units.

Close coordination will be maintained between Parsons, the City of Prescott and ADOT during the design process to insure compatibility and conformance with city, federal and state requirements.

2.4. Drainage Analysis and 30% Design – Drainage plans will be developed to address required on-site and off-site drainage improvements. Detailed scope of work is provided in the CRA proposal attached.

2.5. Signing and Striping 30% Design – Parsons will be responsible for preparing signing plans for all areas within the project limits. The design shall be in conformance with ADOT (mainline) and City of Prescott (cross road) criteria.

2.6. Maintenance of Traffic 30% Design – Parsons will be responsible for preparing plans for handling traffic operations during construction, including paving, signing, striping, and other measures necessary to facilitate project construction. The design shall be in conformance with the approved DCR.

2.7. Final Design Traffic Engineering and Lighting 30% Design – Parsons will be responsible for preparing final intersection layouts, including concept plans for roundabout construction at the intersections of freeway ramps and the cross road. For purposes of this proposal, it is assumed that no signalization will need to be designed, due to reliance on roundabouts for traffic control.

Parsons and their lighting specialist (R. A. Alcalá Associates) will provide lighting plans for freeway ramp gore areas and ramp/cross road intersections in conformance with ADOT requirements. Lighting analysis will include preparation of an iso-lumen overlay to roundabout plans to insure lighting will provide uniform light for safe traffic operations.

2.8. Survey to Support 30% Design – Parsons will obtain supplemental survey data as needed to verify the location and elevation of existing improvements in the project area. Detailed scope of work is provided in the CRA proposal attached.

2.9. Utilities to Support 30% Design – Few utilities are located in the project area. Parsons will be responsible for obtaining existing utility data and coordinating the relocation of any utilities to accommodate completion of the interchange project.

2.10. Geotechnical Investigation to Support 30% Design – Parsons will provide a comprehensive testing program in support of final design. The program for the SR 89A/Side Road Interchange will include 13 test borings and 10 backhoe test pits to determine suitable soil bearing capacities for bridge support, retaining walls, roadway embankment and pavement design. Further scope of work detail is provided in the AMEC Earth and Environmental proposal attached. Draft and Final Interchange Geotechnical Investigation and Foundation Investigation Reports will be produced delineating design parameters. The Final Geotechnical Investigation and Foundation Report submitted in support of 95% plans will be sealed and signed by an Arizona Registered Geotechnical Engineer.

The geotechnical program for the Connector Road will include 7 test borings and 7 backhoe test pits to determine suitable soil bearing capacities for retaining walls, roadway embankment and pavement design. Draft and Final Connector Road Geotechnical Investigation and Foundation Investigation Reports will be produced delineating design parameters. The Final Connector Road Geotechnical Investigation and Foundation Report submitted in support of 95% plans will be sealed and signed by an Arizona Registered Geotechnical Engineer.

2.11. Landscape and Revegetation to Support 30% Design – Parsons will provide 20 scale plans for landscaping of the Interchange and Connector Road. The Interchange plans will include landscaping of roundabouts at freeway ramp termini and erosion control and revegetation of cut and fill areas at the freeway interchange. For the Interchange, this task will include preparation of a candidate Storm Water Pollution Prevention Plan (SWPPP) for use by the selected construction contractor. Connector Road plans will address erosion control and revegetation along the Connector Road. Further scope of work detail is provided in the Logan Simpson Design proposal. The Final Landscape Plans submitted at 100% design detail will be sealed and signed by an Arizona Registered Landscape Architect.

2.12. 30% Engineering Design Drawings for City & ADOT Review

The 30% design plans shall be prepared including engineering plans, profiles, sections and detail drawings for roadway, traffic engineering, drainage, bridge, signing, striping, landscaping, and lighting as described above and required to facilitate review by the City of Prescott and ADOT. All plans shall be 20-scale full size at 22"x34" or 40-scale half size at 11"x17". Half size drawings will be used for 30% design submittal and review. 50 copies of the plan set will be produced and distributed for review.

2.13. Specifications, Quantities and Engineer's Estimate to Support 30% Design – Parsons will prepare technical specifications for all elements of the work using the ADOT standard specifications and bid items. Construction quantities shall be tabulated in a bid schedule format approved by ADOT. Parsons will prepare the Engineer's Estimate

using the items of work in the bid schedule. Unit prices shall be determined from locally available unit price data from comparable construction projects.

3. 60% DESIGN SUBMITTAL (STAGE III)

The 60% design shall consist of the preparation of preliminary plans including plan and profile drawings, engineer's estimate and draft specifications for review and approval by the City of Prescott and ADOT.

3.1 Side Road Roadway Design and 60% Plan Preparation – Roadway plan and profile drawings will be refined, as necessary, on planimetric base at a scale of 1" = 40'. The roadway profile will be drawn for the centerline at a scale of 1" = 40'. Sections will be drawn at 100' intervals.

3.2 Final Bridge Selection Report (BSR) and 60% Design — Parsons will prepare and submit a Final BSR in support of the 60% design drawings and in accordance with ADOT guidelines, including documenting, evaluating and recommending a preferred bridge type for crossing SR 89A and any retaining wall systems that may be required. The Final BSR, which will focus on the Preferred Bridge Alternative will reflect findings of the Preliminary Interchange Geotechnical Report. Project plan, elevation and typical section drawings and cost estimates of the Preferred Alternative will be included as an appendix at the end of the Final BSR. The Final BSR will be sealed and signed by a qualified Arizona Registered Engineer.

3.3. Final Drainage Report and 60% Design — A Final Drainage Report will be prepared in support of the 60% design drawings and will address both off-site and on-site drainage requirements. Off-site requirements will include hydrology and hydraulic considerations. On-site drainage will address roadway and structural drainage requirements. The Final Drainage Report will be sealed and signed by a qualified Arizona Registered Engineer.

3.4. Signing and Striping to Support 60% Design – Signing and striping plans will be advanced to 60% completion for all areas within the project limits, and resolution of comments from review of 30% plans will be incorporated.

3.5. Maintenance of Traffic to Support 60% Design -- Plans for handling traffic operations during construction, including paving, signing, striping, and other measures necessary to facilitate project construction will be advanced to 60% completion.

3.6. Cross Road and Ramp Traffic Engineering and Lighting to Support 60% Design – Parsons will advance traffic engineering and lighting design for intersections of freeway ramps and the cross road to 60% detail, and incorporate resolution of comments from review of 30% plans.

3.7 Survey to Support 60% Design – Parsons will obtain supplemental survey data as needed to verify the location and elevation of existing improvements in the project area.

3.8. Utilities to Support 60% Design – Parsons will be responsible for obtaining existing utility data and coordinating the location of any utilities to accommodate completion of the interchange project.

3.9. Preliminary Geotechnical Report to Support 60% Design – A Draft Interchange and Connector Road Geotechnical Investigation and Foundation Investigation Reports will be submitted in support of the 60% design drawings.

3.10. Landscaping and Revegetation to Support 60% Design – Parsons will refine landscape and erosion prevention plans to 60% level of detail, and incorporate resolution of review comments from 30% design review.

3.11. 60% Specifications, Quantities and Engineer's Estimate – Parsons will prepare technical specifications for all elements of the work using the ADOT standard specifications and bid items for the Interchange and City specifications for the Connector Road. Construction quantities shall be tabulated separately for the Interchange and for the Connector Road in a bid schedule format approved by ADOT and the City, respectively. If appropriate, Parsons will incorporate both Interchange and Connector Road specifications, quantities, and estimates into a single complete City construction bid package. Parsons will prepare the Engineer's Estimate using the items of work in the bid schedule. Unit prices shall be determined from locally available unit price data from comparable construction projects.

3.12. 60% Engineering Design Drawings for Review by City and ADOT – The 60% design plans shall be prepared including engineering plans, profiles, sections and detail drawings for roadway, traffic engineering, drainage, bridge, signing, striping, landscaping, and lighting as described above and required to facilitate review by the City of Prescott and ADOT. All plans shall be 20-scale full size at 22"x34" or 40-scale half size at 11"x17". Half size drawings will be used for 60% design submittal and review. 50 copies of the plan set will be printed and distributed for review.

4. 95% DESIGN SUBMITTAL (STAGE IV)

The 95% design shall consist of the preparation of preliminary plans including plan and profile drawings, engineer's estimate and draft specifications. An over-the-shoulder review of the 95% plans will be obtained from the City and ADOT staffs. All plans shall be 40-scale half size at 11" x 17". Half size drawings will be used for 95% design submittal and review.

4.1. Roadway Design and 95% Plan Preparation – Roadway plan and profile drawings will be refined, as necessary, on planimetric base at a scale of 1" = 40'. The roadway profile will be drawn for the centerline at a scale of 1" = 40'. Sections will be drawn at 100' intervals.

4.2. Bridge Design and 95% Plan Preparation – Project bridge plan, elevation and typical section drawings and cost estimates will be refined to 95% detail.

4.3. Drainage Design and 95% Plan Preparation – Drainage plans will be developed to address required on-site and off-site drainage improvements, as necessary. Detailed scope of work is provided in the CRA proposal attached.

4.4. Signing and Striping to Support 95% Design – Signing and striping plans will be refined to 95% design level for all areas within the project limits, and resolution of comments on the 60% plans will be incorporated.

4.5. Maintenance of Traffic to Support 95% Design -- Plans for handling traffic operations during construction, including paving, signing, striping, and other measures necessary to facilitate project construction will be advanced to 95% completion.

4.6. Cross Road and Ramp Traffic Engineering and Lighting to Support 95% Design – Parsons will advance traffic engineering and lighting design for intersections of freeway ramps and the cross road to 95% detail, and incorporate resolution of comments from review of 60% plans.

4.7. Survey to Support 95% Design – Parsons will obtain supplemental survey data as needed to verify the location and elevation of existing improvements in the project area.

4.8. Utilities to Support 95% Design -- Parsons will be responsible for obtaining existing utility data and coordinating the location of any utilities to accommodate completion of the interchange project.

4.9. Final Geotechnical Report to Support 95% Design – In support of 95% Design, the Final Geotechnical Investigation and Foundation Investigation Reports for Interchange and Connector Road will be produced delineating design parameters. The Final Geotechnical Investigation and Foundation Reports will be sealed and signed by a qualified Arizona Registered Engineer.

4.10. Landscape and Revegetation to Support 95% Design -- Landscape design and erosion prevention plans shall be refined to support 95% design, and resolution of comments on 60% plans will be incorporated.

4.11. 95% Specifications, Quantities and Engineer's Estimate – Parsons will advance technical specifications and engineers estimate for all elements of the work to 95% detail using the ADOT standard specifications and bid items for the Interchange and City specifications for the Connector Road. Revisions will reflect changes needed to address review comments at the 60% level.

4.12. 95% Design Plans for Review by City and ADOT – The 95% design plans shall be prepared including engineering plans, profiles, sections and detail drawings for roadway, traffic engineering, drainage, bridge, signing, striping, landscaping, and lighting as described above and required to facilitate review by the City of Prescott and ADOT. 95% drawings will reflect changes needed to address review comments at the 60% level. All plans shall be 20-scale full size at 22"x34" or 40-scale half size at 11"x17". Half size

drawings will be used for 95% design submittal and review. 50 copies of the plan set will be printed and distributed for review.

5. 100% (FINAL) DESIGN SUBMITTAL (STAGE V)

The 100% design shall incorporate revisions needed to resolve review comments on the 95% plan and profile design drawings, specifications, engineer's estimate and contract documents. The 100% drawings will reflect changes needed to address review comments at the 95% level. All 100% plans shall be 40-scale half size at 11" x 17".

5.1. Roadway Design and 100% (Final) Plan Preparation -- Roadway plan and profile drawings will be refined, as necessary, on planimetric base at a scale of 1" = 40', incorporating response to comment on review of 95% plans.

5.2. Bridge Design and 100% (Final) Plan Preparation -- Project plan, elevation and typical section drawings and cost estimates will be refined to 100% detail, incorporating response to comment on review of 95% plans.

5.3. Drainage Design and 100% (Final) Plan Preparation -- Drainage plans will be developed to address required on-site and off-site drainage improvements, as necessary. Detailed scope of work is provided in the CRA proposal attached.

5.4. Signing and Striping to Support 100% (Final) Design -- Signing and striping plans will be advanced to 100% completion for all areas within the project limits, and resolution of comments on the 95% plans will be incorporated.

5.5. Maintenance of Traffic to Support 100% (Final) Design -- Plans for handling traffic operations during construction, including paving, signing, striping, and other measures necessary to facilitate project construction will be advanced to 100% completion.

5.6. Cross Road and Ramp Traffic Engineering and Lighting to Support 100% (Final) Design -- Parsons will advance traffic engineering and lighting design for intersections of freeway ramps and the cross road to 100% detail, and incorporate resolution of comments from review of 95% plans. Final design plans submitted at the 100% design detail will be sealed and signed by a Registered Arizona Electrical Engineer.

5.7. Survey to Support 100% (Final) Design -- Parsons will obtain supplemental survey data as needed to verify the location and elevation of existing improvements in the project area.

5.8. Utilities to Support 100% (Final) Design -- Parsons will be responsible for obtaining existing utility data and coordinating the location of any utilities to accommodate completion of the interchange project.

5.9. Geotechnical to Support 100% (Final) Design -- Geotechnical and pavement analysis will be provided, as necessary, to support submittal of 100% design drawings and specifications.

5.10. Landscape and Revegetation to Support 100% (Final) Design – Landscape design and erosion prevention plans shall be refined to support 100% design, and resolution of comments on 95% plans will be incorporated. Final plans will be sealed and signed by an Arizona Registered Landscape Architect.

5.11. 100% (Final) Specifications, Quantities and Engineer's Estimate – Parsons will advance technical specifications and engineers estimate for all elements of the work to 100% design detail using the ADOT standard specifications and bid items for the Interchange and City specifications for the Connector Road. The 100% package will be distributed to those City and ADOT reviewers making comments on the 95% plans. Revisions will reflect changes needed to address review comments at the 95% level.

5.12. 100% (Final) Design Plans for Review by City and ADOT – The 100% design plans shall be prepared including engineering plans, profiles, sections and detail drawings for roadway, traffic engineering, drainage, bridge, signing, striping, landscaping, and lighting as described above and required to facilitate review by a limited number (5 assumed) of City and ADOT reviewers authorized to verify changes have been made in the final plans to resolve reviewer comments on the 95% plans. All plans shall be 40-scale half size at 11"x17". Half size drawings will be used for 100% design submittal and review. Parsons will print and distribute 5 copies of the 100% plans for reviewers.

6. BID DOCUMENTS SUBMITTAL

The Final (100%) design phase will include resolution of comments on the 95% design drawings, specifications, engineer's estimate and contract documents.

Parsons will provide one set of sealed originals on 22" x 34", vellum, together with the specifications and estimates for incorporation into the final bid documents. The final vellum will become the property of the City of Prescott. All items shall be submitted in electronic format in Word and MicroStation 8. The Consultant will also provide a CD of the documents for the City.

7. BID SOLICITATION SUPPORT

Parsons will be available for Bid Solicitation Support, including the following services, if authorized by contract modification.

- Provide copies of bid documents to facilitate the bidding process.
- Answer questions during the bidding phase.
- Prepare addenda for review and approval by the City.
- Prepare bid analysis, including comparison of items in each Contractor's Bid with the Engineer's Estimate, and recommend bid award.

8. PROJECT MANAGEMENT/FINAL DESIGN

8.1. Client/Team Coordination/Progress Reports/Invoicing – The Parsons Project Manager will have overall responsibility monitoring consultant progress and communicating to the City of Prescott's Project Manager regarding work progress and schedule/budget compliance. He will keep the City's Project Manager informed through e-mail, coordination meetings and monthly progress reports. Invoicing will be monthly in

accordance with City procedures.

8.2. Project Controls/Budget/Schedule – Upon Notice-to-Proceed, Parsons will prepare a project schedule using Primavera software. The Parsons Project Manager will have overall responsibility for monitoring project budget, maintaining the project schedule, and keeping the City of Prescott's Project Manager informed of budget/schedule conditions.

8.3. Coordination Meetings/Minutes – The Parsons Project Manager, in coordination with the City's Project Manager, will establish a monthly coordination meeting schedule and list of invitees, issue agendas and prepare supporting materials, lead the meeting, facilitate decision making, and prepare and distribute minutes.

8.4. Subconsultant Administration – The Parsons Project Manager will coordinate schedule of subconsultant tasks and submittals to correspond with the overall Project schedule. He will obtain monthly progress reports and invoices suitable for tracking timely completion of subconsultant work and incorporation of subconsultant invoices into the overall Parsons invoice to the City of Prescott. The Parsons Project Manager will insure subconsultant conformance with Project Quality Assurance and Safety Plans.

8.5. Quality Assurance – A Project Quality Assurance Plan will be prepared to insure application of Parsons Quality Assurance procedures in preparation and review of reports, drawings and calculations. The Quality Assurance Plan will extend to Parsons and subconsultant submittals. Application of quality assurance procedures will be the responsibility of a designated Parsons Project Quality Assurance Manager. His responsibilities will extend to establishment and enforcement of subcontractor quality assurance procedures in conformance with Parsons procedures.

8.6. Project Safety – Parsons will prepare a Project Safety Plan, including office and field procedures for consultant and subconsultant personnel to insure safety of project staff, and those who interface with the project. Safety responsibility, approach and emergency contact information will be identified.

9. CONSTRUCTION SUPPORT SERVICES

Parsons will be available for Construction Support Services, including the following services, if authorized by contract modification.

- Conduct inspections to assure compliance with design requirements.
- Answer questions regarding design intent during the construction phase.
- Process change orders as directed by the City.
- Conduct weekly project review meetings involving the contractor, City and ADOT representatives.
- Monitor changes in plans pursuant to change orders, and prepare As-Built drawings at the end of construction.

CONSULTANT COST PROPOSAL – PHASE 2 FINAL DESIGN

CONSULTANT: **PARSONS TRANSPORTATION GROUP, INC.**

PROJECT NAME: **SR 89/SIDE ROAD INTERCHANGE, CITY OF PRESCOTT**

WORK ORDER NO.: _____ CONTRACT NO.: _____ CHANGE ORDER NO.: _____

DIRECT LABOR:

<u>CLASSIFICATION</u>	<u>LABOR HOURS</u>	<u>HOURLY RATES*</u>	<u>LABOR COSTS</u>	<u>OVERTIME (1)</u>
Project Principal	47	\$80.00	\$3,760.00	
Project Manager	1302	\$70.00	\$91,140.00	
Senior Project Engineer	491	\$60.00	\$29,460.00	
Project Engineer	3335	\$48.50	\$161,747.50	
Design Engineer	2904	\$38.05	\$110,497.20	
Technical/Drafter	1994	\$31.10	\$62,013.40	
Secretarial	331	\$19.30	\$6,388.30	
Total Labor	10404			\$465,006.40
	Total Overhead @	153.40%	(of Labor)	\$713,320.00
			Subtotal	\$1,178,326.40

DIRECT AND OUTSIDE EXPENSES:

Mileage	\$0.5050/mile	\$4,023.84
Vehicle Rental	\$150/day	\$300.00
Messenger	\$10/trip	\$360.00
Outside copying	At cost	\$16,580.00
Other outside--film, etc.	At cost	\$0.00
		Subtotal
		\$21,263.84

* Current average rate for each labor classification

SUBCONSULTANTS:

<u>NAME</u>	<u>COST</u>
Claycomb/Rockwell Associates, Inc. (Drainage, Survey/Mapping, Right of Way, Utilities)	84900
AMEC Environmental (Geotechnical, Materials)	158977
Logan Simpson Design (Landscape Design, Erosion Control)	32902
Roundabouts & Traffic Engineering (Roundabout Concept Design)	78850
R.A. Alcalá & Associates (Lighting, Electrical)	26697

Subtotal (Subconsultants)	<u>382326</u>
Subtotal Labor	<u>\$1,178,326.40</u>
Subtotal (Direct and Outside) Expenses	<u>\$21,263.84</u>
Subtotal Subconsultants	<u>\$382,326.00</u>
Total Consultant Cost	<u>\$1,581,916.24</u>
Net Fee (Subtotal Labor x 10%)	<u>\$117,832.64</u>
TOTAL PROPOSED FEE	<u><u>\$1,699,748.88</u></u>

Note: Attach all financial and cost backup and calculation data.

Signature

Senior Vice President

Date

CONSULTANT ESTIMATED LABOR HOURS--PHASE 2 FINAL DESIGN

CONTRACT NO. _____

PROJECT NAME: 89A/SIDE ROAD INTERCHANGE

CONSULTANT/SUBCONSULTANT NAME _____

WORK ORDER NO. _____

PARSONS TRANSPORTATION GROUP

DATE February 6, 2008

DIRECT LABOR CLASSIFICATIONS

CONTRACT TASK/PHASE	PROJECT PRINCIPAL		PROJECT MANAGER		S.R. PROJ. ENGINEER		PROJECT ENGINEER		ENGINEER/DESIGNER		TECHNICIAN/DRAFTER		CLERICAL		TOTALS
1. SUPPLEMENTAL PREDESIGN TASKS (STAGE 1)															
1.1 Traffic Report			18		25		70		27		20		20		180
1.2 Design Concept Report			18		40		165		62		35		45		365
2. 30% DESIGN SUBMITTAL (STAGE #)															
2.1 Roundabout Conceptual Traffic Engineering		14	244		57		823		327		557		48		2504
2.2 Roadway Design and Plan Preparation	9		125		13		393		390		228		0		1145
2.3 Bridge Design and Plan Preparation			12		18		90		154		150		8		432
2.4 Drainage Analysis and Design			3		7				115		73		0		10
2.5 Signing and Striping			32				140		162		106		0		360
2.6 Maintenance of Traffic	5		44				160						0		477
2.7 Cross Road and Ramp Traffic Engineering			3		7		40								50
2.8 Survey			3		7										10
2.9 Utilities			3		7										10
2.10 Geotechnical Investigation			3		7										10
2.11 Landscaping and Revegetation			3		7										10
2.12 30% Engineering Design Drawings for Review			3		7								20		30
2.13 Specifications, Quantities and Engineer's Estimate			3		7								20		30
3. 60% DESIGN SUBMITTAL (STAGE #)															
3.1 Roadway Design and Plan Preparation	9		125		18		393		390		228		0		1145
3.2 Bridge Design and Plan Preparation			12		7		90		154		150		8		432
3.3 Drainage Analysis and Design			3						115		73		0		10
3.4 Signing and Striping			32				140		162		106		0		360
3.5 Maintenance of Traffic	5		44				160						0		477
3.6 Cross Road and Ramp Traffic Engineering			3		7		40								50
3.7 Survey			3		7										10
3.8 Utilities			3		7										10

CONSULTANT ESTIMATED LABOR HOURS--PHASE 2 FINAL DESIGN

CONTRACT NO.

PROJECT NAME: 89A/SIDE ROAD INTERCHANGE

CONSULTANT/SUBCONSULTANT NAME

WORK ORDER NO.

PARSONS TRANSPORTATION GROUP

DATE February 6, 2008

DIRECT LABOR CLASSIFICATIONS

CONTRACT TASK/PHASE	PROJECT PRINCIPAL	PROJECT MANAGER	SR PROJ ENGINEER	PROJECT ENGINEER	ENGINEER DESIGNER	TECHNICIAN DRAFTER	CLERICAL	TOTALS
3.9 Geotechnical Investigation		3	7					10
3.10 Landscaping and Revegetation		3	7					10
3.11 Specifications, Quantities and Engineer's Estimate		3	7				20	30
3.12 60% Engineering Design Drawings for Review		3	7				20	30
4. 95% DESIGN SUBMITTAL (STAGE 1)		7	74	946	901	624	46	2902
4.1 Roadway Design and Plan Preparation	2	144	18	461	455	274	0	1336
4.2 Bridge Design and Plan Preparation		12	7	90	153	150	8	431
4.3 Drainage Analysis and Design		3					0	10
4.4 Signing and Striping		35		165	138	80		418
4.5 Maintenance of Traffic	5	52		190	185	125		557
4.6 Cross Road and Ramp Traffic Engineering		3	7	40				50
4.7 Survey		3	7					10
4.8 Utilities		3	7					10
4.9 Geotechnical Investigation		3	7					10
4.10 Landscaping and Revegetation		3	7					10
4.11 Specifications, Quantities and Engineer's Estimate		3	7				20	30
4.12 95% Engineering Design Drawings for Review		3	7				20	30
4. 100% DESIGN SUBMITTAL (STAGE 2)		2	81	182	282	176	48	772
5.1 Roadway Design and Plan Preparation	2	20	9	65	64	40	0	191
5.2 Bridge Design and Plan Preparation		5	7	50	130	104	8	306
5.3 Drainage Analysis and Design		3						10
5.4 Signing and Striping		5		22	20	13		60
5.5 Maintenance of Traffic		7		25	28	19	0	79
5.6 Cross Road and Ramp Traffic Engineering		3	3	20				26
5.7 Survey		3	7					10
5.8 Utilities		3	7					10

CONSULTANT ESTIMATED LABOR HOURS--PHASE 2 FINAL DESIGN

CONTRACT NO. _____

PROJECT NAME: 89A/SIDE ROAD INTERCHANGE

CONSULTANT/SUBCONSULTANT NAME _____

WORK ORDER NO. _____

PARSONS TRANSPORTATION GROUP

DATE February 6, 2008

DIRECT LABOR CLASSIFICATIONS

CONTRACT TASK/PHASE	PROJECT PRINCIPAL		PROJECT MANAGER		SR PROJ. ENGINEER		PROJECT ENGINEER		ENGINEER DESIGNER		TECHNICIAN DRAFTER		CLERICAL		TOTALS
5.9 Geotechnical Investigation			3				7								10
5.10 Landscaping and Revegetation			3				7								10
4.11 Specifications, Quantities and Engineer's Estimate			3				7						20		30
4.12 95% Engineering Design Drawings for Review			3				7						20		30
8. BID DOCUMENTS SUBMITTAL			28				8					20			70
			2				8					20			70
7. BID SELECTION SUPPORT							0					0			0
							0					0			0
8. PROJECT MANAGEMENT/FINAL DESIGN			437		122		305		0		0	0	74		947
8.1 Client/Team Coordination/Progress Reports/Invoicing		8	100		20		20						20		168
8.2 Project Controls/Budget/Schedule			100		20		200						20		320
8.3 Coordination Meetings/Minutes			100		56		56						20		232
8.4 Subconsultant Coordination/Administration			100		14		14						32		160
8.5 Quality Assurance			30		12		12						2		56
8.6 Project Safety			7				4								11
TOTAL TASKS		47	1302		491		3335		2804		1894		331		10404

**PRESCOTT SR 89A/SIDE ROAD INTERCHANGE
CONSULTANT COST PROPOSAL -- PHASE 2 FINAL DESIGN**

CONSULTANT: PARSONS TRANSPORTATION GROUP, INC.

PROJECT NAME: SR 89A/SIDE ROAD INTECHANGE

WORK ORDER NO.: _____ CONTRACT NO.: _____ CHANGE ORDER NO.: _____

MILEAGE					
	#Trips/ Month	# Months	Miles/ Trip	Cost/ Mile	
Miscellaneous in-town trips (Personal Vehicle)	4	12	16	\$0.505	\$387.84
City Meetings and field reviews	3	12	200	\$0.505	\$3,636.00
MILEAGE SUBTOTAL:					\$4,023.84
VEHICLE RENTAL:					
	#Trips	days	Cost/day		
Assume Field Review 15 Passenger Van	2	1	\$150.00		\$300.00
Gas for Van			\$2.80/gallon at 15 miles per gallon		\$0.00
VEHICLE RENTAL SUBTOTAL:					\$300.00
TRAVEL TOTAL:					\$4,323.84

MESSENGER SERVICE					
	#Months	Calls/Mo.	Total	Cost/each	
Messenger Service	12	3	36	\$10.00	= \$360.00
MESSENGER SUBTOTAL					\$360.00

MISCELLANEOUS SUPPLIES		
Film, Processing, Photo log on CD, Final Drawings and Reports on CD, and Video Tapes		At Cost
Miscellaneous mapping from agencies/developers		
MISCELLANEOUS SUPPLIES TOTAL:		\$0.00

REPORTS					
	# Shts	# Prints	Total	Cost/each	
Black and White Copies, 8 1/2 X 11		32000		\$0.07	= \$2,240.00
Color Copies, 8 1/2 x 11 Graphics		4800		\$0.50	= \$2,400.00
Black & White Copies, 11 x 17 Plans		32000		\$0.15	= \$4,800.00
Color Copies, 11 x 17, Graphics		4500		\$1.00	= \$4,500.00
Binding		480		4.5	\$2,160.00
Lamination		120		4	\$480.00
REPRODUCTION TOTAL:					\$13,780.00
DIRECT AND OUTSIDE EXPENSES TOTAL:					\$13,780.00

**SR 89A/SIDE ROAD INTERCHANGE
PHASE 2 FINAL DESIGN
SCOPE OF WORK
2/6/08**

Following agreement on a preferred SR 89A/Side Road Interchange design concept, Parsons will prepare design drawings, cost estimates, and specifications in increasing detail (30%, 60%, 95%, Final) with opportunity for ADOT, City, and utility review at each stage. For cost estimate purposes, the preferred interchange design concept is assumed to include initial construction of a diamond interchange with 1-lane freeway ramps, 2-lane roundabouts at the south and north ramp termini with Side Road, and a 4-lane bridge over SR 89A at Station 436+00 (Location C). The initial construction will be compatible with design for ultimate construction of an 8-lane freeway with auxiliary lanes, 1- or 2-lane freeway ramps, 3-lane roundabouts at north and south ramp termini, and a 6-lane bridge with Multi-Use Path over SR 89A. See Figures 1 and 2.

Future Side Road bridge widening from the initial 4-lanes to the ultimate 6-lanes is assumed to take place along both sides of the bridge. Future expansion of the roundabouts from 2-lane to ultimate 3-lanes is assumed to take place from the outside toward the center to minimize reconfiguration of bypass lanes and outside improvements (curbs, lighting, etc.). Future widening is not included in this Scope of Work.

Parsons will also design a Connector Road extending south and west from the SR 89A/Side Road Interchange to link with existing Side Road at Centerpoint East Drive. The Connector Road will be 5 lanes following the planned Side Road alignment south from the SR 89A/Side Road Interchange approximately 800 feet to a future T-intersection (presumed future signalization), and thence 3 lanes west approximately 2000 feet to existing Side Road. The initial Connector Road construction will be compatible with an ultimate 7-lane Side Road (new alignment), and 3-lane roadway from the new Side Road to existing Side Road. See Figure 3.

In addition to the Interchange and Connector Road, Parsons would also design several facilities along existing Side Road adjacent SR 89A:

- Close/remove existing Side Road/SR89A median turn area;
- Construct a cul-de-sac on existing Side Road approximately 100 feet south of SR 89A (north terminus of existing Side Road);
- Construct a multi-use path approaching and crossing beneath SR89A via an existing cattle crossing—The path would connect with the abandoned railroad grade north and south of SR89A, continue south to the intersection of existing Side Road and Centerpoint East Drive. Path design would be compliant with American Disabilities Act (ADA) requirements.
- Provide a parking lot for 30 motor vehicles and 10 horse trailers to accommodate multi-use path users;
- Provide trailhead entryway signing between the parking lot and multi-use path;
- Provide access-control fencing between SR89A and the cul-de-sac/parking lot.