



# PRESCOTT CITY COUNCIL STUDY SESSION AGENDA

**PRESCOTT CITY COUNCIL  
STUDY SESSION  
TUESDAY, MARCH 3, 2009  
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 Study Session 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:** Reverend Julia McKenna, Spiritual Architect

◆ **PLEDGE OF ALLEGIANCE:** Councilwoman Suttles, Introducing Prescott's American Legion Post 6 Honor Guard

◆ **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**

**I. PROCLAMATION**

A. *March 2009 – Red Cross Month in Prescott.*

**II. DISCUSSION ITEMS**

A. Award of a contract for construction of the East Gurley Street Water Services Installation and Main Line Stub Out Project to T & H Construction in the amount of \$101,569.31.

B. Approval of a professional services agreement with Shephard-Wesnitzer, Inc., to provide engineering and design services for the Old North Reservoir Replacement Project in an amount not to exceed \$342,624.00.

- C. Adoption of Resolution No. 3939-0945 – 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 Agreement for Potable Water #WSA07-015, Storm Ranch Middle Parcel, with RHP Investments, LLC, thereby assigning the rights and obligations under the existing agreement to SLF III – AZ Storm Ranch, LLC, and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.
- D. Final Plat (FP08-007) for Mystic Hills, A Planned Area Development comprising 4 lots on 5.5 acres located west of Downer Trail and south of Iron Springs Rd, Applicant/Owner: Bryan Tucker, APN: 115-10-026A, Zoning is SF-35.
- E. Approval of Revision of Plat for Lot 3 Prescott Lakes Commerce Center, Creating Four Office and Six Warehouse Condominiums (Existing Structures).
- F. Water Conservation Program changes and initiatives.
  - 1. Adoption of Ordinance No. 4691-0934 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, amending Title III, Chapter 10 of the Prescott City Code by revising Section 8 thereto entitled “Incentive Program”.
  - 2. Consider implementation of the Volunteer Program for water conservation, subject to FY 2010 budget approval for VISTA coordination services.
  - 3. Authorize use of budgeted water reduction demonstration project funding for the retrofit of plumbing fixtures at the Grace Sparks Activity Center, and landscape modifications within the public right-of-way at Miller Valley Elementary School.
  - 4. Authorize solicitation of proposals for implementation of WaterSmart landscaping of Memorial Park as a design competition.
- G. Approval of contract for airport property appraisal services with Southwest Appraisal Associates, Inc. in an amount not to exceed \$30,000.00.
- H. Approval of letter to Central Yavapai Metropolitan Planning Organization (CYMPO) regarding transit implementation.

- I. Adoption of Resolution No. 3938-0944 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, to authorize the application for a Clean Water State Revolving Fund Loan from the Water Infrastructure Finance Authority of Arizona (WIFA).
- J. Notice of Public Hearing (March 10) and consideration of a liquor license application from Nicholas Patrick Agar, Applicant for Mama Edda's Gourmet Pizza, for a Series 12, *Restaurant*, license for Mama Edda's Gourmet Pizza located at 221 North Cortez.
- K. Notice of Public Hearing (March 10) and consideration of a liquor license application from Lawrence Angel Hernandez, Applicant for L&L Chuy Distributing, for a Series 4, *Wholesaler*, license for L&L Chuy located at 565 EZ Street Suite C-3.
- L. Notice of Public Hearing (March 10) and consideration of a liquor license application from Keri Hansen, Agent/Applicant for Sweettart, LLC, for a Series 12, *Restaurant*, license for Sweettart located at 123 North Cortez Street.
- M. Approval of the Minutes of the Prescott City Council Special Meeting/Study Session of February 3, 2009 (amended from previously approved on February 24, 2009), the Study Session of February 17, 2009, and the Regular Voting Meeting of February 24, 2009.
- N. Selection of items to be placed on the Regular Voting Meeting Agenda of March 10, 2009.

**III. 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, City Clerk

# PROCLAMATION

## MARCH IS RED CROSS MONTH

March 3, 2009

**WHEREAS**, today, the mission of the American Red Cross is more relevant than ever as we confront a changing America full of unique challenges; and

**WHEREAS**, through its preparedness initiative to Be Red Cross Ready, the Red Cross is empowering individuals and families to protect themselves in three simple steps – Make a Plan, Build a Kit and Be Informed; and

**WHEREAS**, the American Red Cross, for more than 125 years, has honored its mission to provide relief to disaster victims while helping people prevent, prepare for and respond to emergencies; and

**WHEREAS**, last year local volunteers helped their neighbors in need by responding to 44 disasters in Yavapai County; and

**WHEREAS**, last year 2,410 people were trained in life-saving skills and another 1,439 were trained in water safety in Yavapai County; and

**WHEREAS**, more than 1,800 critical messages were relayed for Arizona service members and their families around the world; and

**WHEREAS**, compassionate and caring people who want to make a difference in Arizona and across the nation, at home and abroad, channel their support through the American Red Cross.

**NOW THEREFORE, I**, Jack Wilson, Mayor of the City of Prescott, Arizona, do hereby proclaim March 2009 as Red Cross Month in Prescott.

Given under my hand in these free United States in the City of Prescott, on the third day of March two thousand nine, and to which I have caused the Seal of the City of Prescott to be affixed and have made this proclamation public.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Prescott to be affixed this 3rd day of March, 2009.



**JACK D. WILSON, MAYOR**  
City of Prescott

ATTEST:



**ELIZABETH A. BURKE, CITY CLERK**  
City of Prescott



M  
L  
S  
M

**COUNCIL AGENDA MEMO – March 3 & 10, 2009**

II-A

**DEPARTMENT:** Public Works

**AGENDA ITEM:** Award of contract for construction of the East Gurley Street Water Services Installation and Main Line Stub Out Project to T & H Construction in the amount of \$101,569.31.

**Approved By:**

**Date:**

**Department Head:** Mark Nietupski

**Finance Director:** Mark Woodfill

**City Manager:** Steve Norwood



02/24/09

**Item Summary**

This item is to award a construction contract for the installation of new water services and main line water and sewer stub out extensions along the south side of East Gurley Street from Robinson Drive to Bradshaw Drive.

**Background**

In 2005 the City awarded a contract to Fann Contracting for upgrading existing City water and sewer facilities and repaving a portion of East Gurley Street from Bradshaw Drive to Arizona Avenue. A portion of the utility work between Bradshaw Drive and Robinson Drive, on the south side of Gurley Street, was deleted from that contract to minimize extended inconvenience to the public at that time. The City chose to remove the installation of eleven water services and the stub out of two water mains and a sewer main in this area for later completion.

With the upcoming repaving of East Gurley associated with the SR 69/89 Traffic Interchange project by ADOT, the previously deleted work needs to be completed to avoid cutting new pavement in the future.

Plans were prepared by City staff, the project advertised and bids opened on February 12, 2009. The results of the bids are listed below.

**Bid Results**

<u>Company</u>	<u>Location</u>	<u>Bid Amount</u>
T & H Construction	Prescott, AZ	\$101,569.31
Empire Excavation Inc.	Payson, AZ	\$155,715.00
Asphalt Paving & Supply Inc.	Prescott Valley, AZ	\$163,921.00
Engineer's Estimate		\$145,000.00

**Agenda Item:** Award of contract for construction of the East Gurley Street Water Services Installation and Main Line Stub Out Project to T & H Construction in the amount of \$101,569.31.

**Project Schedule**

The construction duration is scheduled for thirty (30) days with work anticipated to begin the week of March 16th.

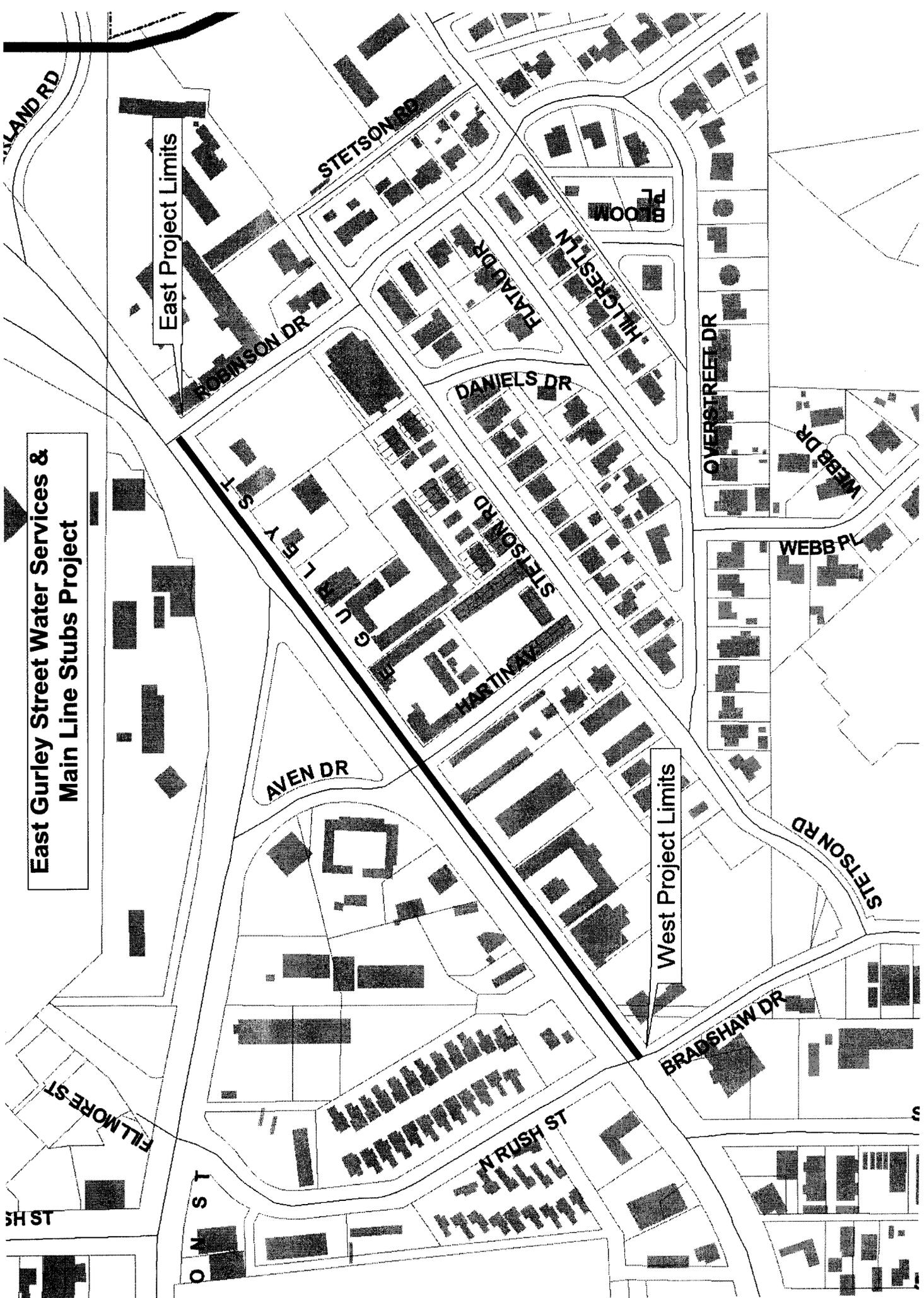
**Budget**

Funds for this project are budgeted under Small Water Main Upgrades, account No. 2-91111.

**Attachments** - location map

**Recommended Action:** **MOVE** to award a contract to T & H Construction for the East Gurley Street Water Services Installation and Main Line Stub Out Project in the amount of \$101,569.31.

**East Gurley Street Water Services & Main Line Stubs Project**



East Project Limits

West Project Limits

WILKINSON RD

STETSON RD

ROBINSON DR

DANIELS DR

STETSON RD

AVEN DR

MARTIN AVE

BRADSHAW DR

STETSON RD

OVERSTREET DR

WEBB PL

WEBB DR

HILLCREST LN

FLAT DR

BLOOM

FILMORE ST

OWEN ST

ST HENRY

SH ST

**COUNCIL AGENDA MEMO – March 3, 2009**

**DEPARTMENT:** Public Works

**AGENDA ITEM:** Approval of a professional services agreement with Shephard-Wesnitzer, Inc., to provide engineering and design services for the Old North Reservoir Replacement Project in an amount not to exceed \$342,624.00

**Approved By:**

**Date:**

**Department Head:** Mark Nietupski

**Finance Director:** Mark Woodfill

**City Manager:** Steve Norwood

*Craig Whitcomb for*

2-27-09

**Item Summary**

This item is approve a professional services agreement with Shephard-Wesnitzer, Inc., to provide engineering and design services for replacement of the Old North Reservoir located east of Willow Creek Road and north of Douglas Avenue, including an increase in capacity from 1.4 to 3.0 million gallons (MG).

**Background**

In April 2005 the City Water Model was completed, identifying current and future improvements necessary for operation of a water system providing adequate storage capacity, improved pressure and fire flows, in conjunction with efficient reliable service. System deficiencies exist which must be addressed in order to achieve the Council goal of a providing a first class water system for the community. In order to implement the necessary system improvements, City Council adopted rates and fees to provide funding for the identified projects.

The Water System Distribution Model identifies ten (10) new reservoir projects and eight (8) reservoir upgrade projects required to serve the current population and provide for future growth. Eight (8) reservoir projects were programmed for FY09, of which six (6) are currently in various stages of design.

The existing Old North Reservoir was constructed in the 1940's and does not meet modern sanitary standards or security requirements. The Arizona Department of Environment Quality conducted an inspection in 2006 and indicated that a long term plan was needed to bring the structure into compliance with regulatory criteria. The current reservoir top is literally a roof, a redwood truss system covered with corrugated metal sheeting as depicted in the attached photo.

This existing 1.4 MG reservoir is part of the central storage feed for the North-South pressure zone, which supplies many of the City's other pressure zones. Eighty-three percent (83%) of the City's potable water passes through the North-South zone. Based on the Water Model, reflecting years of growth and increased demands on the entire water system, it is necessary to increase the reservoir capacity to 3.0 MG.

**Agenda Item:** Approval of a professional services agreement with Shephard-Wesnitzer, Inc., to provide engineering and design services for the Old North Reservoir Replacement Project in an amount not to exceed \$342,624.00

The existing structure is constructed 75% below ground. In order to maintain the same pressures throughout the system, the replacement reservoir will be constructed in the same location and at the same elevation. An adjacent 3.0 MG reservoir on the site will serve the City while this new 3.0 MG facility is being built. The project will also include replacement of a portion of 14" water main in Douglas Avenue. The project will be constructed completely within existing City property and right-of-way.

During the design phase project information will be provided to the public through informational notices and a public meeting.

### **Old North Reservoir Chronology**

2003	City Council Annual Strategic Planning Meeting identified "First Class Utility System" goal
2004	Water distribution system modeling begins
2005	Water Model completed, providing a basis for the water system CIP and identifying required projects
2005	FY 06 Budget included Old North Reservoir Replacement project
2006	Water rates and fees adopted providing funding for CIP
2008	Water rates and fees updated confirming funding for CIP
September 2008	Qualifications solicited for design engineering services
February 2009	Scope and fee negotiations completed for this project

### **Procurement**

On September 25, 2008, the City received seventy one (71) proposals from seventeen (17) firms for twelve (12) publicly advertised engineering projects. Pursuant to professional services selection procedures, staff ranked the individual firms based on their Statements of Qualifications, and then interviewed the three top-rated firms to determine the final ranking for each project. Shepard-Wesnitzer, Prescott, was the top ranked firm for this project. The scope of services, schedule, and fees were subsequently negotiated.

### **Schedule**

Pending contract award engineering design will begin in March 2009 with completion expected in August 2009. Bidding and construction contract award would follow in September and October 2009, respectively.

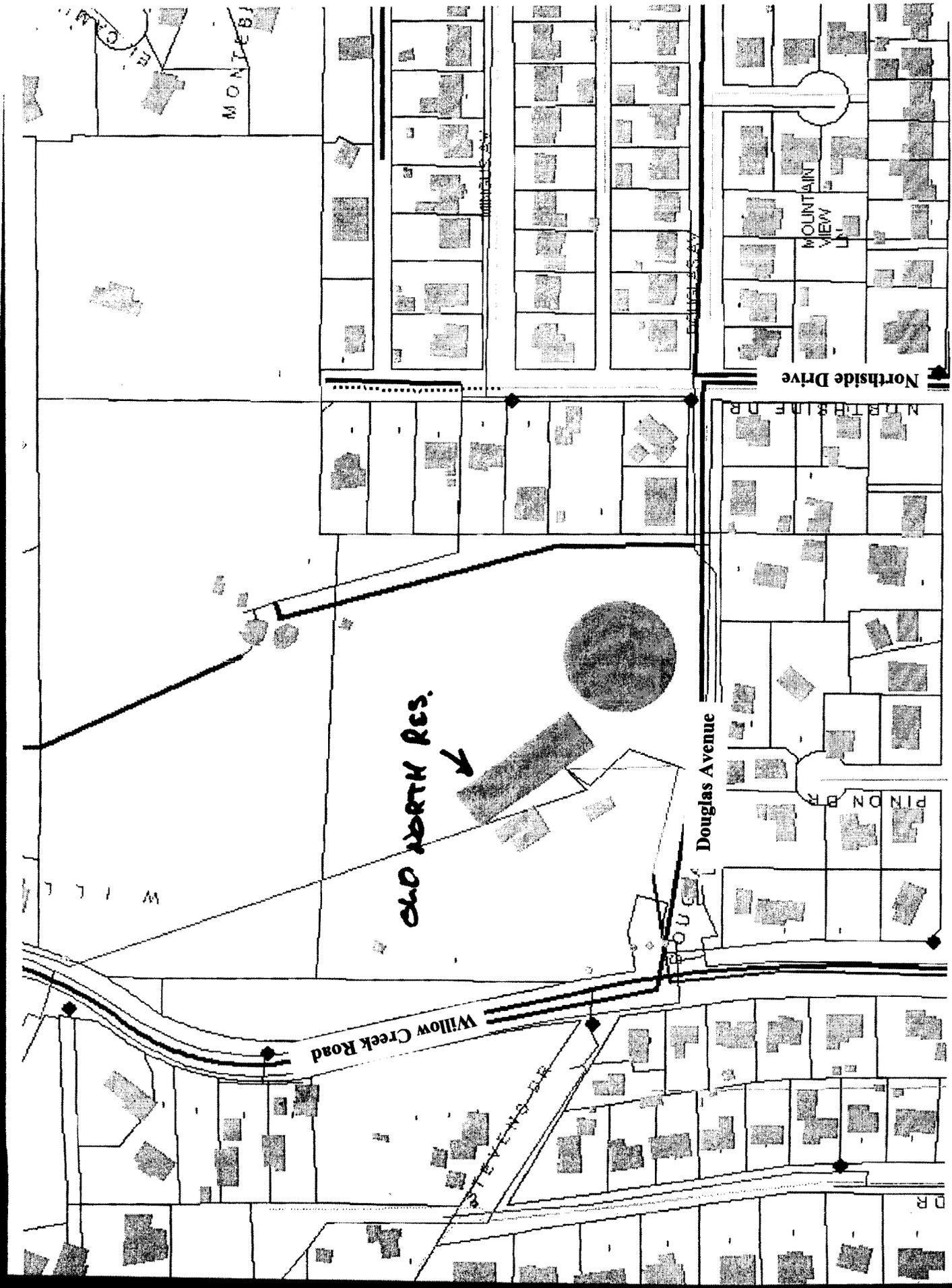
### **Budget**

Fiscal Year 09 funding is available for the Old North Reservoir Replacement Project. (Budgeted amount: \$2,262,000.00 in the Water Fund).

**Agenda Item:** Approval of a professional services agreement with Shephard-Wesnitzer, Inc., to provide engineering and design services for the Old North Reservoir Replacement Project in an amount not to exceed \$342,624.00

- Attachments** - Location map
- Exhibit A Scope and Fee
  - Photo of existing reservoir

**Recommended Action:** **MOVE** to approve a professional services agreement with Shephard-Wesnitzer, Inc., for engineering and design of the Old North Reservoir Replacement Project in an amount not to exceed \$342,624.00.



OLD NORTH RES.



Douglas Avenue

Willow Creek Road

Northside Drive

MOUNTAIN VIEW LN

MONTAGUE

PINDON BR

DR



221 North Main Street, Suite 102  
Prescott, AZ 86301  
928.541.0443  
928.541.1075 fax  
www.swiaz.com

**Shephard & Wesnitzer, Inc.**

February 11, 2009

*Engineering an environment of excellence*

**SWI #08405**

Mr. Craig Taylor  
City of Prescott  
430 N. Virginia Street  
Prescott, AZ 86302

**RE: City of Prescott Old North Reservoir Replacement  
SWI Scope and Fee Proposal Amendment – Upsize to 3.0 MG Reservoir**

Mr. Taylor,

As an update to our project scope of services and the associated fee proposal for the captioned project, originally submitted to the City with our cover letter dated January 16, 2009, I am providing the following information:

- The City has requested that the design be revised from the originally planned 1.4 MG replacement water storage reservoir to a new 3.0 MG replacement water storage reservoir at the same site.
- SWI and our team will provide the design for the 3.0 MG Old North Reservoir Replacement potable water storage tank at no additional fee to the City for the work. All other provisions of our scope and fee proposal, originally submitted on January 14, 2009, are hereby modified by reference to revise the 1.4 MG reservoir to a 3.0 MG size.

Our assumptions are as follows:

- The project starts off as a single 3MG tank from the beginning of the contract
- If the results of the initial planning workshop and alternatives analysis result in the requirement for multiple tanks or a phased tank construction, we would need to revisit our scope and fee due to the additional work associated with these tasks.

We thank you for this opportunity to present this amendment to our original proposal and hope that you will find it acceptable. We look forward to working with you and City Staff on this important project.

Sincerely,  
**SHEPHARD-WESNITZER, INC.**

  
Richard Aldridge, PE  
SWI Branch Manager



# LETTER OF TRANSMITTAL

221 North Manna Street, Suite 102  
Prescott, AZ 86301  
928 541.0443  
928 541.1025 fax  
www.swiaz.com

**Shephard & Wesnitzer, Inc.**

*Engineering an environment of excellence*

Date: January 16, 2009

Job#: 08405

**To:**  
Craiger Taylor  
Construction Services Manager  
City of Prescott  
**HAND DELIVERED**

**From:**  
Richard Aldridge, PE  
Shephard-Wesnitzer, Inc.  
221 N. Marina St, Suite 102  
Prescott, AZ 86301

**RE:** Old North Reservoir Replacement

Copies	Dated	Description
1	1-16-09	SWI Scope and Fee proposal for the captioned project with attachments

As requested    For your use    For comment    For approval    Reply ASAP

Craiger,

I have attached our scope and fee proposal for the Old North Reservoir Replacement project for your review. We have included allowances for landscape, public relations, gasoline tank rehabilitation and Construction Manager @ Risk tasks. Also attached are all of our subconsultant proposals and associated hours budgets.

After you have a chance to look it over, please call me and we can discuss any questions you have and finalize the proposal.

FYI and Thanks,

**Signed: Richard Aldridge, PE, Branch Manager**  
**Copy: file**

Please advise us immediately if the items transmitted are not as described, Thank you



221 North Main Street, Suite 102  
Prescott, AZ 86301  
928 541 0443  
928 541 1075 fax  
www.swiaz.com

**Shephard & Wesnitzer, Inc.**  
January 16, 2009

*Engineering an environment of excellence*  
**SWI #08405**

Mr. Craig Taylor  
City of Prescott  
430 N. Virginia Street  
Prescott, AZ 86302

**RE: City of Prescott Old North Reservoir Replacement  
SWI Scope and Fee Proposal**

Mr. Taylor,

SWI is pleased to present you with our project scope of services and associated fee proposal for the captioned project. Attached to this cover letter is the SWI Scope of Services narrative attached as "Exhibit A". We have also attached our task-hours budget spreadsheets and sub-consultant agreements, along with a tentative project schedule.

The work being proposed by SWI and our team is for the design of the 1.4 MG Old North Reservoir Replacement potable water storage tank. Work will be done in accordance with the City's "Design and other Professional Services for Various Water and Wastewater Projects" requirements for the project. Generally, the tasks will include:

- Project coordination, meetings, administration, review of water reports and studies, one public open house and other associated general management activities – an allowance for a CM@R alternative project delivery method tasks is included
- An alternatives analysis for the replacement tank including a cost benefit review and options for up to three different tank concepts
- Topographic and boundary survey for the site, including rights of way and easements of record
- Geotechnical, landscape, utility locating and other associated support tasks
- New water storage reservoir and the associated site design for the selected option
- Design for a new 30" water main in Douglas Avenue
- Agency coordination and submittals
- Post design services as requested

We thank you for this opportunity to present our proposal and hope that you will find it acceptable. We look forward to working with you and City Staff on this important project.

Sincerely,  
**SHEPHARD-WESNITZER, INC.**

Richard Aldridge, PE  
SWI Branch Manager



Shephard & Wesnitzer, Inc.

EXHIBIT A

221 North Main Street, Suite 100  
Prescott, AZ 86301  
928-541-0444  
928-541-1075  
www.swiaz.com

Engineering an environment of excellence

Scope of Services for the Design of the  
1.4 MG Old North Reservoir Replacement  
City of Prescott, Arizona  
Shephard-Wesnitzer Inc. – Prepared January 15, 2009

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# OLD NORTH RESERVOIR REPLACEMENT SCOPE OF SERVICES

## PROJECT DESCRIPTION

The City of Prescott will be entering into a contract for consulting engineering services and other associated services required to produce a set of bid ready construction documents (plans and specifications) for the 1.4 MG Old North Reservoir Replacement Tank

### Preliminary Project Information

#### Existing Conditions

- The existing 1.4 MG water rectangular concrete potable water reservoir is deteriorating and will be replaced with a new concrete reservoir.
- The existing water storage elevations will be maintained.
- Construction is anticipated from September, 2009 to the end of March, 2010.
- The existing tank is planned to be replaced in it's same location

#### Proposed Improvements

- Reconstruct the existing 1.4 MG water tank in it's existing location
- Construct a 30" water main in Douglas Avenue to serve the new tank.

#### Project Key Activities

- Alternatives design analysis to select the appropriate tank configuration
- Site Plan, Tank Plans, Controls/SCADA and Waterline Plan development
- Development of construction plans, specifications, and construction cost estimates
- Meetings with City Staff, City Council, Public, and Utility representatives
- Utility locating for construction plan base maps – 10 excavations anticipated
- Topographic Survey
- Boundary Survey
- Geotechnical explorations and design and a Phase 1 Environmental site review
- ADEQ submittal, including brief design reports for tank and waterline improvements
- Public participation – One open house Public Meeting by SWI and Stanley Consultants (KDA Creative public relations firm optional services if needed – an allowance is included)
- An Archeological investigation is not required
- Environmental investigation for the existing gasoline pump installation and possible tank (this is an optional service by Ninyo & Moore if needed – allowance included)
- Landscape and irrigation plan (this is an optional landscape architectural service by BMA Architects if needed – an allowance is included)
- A drainage report is not required
- A traffic analysis is not required
- Water Modeling for the new tank will be provided to SWI by the City via their consultant

## 1.0 PROJECT PLANNING

### PROJECT KICK OFF MEETING

- 1.1 Project kick off meeting – The Engineer will be required to attend a kick-off meeting with City staff at a time and on a date agreeable to both parties. At the kick off meeting the Engineer shall provide to the City
  - A detailed design schedule and project directory of team members.
  - An organization chart showing the relationship of all of the team members.
  - Any required contractual submittals.



## OLD NORTH RESERVOIR REPLACEMENT SCOPE OF SERVICES

### OPEN HOUSE PRESENTATIONS AND COORDINATION

- 1.2 Open House Prep – The Engineer will prepare for one (1) open house. Prior to the open house, the City of Prescott will provide the meeting location, newspaper advertisements, and an electronic list of addresses within the distribution area for the project. The Engineer shall recommend the names of key participants and residential areas for the open house notice mailing. SWI shall prepare and send the meeting notification letters/notices to stakeholders, comment cards, and similar meeting items. The Engineer shall provide display boards and construction plans based on the 30% design concepts.
- 1.3 Open House Participation – The Engineer will attend and provide assistance with exhibits for one (1) open house. This meeting will deal with project issues including right-of-way, project design description, tank design and construction impacts.
- 1.4 Individual business/property owner meetings – None anticipated.

### MONTHLY PROGRESS MEETINGS

- 1.5 Monthly Coordination Meetings – The City and Engineer will meet monthly to discuss the project status and any pertinent issues. Coordination meetings will continue for the duration of the schedule provided at the project kick off meeting. Six (6) monthly meetings in Prescott are anticipated.
- 1.6 Additional Coordination Meetings – The City and Engineer will augment the monthly coordination meetings with up to three (3) additional meetings when issues come up that require action during intervening periods. This includes an initial design workshop with City staff to define the design requirements for the project.

### TOPOGRAPHIC/BOUNDARY SURVEY AND EASEMENTS

- 1.7 Topographic/Boundary Survey – SWI will perform the necessary topographic and boundary survey for the project site. The base map will be prepared in AutoCAD 2009 format. SWI will coordinate with the City Surveyor in regard to the information required to be shown on the survey.
- 1.8 Existing right-of-way mapping – The City will provide existing right-of-way limits information for delineation on the plans as well as a listing of all City benchmarks, which are to be utilized on the project.
- 1.9 Legal Descriptions – SWI shall prepare up to three legal descriptions and a map for the acquisition of additional right-of-way parcels and or easements if required to construct the proposed improvements. The City will provide pertinent title reports to the Engineer if required. The Engineer will not be required to negotiate with the pertinent property owners for the acquisition of any of the required right-of-way parcels/easements.
- 1.10 Final Record of Survey Map – A final record of survey/topographic map will be provided by SWI for the project and will be used as the background drawing for the design.



# OLD NORTH RESERVOIR REPLACEMENT SCOPE OF SERVICES

## GEOTECHNICAL INVESTIGATIONS AND PAVEMENT DESIGN

- 1.11 Field Exploration – The field exploration will consist of site borings with no traffic control required. This will include an exploration for soil characteristics and soil sampling, and water level measurements (if encountered). We anticipate 5 borings on the site drilled to depths of 15 feet or auger refusal at the locations selected for the proposed tank site. Additionally, up to 3 seismic refraction surveys will be conducted on the site near the reservoir footprints.
- 1.12 Laboratory Analysis – Selected field samples will be tested for soil characteristics as determined by the Geotechnical engineer.
- 1.13 Final Report – A final report will be compiled including at least:
  - Boring logs showing the stratification lines of the various soil types encountered during field exploration.
  - Results from laboratory testing conducted on selected samples.
  - General site conditions information.
  - Description of the subsurface conditions encountered.
  - Recommendations for water tank design parameters. Such parameters will include surface and subsurface conditions, recommendations for site excavations, side slope stability, shoring, subgrade support for foundations, foundation design, and the re-use of on-site soils for engineered fill.
  - A Phase 1 Environmental evaluation of the site is included as an optional service.

## INVESTIGATION OF EXISTING UTILITIES

- 1.14 Existing Utility Mapping – The Engineer will be responsible for coordinating with all utility companies (i.e. water, sewer, cable TV, electric, gas, telephone) in the area. Available information shall be depicted on the plans as clearly and accurately as possible in order to minimize unforeseen utility conflicts. Visible utilities and above ground utilities will be identified and located during the topographic survey, including water valves, hydrants, electrical poles, street lighting, equipment pads, telephone and television risers, and above ground gas facilities. Any available "Bluestake" markings of underground utilities (water, sewer, electrical, telephone, cable and gas) will also be surveyed.
- 1.15 Potholing –SWI will be responsible for potholing utilities at locations where the possibility of conflict exists between the existing utilities and proposed underground improvements.
- 1.16 Utility Coordination – The Engineer shall be required to coordinate with the utility companies to assist them with their endeavors to upgrade, replace or enhance their facilities prior to or as part of the construction project. The Engineer will be responsible for providing each of the utility companies a set of plans at completion of the 30%, 60%, 90% and 100% levels and will provide any written responses from each of the involved utilities at the completion of each design level to the City.
- 1.17 Regional Utility Coordination – The Engineer will be required to attend three (3) Regional Utility Coordination meetings.

# OLD NORTH RESERVOIR REPLACEMENT SCOPE OF SERVICES

## 2.0 ALTERNATIVES ANALYSIS

- 2.1 Alternative Analysis Report - Up to three (3) alternative tank configurations will be evaluated structurally for constructability, costs, and appropriateness for the site. The tank and site design will be based on the results of this analysis after acceptance by the City.

## 3.0 PREPARATION OF 30% PLAN

The following are the general requirements for the design and the initial 30% plan set.

- 3.1 General Sheets – This task involves work necessary for the creation of General Sheets. Tasks include necessary design calculations, summary of quantities calculations, annotations, and drafting. The following list of general plan sheets will be required for this project:
- Cover Sheet (with title, index of sheets, City seal, list of utility contacts, Mayor/Council names, approval signature blocks and key map.) – To be provided to the Engineer in digital format by the City
  - General Notes Sheet (with general notes, earthwork quantities table, symbols legend and design data)
  - Details
  - Estimated Quantities Matrix (by sheet)
  - Geometric Layout and Data Sheet
- 3.2 Site Plan/Water Reservoir Design Sheets – This task involves work necessary for the creation of site grading and drainage plan and the water tank design. Tasks include base sheet preparation (including survey control, topographic mapping, existing right-of-way, and existing utilities), demolition sheet(s), necessary design calculations, drawing annotations, construction notes, and drafting. The following sheets are anticipated for this project.
- Site Plan & Profile Sheets (showing existing and proposed improvements) including 3 line profiles showing centerline and curb and gutter on both sides of the roadway for Douglas Drive. Horizontal and vertical locations will be indicated at all PC's, PT's, and at 25 foot stations in between.
  - Detail Sheets (plan & profile for the Douglas/Willow Creek Road intersection) as required. Detail sheets will also be provided for the water tank design and site improvements as necessary.
  - Water Tank design sheets as necessary for the construction of the new reservoir including details and appurtenances.
- 3.3 Traffic Control Sheets – This task involves work necessary for the creation of Traffic Control Sheets. The following list of sheets will be required for this project.
- Traffic Control Plan (to provide traffic control guidelines during construction)
  - Pavement Marking & Signing Notes, Details, and Sign Summary Sheet (with quantities) as necessary for the site and access drive
- 3.4 Water Sheets – This task involves work necessary for the creation of Water Sheets. The following list of water sheets will be required for this project.
- Plan and Profile View for the 30" line in Douglas Drive to the tank and on site profiles where necessary

## OLD NORTH RESERVOIR REPLACEMENT SCOPE OF SERVICES

- 3.5 Survey Control – Survey control for the project will be provided by SWI and will be in accordance with City of Prescott requirements. Benchmarks will be set on site as necessary for the construction. Site improvements will be located using this sheet as the basis of the construction layout.
- 3.6 Topographic Mapping – A complete field topographic survey will be done by SWI for the project within the property and right-of-way limits for the project. One foot (1') contours will be generated for the construction plan base maps. A minimum of 3 construction control points will be shown on the plans and set in the field. City provided survey control information will also be shown on the plans. This sheet will be used for the demolition plan and as the base map for the project design.
- 3.7 Traffic Study/Drainage Report – A Traffic Study and Drainage Report will not be necessary for this project.
- 3.8 Water Memorandum – The City shall provide background model information for the Engineer to prepare a brief water memorandum for the project describing the necessary tank improvements and line size upgrades, including required flow and pressure information necessary for ADEQ submittals. This will be required prior to the ADEQ submittal.
- 3.9 Structural Concept Plans – Alternative selections for the tank will be developed and required revisions, based on the Alternative Analysis review, will be incorporated. A preliminary tank structural concept plan will be developed reflecting the recommended alternative. A preliminary cost estimate will be updated for the recommended alternative.
- 3.10 Site Plans – Preparation of schematic site plans and water line plan and profile sheets for the tank site and water line in Douglas Drive.
- 3.11 Preparation of a SWPPP – The Engineer will be responsible for preparing a Storm Water Pollution Prevention Plan in compliance with ADEQ requirements. SWI will prepare SWPPP plans for the project at a maximum 1" = 200' scale. SWPPP plans include layout of silt fence, straw bales, rock mulch, and the like to control sediment runoff from the project site along with details for each of these treatments. The City or the Construction Contractor will be responsible for any necessary agency notifications or implementation of the plan.

The sheets anticipated for the project are identified in the following table:



## OLD NORTH RESERVOIR REPLACEMENT SCOPE OF SERVICES

<b>Anticipated Sheets</b>	<b>30%</b>	<b>60-90%</b>	<b>100%</b>
Cover Sheet (with title, index of sheets, City seal, list of utility contacts, Mayor/Council names, approval signature blocks and key map.)	X	X	X
General Notes Sheet (with general notes, earthwork quantities table, symbols legend and design data)		X	X
Details for Tank and Water Line Design	X	X	X
Estimated Quantities		X	X
Geometric Layout and Data Sheet(s)	X	X	X
Survey Control Map (with coordinates on City grid/State plane)	X	X	X
Demolition and Plan & Profile Sheets (showing existing and proposed improvements)	X	X	X
Water Plan & Profile Sheets and Tank Site Plan	X	X	X
Intersection Detail Sheet for Douglas Drive as necessary		X	X
Traffic Control Plan (for construction)		X	X
Pavement Marking and Signing Notes, Details and Sign Summary Matrix Sheet (with quantities)		X	X
Landscape Plan if necessary		X	X
SWPPP Plan Sheet and Detail Sheet		X	X
Tank Design, Details, Controls/SCADA and other Associated Sheets	X	X	X
<b>ENGINEERS DESIGN REPORT TO INCLUDE:</b>			
Geotechnical-Environmental Report	X		
Tank Alternatives Analysis	X		
ADEQ Submittal Report		90% X	

### PRELIMINARY 30% PLAN REQUIREMENTS

The Engineer shall submit to the city and to all utilities, a set of 30% preliminary plans. These plans will show basic site plan and profile views with proposed and existing grades, tank location and water line construction. These plans will be reviewed to assure satisfaction with the general grades and alignment of the proposed tank site and waterline improvements. The Engineer shall include an estimate of probable construction cost to the City with the submittal.

## 4.0 PREPARATION OF 60% PLANS

- 4.1 The Engineer shall incorporate any alternative selections, changes, corrections and/or additions as a result of the preliminary 30% plan review. The resulting set of plans will be submitted to the City and utilities as a 60% design, which will be reviewed by the City and utilities for any final adjustments or corrections. A cost estimate shall be included.
- 4.2 Tank Design Progress Plans – Upon approval of the 30% concept plans, the tank structural design will commence. Required revisions, based on the Preliminary



## **OLD NORTH RESERVOIR REPLACEMENT SCOPE OF SERVICES**

Plans review, will be incorporated. Tank structural designs, controls/SCADA plans, specifications, and cost estimates will be prepared and submitted at the 60% level of completion for review and comment. Design work will continue, concurrently with the 60% plan review, unless directed otherwise.

### **5.0 PREPARATION OF PRE-FINAL (90%) BIDDING DOCUMENTS**

- 5.1 The Engineer shall incorporate any alternative selections, changes, corrections and/or additions as a result of the preliminary 60% plan review. The resulting set of plans will be submitted to the City and utilities as a pre-final design, which will be reviewed by the City and utilities for any final adjustments or corrections. A cost estimate shall be included.
- 5.2 Pre-Final Plans and Specifications - Required revisions, based on the 60% Progress Plans review, will be incorporated. Pre-final tank structural design plans, controls/SCADA plans, specifications, and cost estimates will be prepared and submitted for review and comment. ADEQ submittals will be prepared at this stage.

### **6.0 PREPARATION OF FINAL (100%) BIDDING DOCUMENTS**

- 6.1 The Engineer shall incorporate any alternative selections, changes, corrections and/or additions as a result of the pre-final 90% plan review. The resulting set of plans will be submitted to the City and utilities as a pre-final design, which will be reviewed by the City and utilities for any final adjustments or corrections. A cost estimate shall be included.

### **7.0 ASSISTANCE DURING THE BIDDING PROCESS**

- 7.1 Bid Assistance – The Engineer shall be required to attend and actively participate in the pre-bid meeting, the pre-construction meeting and the bid opening. The Engineer will assist in the preparation of any required Addenda for the projects during the Bid Phase.

### **8.0 PROVISION OF POST-DESIGN CONSULTATION SERVICES**

- 8.1 As-Built Plans – the Engineer will prepare final as-built plans from information provided by the City during construction and project close out. The Engineer will not be responsible for construction inspections or testing and the City will provide the final ADEQ certification for the project.
- 8.2 Post-design Consultation Services - The Engineer will be required to provide consultation assistance during construction, relative to questions pertaining to their design. This is for the purpose of addressing unforeseen or new issues that were not covered under the design scope of work or for the consideration of alternative solutions. However, any questions/concerns from the Contractor or City that arise as a result of design errors or omissions will be addressed by the Engineer at no additional cost and will not be considered as extra work under this item. Shop drawing reviews by the Engineer shall be included in this task.

NOTE: Work hours estimated for "Post-design Consultation Services", construction site meetings, shop drawing reviews, and responding to construction questions and concerns (RFI's), are an estimate only. These work hours can vary significantly



## OLD NORTH RESERVOIR REPLACEMENT SCOPE OF SERVICES

from project to project based on conditions and situations encountered during construction, including construction contract delivery methods, contractor means and methods, field conditions, and other unforeseen construction issues.

### 9.0 CONSTRUCTION MANAGER AT RISK OPTIONAL SERVICES

- 9.1 CM@R – the Engineer will attend planning meetings and review Contractor value engineering concepts and proposals. Agreed upon concepts will be incorporated into the final plans for construction. Additionally, the Engineer will work with the CM@R firm in developing the final construction costs and schedule for the project. We will assist the City in the CM@R process for services requested. A budget allowance of 5% of the base design fee has been estimated for CM@R services. The final allowance amount would depend on the actual scope of services agreed upon between SWI and the City of Prescott.

### 10.0 OTHER OPTIONAL SERVICES

- 10.1 Landscape Plan – if the project requires a tree survey and landscape/irrigation plan, that service will be provided based on the Optional Services fee presented in the attached fee summary.
- 10.2 Public Relations – if the project requires public relations services beyond notification mailing and attendance at the Public Open House, that service will be provided based on the Optional Services fee presented in the attached fee summary.
- 10.3 Phase 1 Environmental & Gasoline Storage Tank Remediation – if the project requires the removal of the existing gasoline pump and possible underground storage tank or a Phase 1 Environmental review, those services will be provided based on the Optional Services fee presented in the attached fee summary.

#### STANDARD OF CARE:

SWI shall be responsible to the level of competency and standard of care presently maintained by other practicing Professional Engineers performing the same or similar type of work at the time notice to proceed is issued. SWI and the City of Prescott mutually agree that standard of care, as applied to design professionals, shall be defined as the ordinary and reasonable care required and established by expert testimony of what a reasonable and prudent professional would have done under the same or similar circumstances.

#### OPINIONS OF COST:

SWI has no control over the cost of labor, materials, equipment, or services furnished by others, or over Contractor's methods of determining prices, or other competitive bidding or market conditions, practices, or bidding strategies. Cost estimates are based on SWI's opinion based on experience and judgment. SWI cannot and does not guarantee that proposals, bids, or actual project construction costs will not vary from cost estimates prepared by SWI.

## END OF THE OLD NORTH RESERVOIR REPLACEMENT SCOPE OF SERVICES



**PRELIMINARY PROJECT SCHEDULE**

Prepared by: **Shephard Wessitzer, Inc.**  
**Old North Reservoir Replacement**  
 January 15, 2009  
 SWI Project Number 08405

Attachment to the SWI Scope of Services and Fee Proposal, Exhibit A, dated January 15, 2009

No.	TASK	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP 09 to MAR '10
1	Notice to Proceed and Kick Off Meeting - Design Workshop									
2	Data Collection - Survey, Geotech, Utilities									
3	Alternatives Analysis									
4	City of Prescott & CM@R Reviews, Comments, Coordination									
5	Prepare 30% Plans, Specifications & Cost Estimates									
6	Prepare 60% Plans, Specifications & Cost Estimates									
7	CM@R Guaranteed Maximum Price									
8	Prepare 90% Plans, Specifications & Cost Estimates									
9	ADEQ-YCES Submittals (up to 12 weeks)									
10	Prepare 100% Plans, Specifications & Cost Estimates									
11	Bid Phase Services if CM@R delivery method not used									
12	Construction Phase Services - September, 2009 to March 2010									

Note: This schedule includes an allowance for CM@R services concurrent with City reviews and assumes project NTP to SWI at the end of January

SWI Engineering  
 PROJECT NAME: Old North Reservoir Tank Replacement  
 DATE PREPARED: JAN. 15, 2009  
 SWI Project Number 08-405

No.	Contract Task/Phase	SWI STAFF HOURS										Total Man Hours	Total Labor Cost	Subtotals		
		EA Aldridge	EA Beckwith	EA Weisch	EA McCormack	CADD Drafter	Survey Manager	Surveyor	Genl	Equip (GPS)						
1	TASK 1 Project Planning															
2	Meetings															
3	Schedule, Team Organizational Chart, Preliminary Project Schedule, Contract	6	4	2												
4	Monthly Meetings - Attend, Conduct, Agenda and Minutes Preparation, Schedule U	6		6												
5	Data Collection															
6	Obtain Previous Construction Plans for Existing Site Improvements															
7	Obtain and Review Previous Water Models and Design Reports															
8	Field Verify Existing Maps															
9	Verify boundary ties from City Surveys and Deeds															
10	Verification of additional Private Easements - Title Report															
11	Conduct Topographic and Boundary Survey															
12	Survey Reduction and Preliminary Base Map Preparation															
13	Geotechnical Evaluation and Report/Recommendations															
14	Archaeological (NOT REQUIRED) - Phase 1 Environmental (OPTIONAL)															
15	Existing Tank Conditions Report (NOT NEEDED)															
16	Utility Company Maps and As-Builts - Pot Holes for Existing Utility Identification															
17	Field Review and Final Base Map Preparation															
18	QA/QC Reviews & Revisions															
19	Project Coordination															
20	Coordination with City Staff and Subconsultants - Attend RUCC Meeting															
21	Extending Conditions Report															
22	Draft Report															
23	QA/QC Reviews & Revisions															
24	Submit Final Existing Conditions Report															
25	Revise per Comments, Submit Final Report															
26	TASK 2 Alternatives Analysis															
27	Alternatives Analysis Report															
28	Alternatives Analysis															
29	Cost Benefit Analysis															
30	Preparation of Preliminary Report															
31	Report Revisions - QA/QC Reviews & Revisions															
32	Final Alternatives & Basis of Design Report and Recommendations															
33	Acceptance of Final Report by City and Authorization to Proceed with Design															
34	QA/QC Reviews & Revisions															
35	Project Coordination															
36	Coordination with City Staff and Subconsultants															
37	Preliminary Alternatives Analysis Report Review with City and Stanley															
38	Site Visit with City															
39	Alternatives Analysis 2nd Review with City and Stanley															
40	TASK 3 50% Plans															
41	Construction Plan Preparation															
42	Preparation of Schematic Water System Process Diagram and Elevations															
43	Site Geometrics Sheet/Layout of Facilities (Construction Control)															
44	Cover Sheet															
45	Storage Tank Site Construction Plans/Controls/SCADA															
46	Douglas Street Waterline Plan/Profile Sheet(s)															
47	Site Waterline Profiles															
48	Preliminary 30% Construction Cost Estimates															
49	QA/QC Reviews & Revisions															
50	Project Coordination															
51	Coordination with City Staff and Subconsultants - Attend RUCC Meeting															
52	30% Design Meeting with City and Authorization to Proceed to 50% Design															
53	Distribution of 30% Plans to Utility Companies - Attend RUCC Meeting															
54	Conduct Public Open House - Exhibits - Mailings															
55	Field Review															
56	30% Design Plans - Site Visit with City															
57	TASK 4 80% Plans															
58	Construction Plans															
59	Cover Sheet															
60	General Notes & Quantities															

SWI Engineering  
 PROJECT NAME: Old North Reservoir Tank Replacement  
 DATE PREPARED: JAN. 15, 2009  
 SWI Project Number: 08405

No.	Contract Task/Phase	SWI STAFF HOURS										Total Man Hours	Total Labor Cost	Subtotals		
		T/A Aldridge	T/A Beckwith	T/A Weitsch	EIT McCormick	CADD Drafter	Survey Manager	Surveyor	Clerical	Equip (GPS)						
61	Details															
62	Demolition, Removals & Survey Control Sheet															
63	Geometrics and Construction Survey Control Sheet															
64	Storage Tank Site Construction Plans/Controls/SCADA															
65	Douglas Street Waterline Plan/Profile Sheet(s)															
66	Traffic Control Plan															
67	SWPPP Plan and Detail Sheet(s)															
68	Drainage Report (None per City original scope) - Narrative Only															
69	Preparation of 80% Specifications/Special Provisions															
70	QA/QC Reviews & Revisions															
71	Project Coordination															
72	Coordination with City Staff and Subconsultants - Attend RUGC Meeting															
73	60% Design Meeting with City and Authorization to Proceed to 80% Design															
74	Distribution of 80% Plans to Utility Companies - Attend RUGC Meeting															
75	Field Review															
76	80% Design Plans - Site Visit with City															
77	TASK 6 90% Plans															
78	Construction Plans															
79	Cover Sheet															
80	General Notes & Quantities															
81	Details															
82	Demolition, Removals & Survey Control Sheet															
83	Geometrics and Construction Survey Control Sheet															
84	Storage Tank Site Construction Plans/Controls/SCADA															
85	Douglas Street Waterline Plan/Profile Sheet(s)															
86	Traffic Control Plan															
87	SWPPP Plan and Detail Sheet(s)															
88	Preparation of 90% Specifications/Special Provisions															
89	QA/QC Reviews & Revisions															
90	Project Coordination															
91	Coordination with City Staff and Subconsultants - Attend RUGC Meeting															
92	80% Design Meeting with City and Authorization to Proceed to 100% Design															
93	Distribution of 90% Plans to Utility Companies - Attend RUGC Meeting															
94	Submit to Washtenaw County/ADEG for Approval to Construct															
95	Field Review															
96	90% Design Plans - Site Visit with City															
97	TASK 7 100% Plans															
98	Construction Plans															
99	Cover Sheet															
100	General Notes & Quantities															
101	Details															
102	Demolition, Removals & Survey Control Sheet															
103	Geometrics and Construction Survey Control Sheet															
104	Storage Tank Site Construction Plans/Controls/SCADA															
105	Douglas Street Waterline Plan/Profile Sheet(s)															
106	Traffic Control Plan															
107	SWPPP Plan and Detail Sheet(s)															
108	Preparation of 100% Specifications/Special Provisions/Bid Schedule															
109	QA/QC Reviews & Revisions															
110	Project Coordination															
111	Coordination with City Staff and Subconsultants															
112	100% Design Meeting with City and Final Design Approval															
113	Distribution of 100% Plans to Utility Companies															
114	TASK 8 Bid & Construction Phase															
115	Bid Phase															
116	Attend Pre-Bid Conference															
117	Prepare Addenda															
118	Construction Phase															
119	Attend Pre-Construction Conference															
120	Respond to RFIs															

SWI Engineering  
 PROJECT NAME: Old North Reservoir Tank Replacement  
 DATE PREPARED: JAN. 15, 2009  
 SWI Project Number 06405

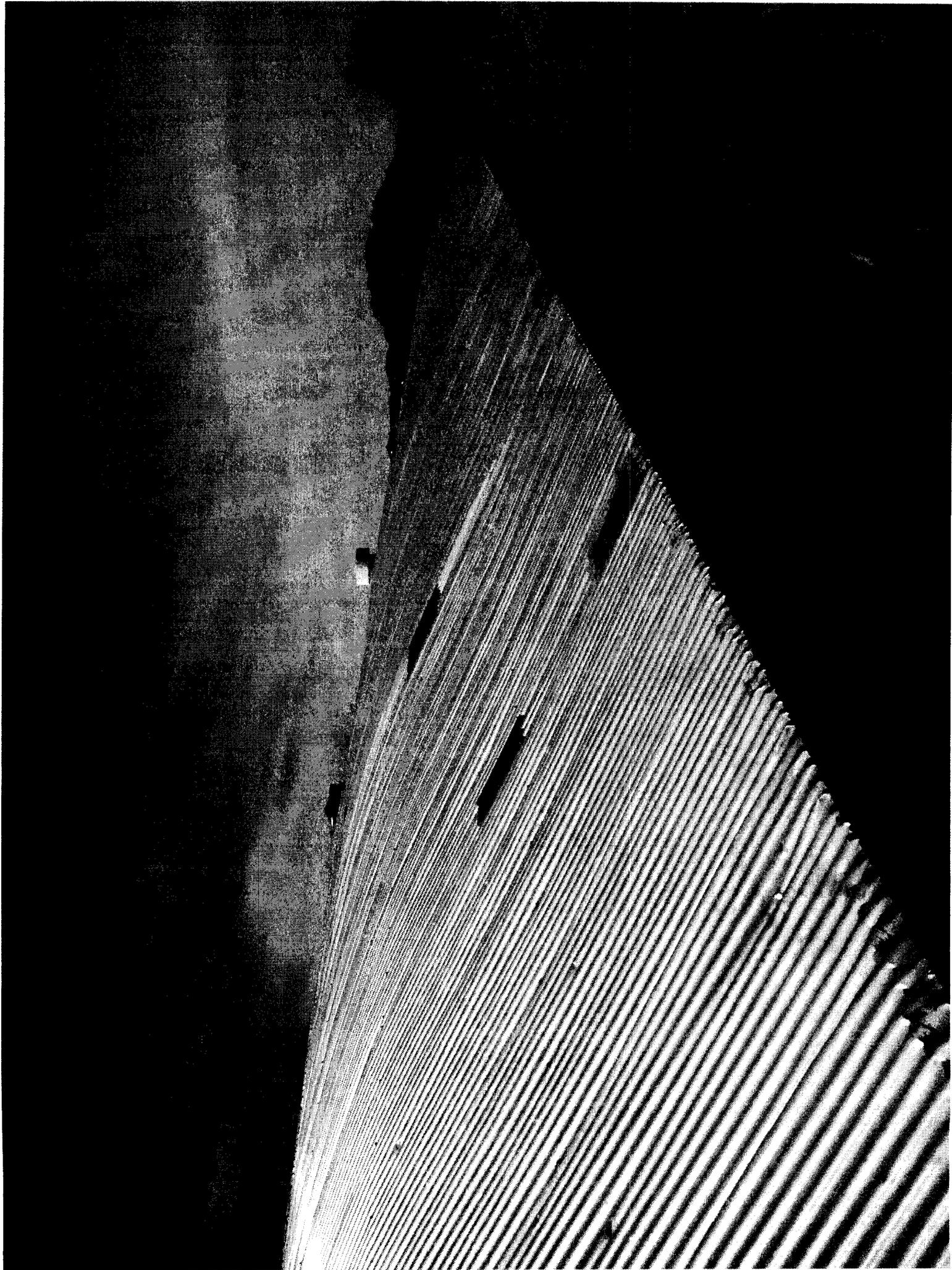
No.	Contract Task/Phase	SWI STAFF HOURS										Total Man Hours	Total Labor Cost	Subtotal	
		F-4 Aldridge	F-4 Beckwith	E-3 Welch	ETT McCormick	CADD Drafter	Survey Manager	Surveyor	Cenical	Equip (GPS)					
121	Prepare Record Drawings	2		4	4	273	246	394	59	44	20	22	34	\$ 3,120	\$ 6,660
		96	4	273	246	394	59	44	20	22			1158	\$ 119,975	\$ 119,975

**BASIC SERVICES SUMMARY**  
 TOTAL SWI LABOR HOURS  
 TOTAL SWI DIRECT LABOR FEES  
 SUBCONSULTANT FEES  
 STANLEY CONSULTANTS (TANK AND STRUCTURAL DESIGN)  
 NINYO & MOORE (GEOTECHNICAL & ENVIRONMENTAL)  
 DLTAV SYSTEMS ENGINEERING (ELECTRICAL/CONTROLS/SCADA)  
 NETWORK CABLING (UTILITY LOCATING)  
 TOTAL SUBCONSULTANT DIRECT LABOR FEES  
 SWI 10% MARKUP  
 TOTAL SUBCONSULTANT DIRECT LABOR FEES WITH 10% MARKUP  
 TOTAL PROJECT DIRECT LABOR FEES WITH 10% MARKUP  
 REIMBURSABLE EXPENSES ALLOWANCE (AT 3% OF DIRECT LABOR)  
 TOTAL FEE W/REIMBURSABLE EXPENSES ALLOWANCE AND NO OPTIONAL SUBCONSULTANT SERVICES

**PROJECT CONSTRUCTION BUDGET**  
 TANK (1.4 MG REPLACEMENT)  
 WATERLINE  
 TOTAL CONSTRUCTION BUDGET  
 BASIC SERVICES DIRECT LABOR DESIGN FEE AS A PERCENTAGE OF CONSTRUCTION BUDGET  
 12.42%

**OPTIONAL SERVICES (ALLOWANCE)**  
 BMA ARCHITECT'S LANDSCAPE ARCHITECTURE  
 KDA (PUBLIC RELATIONS)  
 NINYO & MOORE (PHASE 1 ENVIRONMENTAL REVIEW)  
 NINYO & MOORE (GASOLINE TANK STORAGE REMEDIATION)  
 TOTAL OPTIONAL SUBCONSULTANT DIRECT LABOR FEES  
 SWI 10% MARKUP  
 TOTAL SUBCONSULTANT DIRECT LABOR FEES WITH 10% MARKUP  
 TOTAL DIRECT LABOR WITH OPTIONAL SUBCONSULTANT SERVICES  
 REIMBURSABLE EXPENSES ALLOWANCE (3% OF DIRECT LABOR)  
 TOTAL FEE W/REIMBURSABLE EXPENSES AND OPTIONAL SUBCONSULTANT SERVICES  
 DIRECT LABOR DESIGN FEE W/OPTIONAL SERVICES AS A PERCENTAGE OF CONSTRUCTION BUDGET  
 14.71%

**CONSTRUCTION MANAGER AT RISK (OPTIONAL SERVICES (ALLOWANCE))**  
 FOR CM@R ADDITIONAL SERVICES - INCREASE TOTAL LABOR FEE BY 3%  
 (CM@R SCOPE OF SERVICES TO BE DETERMINED)  
 5% of \$342,624 \$ 17,131



M  
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M

<b>COUNCIL AGENDA MEMO – March 3 &amp; 10, 2009</b>	
<b>DEPARTMENT:</b> Public Works	
<b>AGENDA ITEM:</b> Assignment of Water Service Agreement WSA07-015 for Storm Ranch Middle Parcel to SLF III- AZ Storm Ranch, LLC	

<b>Approved By:</b>		<b>Date:</b>
<b>Department Head:</b> Mark Nietupski		
<b>Finance Director:</b> Mark Woodfill		
<b>City Manager:</b> Steve Norwood <i>[Signature]</i>		02/26/09

**Item Summary**

This item is to assign Water Service Agreement, WSA07-015 for the Storm Ranch Middle Parcel from the previous owner Community Southwest (CSW) to the new owner, SLF III- AZ Storm Ranch, LLC, (SLF).

**Background**

On December 16, 2008, City Council adopted Resolution No. 3924-0930, which approved an Assignment and Amendment of the Development Agreement for Storm Ranch from CSW to SLF. The action did not include Water Service Agreement WSA 07-015.

Counsel for SLF has requested, and the City Attorney has concurred, that Council formally take action to assign Water Service Agreement WSA07-015 from CSW to SLF. The re-assigned WSA provides for 227 residential lots which is the same as originally approved by Council on July 10, 2007 under Resolution No. 3827-0801.

**Attachments**

- Assignment of Agreement for Potable Water # WSA 07-015
- Resolution No. 3939-0945

<b>Recommended Action:</b> MOVE to adopt Resolution No. 3939-0945.
--

**RESOLUTION NO. 3939-0945**

**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 AGREEMENT FOR POTABLE WATER #WSA07-015, STORM RANCH MIDDLE PARCEL, WITH RHP INVESTMENTS, LLC, THEREBY ASSIGNING THE RIGHTS AND OBLIGATIONS UNDER THE EXISTING AGREEMENT TO SLF III – AZ STORM RANCH, LLC, AND AUTHORIZING THE MAYOR AND STAFF TO TAKE ANY AND ALL STEPS NECESSARY TO ACCOMPLISH THE ABOVE**

**RECITALS:**

WHEREAS, the City of Prescott and RHP Investments, LLC ("RHP") entered into a certain water service agreement more particularly described as Agreement for Potable Water #WSA07-015, Storm Ranch Middle Parcel ("WSA"), dated July 31, 2007; and

WHEREAS, thereafter, the Storm Ranch Development Agreement was assigned to CSW Prescott, L.L.C. ("CSW") who later terminated its purchase contract with RHP; and

WHEREAS, on December 16, 2008 City Council adopted resolution No. 3924-0930 which effectively authorized and approved the assignment of the Storm Ranch Development Agreement from CSW to SLF III – AZ Storm Ranch LLC ("SLF"); and

WHEREAS, SLF has purchased the property from RHP and now desires to be assigned and assume the WSA; and

WHEREAS, the WSA provides for 227 residential lots which is the same as originally approved by Council on July 10, 2007 under Resolution No. 3827-0801.

**ENACTMENTS:**

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

Section 1. THAT the City of Prescott hereby approves the Assignment of Agreement for Potable Water #WSA07-015, Storm Ranch Middle Parcel, to SLF III – AZ Storm Ranch, LLC, a copy of which is attached as Exhibit "A" hereto.

Section 2. THAT the Mayor and Staff are hereby authorized to execute the attached Assignment of Agreement for Potable Water #WSA07-015, Storm Ranch Middle Parcel, and to take any and all steps deemed necessary to accomplish the above.

PASSED AND ADOPTED by the Mayor and Council of the City of Prescott this 10th day of March, 2009.

\_\_\_\_\_  
JACK D. WILSON, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
ELIZABETH A. BURKE, City Clerk

\_\_\_\_\_  
GARY D. KIDD, City Attorney

When Recorded, Return To:

c/o Stratford Land Fund III, L.P.  
5949 Sherry Lane, Suite 1750  
Dallas, Texas 75225  
Attn: Matthew N. Hudnall, Esq.

**ASSIGNMENT OF AGREEMENT FOR POTABLE WATER #WSA07-015  
STORM RANCH MIDDLE PARCEL**

This ASSIGNMENT OF AGREEMENT FOR POTABLE WATER #WSA07-015 STORM RANCH MIDDLE PARCEL (this "Assignment") is executed and entered into effective as of January 22, 2009, by and between **RHP Investments, LLC**, an Arizona limited liability company ("Assignor"), and **SLF III - AZ Storm Ranch, LLC**, a Texas limited liability company ("Assignee").

RECITALS:

A. Assignor [which, due to a scrivener's error, was erroneously referred to as RHP Development, LLC] entered into the above-referenced Agreement for Potable Water #WSA07-015 Storm Ranch Middle Parcel ("Water Agreement"), dated July 31, 2007, with the City of Prescott, Arizona, covering certain real property located in Yavapai County, Arizona, commonly referred to as the Storm Ranch Middle Parcel (the "Property"), which Water Agreement was recorded on August 14, 2007, as Book 4531 of Official Records, Page 530, Yavapai County, Arizona.

B. Assignor, as Seller, and Assignee, as Buyer, are parties to that certain Purchase and Sale Contract dated effective as of November 17, 2008 (together with all exhibits attached thereto and as amended and assigned, the "Purchase Contract"), for the purchase and sale of the Property, the closing of which is occurring simultaneously herewith.

C. Pursuant to the Purchase Contract, Assignor, as Seller, agreed to execute an assignment of Seller's rights under the Water Agreement to Assignee, as Buyer

D. Accordingly, Assignor desires to assign, transfer, set over and convey to Assignee all of Assignor's rights, titles, powers, privileges, benefits and interests in, to and under the Water Agreement, and Assignee desires to obtain such assignment and to acquire and assume Assignor's rights, titles, powers, privileges, benefits, interests, obligations and liabilities in, to and under the Water Agreement, upon the terms and conditions hereinafter provided.

AGREEMENTS:

NOW, THEREFORE, for and in consideration of the premises and the mutual covenants set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and confessed, Assignor and Assignee hereby agree as follows:

1. Assignment. Assignor does hereby ASSIGN, TRANSFER, SET OVER, CONVEY and DELIVER unto Assignee, its successors and assigns, all of the rights, titles, powers, privileges, benefits and interests of Assignor in, to and under the Water Agreement.

2. Assumption. Assignee hereby accepts the assignment of Assignor's rights, titles, powers, privileges, benefits and interests in, to and under the Water Agreement, and, by acceptance hereof, Assignee hereby assumes, from and after the date hereof, all obligations, liabilities, duties and responsibilities of Assignor under the Water Agreement arising from and after the date hereof, to the same extent as if Assignee had originally been named as Applicant in the Water Agreement.

3. Binding Effect. This Assignment is binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns. This Assignment has been entered into by Assignor and Assignee solely for their benefit, and the benefit of their respective successors and assigns, and not for the benefit of any other persons not a party to this Assignment. No person shall be entitled to the benefits of any covenant, indemnification or other agreement made herein, whether as a third party beneficiary or otherwise, except to the extent expressly provided in this Assignment.

4. Counterparts. This Assignment may be executed in any number of counterparts, each of which shall be deemed an original for all purposes, and all such counterparts together shall constitute one and the same instrument. In making proof of this Assignment, it shall not be necessary to produce or account for more than one such counterpart.

EXECUTED as of the date first above written.

**ASSIGNOR:**

RHP INVESTMENTS, LLC,  
an Arizona limited liability company

By: *Douglas P. Patterson*  
Its: *Manager*

STATE OF ARIZONA     )  
                                  )    SS  
COUNTY OF Maricopa

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of January, 2009, by Douglas P. Patterson, the Manager of RHP Investments, LLC, an Arizona limited liability company, on behalf of the company.

*Yvette L. Sheets*  
Notary Public

My Commission Expires:

*Aug 7, 2012*

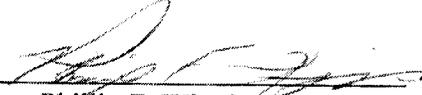


**ASSIGNEE:**

SLF III – AZ STORM RANCH, LLC,  
a Texas limited liability company

By: Stratford Land Fund III, L.P.,  
a Delaware limited partnership,  
its sole member

By: Stratford Fund III GP, LLC,  
a Texas limited liability company,  
its general partner

By:   
Name: Phillip F. Wiggins  
Title: Manager

**Address for Notices:**

c/o c/o Stratford Land Fund III, L.P.  
5949 Sherry Lane, Suite 1750  
Dallas, Texas 75225

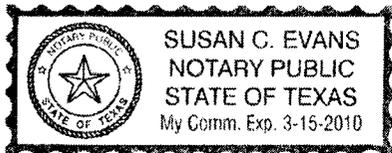
STATE OF TEXAS            )  
  )    ss  
COUNTY OF DALLAS        )

The foregoing instrument was acknowledged before me this 24<sup>th</sup> day of January, 2009, by Phillip F. Wiggins, the Manager of Stratford Fund III GP, LLC, a Texas limited liability company, general partner of Stratford Land Fund III, L.P., a Delaware limited partnership, sole member of SLF III – AZ STORM RANCH, LLC, a Texas limited liability company, on behalf of said limited liability company.

  
\_\_\_\_\_  
Notary Public

My Commission Expires:

3-15-2010



**ACKNOWLEDGED AND APPROVED BY:**

**CITY OF PRESCOTT**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Name: \_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Name: \_\_\_\_\_  
City Attorney

STATE OF ARIZONA     )  
  )   ss  
COUNTY OF YAVAPAI   )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of January, 2009, by \_\_\_\_\_, the \_\_\_\_\_ of the City of Prescott, on behalf of said City.

\_\_\_\_\_  
Notary Public

My Commission Expires:  
\_\_\_\_\_

<b>COUNCIL AGENDA MEMO – 3/3/09 &amp; 3/10/09</b>
<b>DEPARTMENT:</b> COMMUNITY DEVELOPMENT
<b>AGENDA ITEM:</b> Final Plat for Mystic Hills-A Planned Area Development (FP08-007) consisting of 4 lots on ±5.54 acres located west of Downer Trail and south of Iron Springs Road. Applicant/Owner: Bryan Tucker, 6110 W. Wilkinson Drive, Prescott, AZ 86301 (APN: 115-10-026A; Zoning: SF-35)

**Approved By:**

<b>Department Head:</b> Tom Guice	
<b>Finance Director:</b>	
<b>City Manager:</b> Steve Norwood <i>SNorwood</i>	<i>02/24/09</i>

**REQUEST. Final Plat of Mystic Hills-A Planned Area Development (FP08-007) for 4 lots located on ±5.54 acres with open space easements on each lot comprising a total of ±1.42 acres or 25.6% of the total parcel. Building envelopes are provided for compliance to Hillside Development Standards.**

**Project Information**

Number of units:	4	Parcel size:	±5.54 acres
Min. lot size:	1.03 acres	Max. lot size:	1.5 acres
Proposed Density:	1.3 DUA	Open Space:	±1.42 acres 25.6%

**Prior Council Actions:** Council approved the preliminary plat (SP07-002) in August 2007 along with an associated Water Agreement for 1.4 acre feet.

**STAFF ANALYSIS**

**Access.** This proposed Mystic Hills Final Plat links the 2 adjoining subdivisions of Enchanted Canyon (to the west) and The Preserve at Prescott (proposed to the east) with Ridgewood Drive (a private street). Ridgewood Drive is a private, 28-foot wide street with rolled curb with sidewalk on one side, and is dedicated for common use by the property owners of these 3 subdivision homeowner's associations. It connects to Sierry Peaks Drive to the south and Downer Trail on the east. Ridgewood will also have gated controlled access at Enchanted Canyon's entrance on the south, and at the Preserve at Prescott's Jasmine Street and Rockwood Drive intersections with Downer Trail.

**Building Envelopes.** The applicant has submitted building envelopes which designates the non-disturbable areas for development. These envelopes are on file with the Community Development Department. A note has been added to the plat advising potential property owners of the Hillside Requirements of the Subdivision Code.

**Archeological Report.** A Class III report was submitted. No archaeological resources will be affected by the proposed project.

**Agenda Item: FP-08-007--Final Plat for Mystic Hills--A Planned Area Development**

**Open Space.** The open space easement meets the Land Development Code requirement of 25% minimum open space in a Planned Area Development.

**Trails.** No trails are proposed or required. The Enchanted Canyon Trail public easement is located within its open space which adjoins the Mystic Hills subdivision on the north.

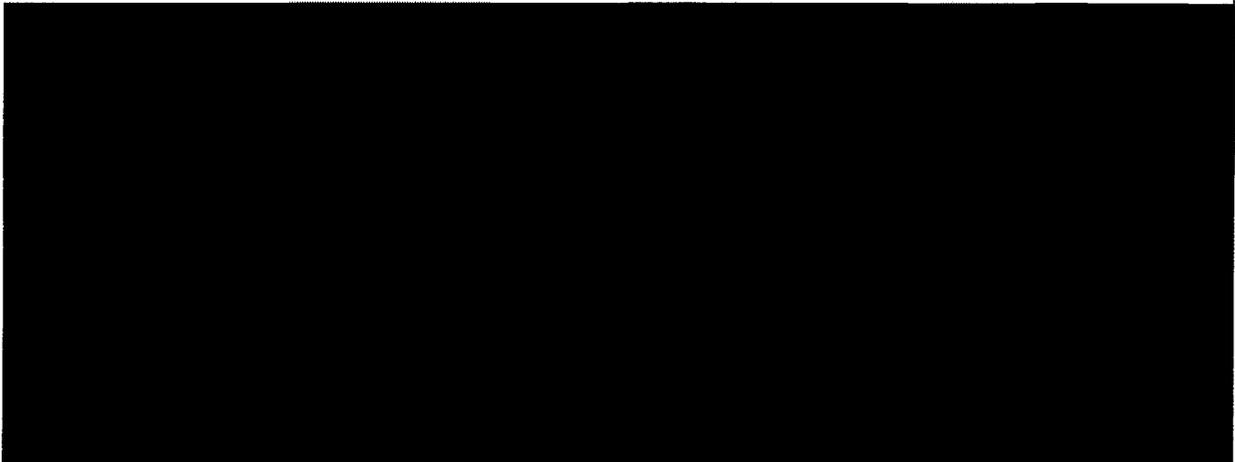
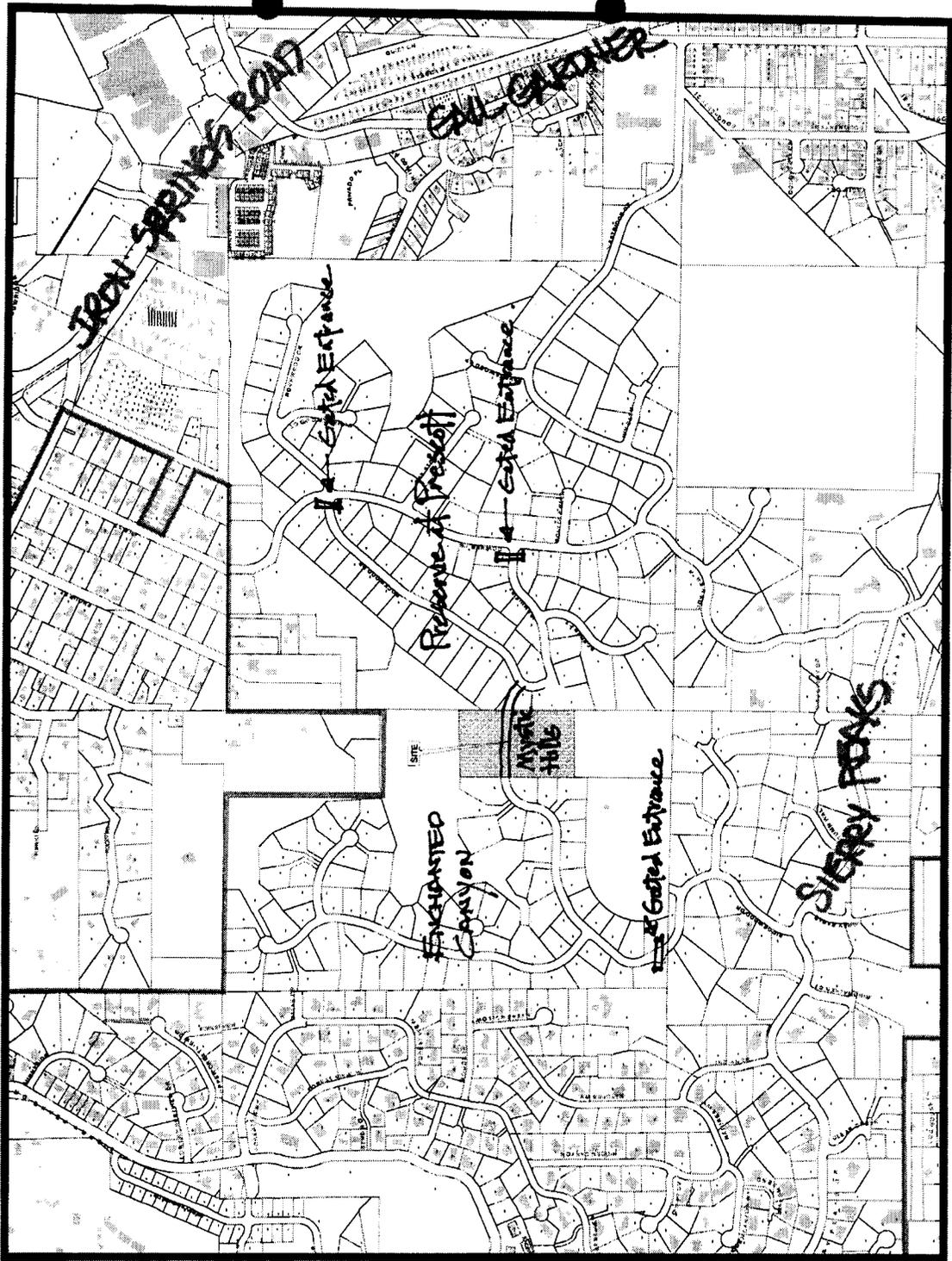
**Setbacks.** Setbacks will be the standard SF-35 setbacks of 30-ft front yard and rear yards and 12-ft side yards.

**STAFF RECOMMENDATION:**

Staff recommends approval of the Final Plat with the following Condition of Approval:

1. Prior to the Recordation of the Final Plat, revised Building Envelopes are to be submitted and approved by the Community Development Department which reflect the "No Build Area" of the drainage channels on Lots 2, 3 and 4.

**SUGGESTED MOTION: MOVE** to approve Final Plat for Mystic Hills--A Planned Area Development – FP-8-007, subject to the condition that prior to recordation of the Final Plat, revised Building Envelopes are to be submitted and approved by the Community Development Department which reflect the "No Build Area" of the drainage channels on Lots, 2, 3 and 4.



**FINAL PLAT**  
**MYSTIC HILLS**  
**A PLANNED AREA DEVELOPMENT**

ASSESSOR'S PARCEL NO. 115-10-028A  
 A PORTION OF SECTION 34, T10N, R10E, S4E, J48, AZONA  
 CITY OF PHOENIX, ARIZONA  
 4 LOTS ON 3.34 ACRES

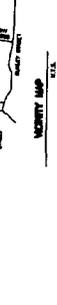
**OWNER:**  
 BRYAN TRACY  
 1150 W. WILSON AVENUE  
 PHOENIX, AZ 85015  
 PH: (602) 771-1320  
 FX: (602) 771-1320

**LAND SURVEYOR:**  
 TERRY L. WILSON, INC.  
 1150 W. WILSON AVENUE  
 PHOENIX, AZ 85015  
 PH: (602) 771-1320  
 FX: (602) 771-1320

**LAND USE AREAS:**  
 ZONING: R-15  
 PREVIOUS ZONING: R-15  
 TOTAL: 3.34 ACRES  
 OPEN SPACE DESIGN: 1.41 ACRES-34.8%

**UTILITIES:**  
 WATER: CITY OF PHOENIX  
 SEWER: CITY OF PHOENIX  
 GAS: CITY OF PHOENIX  
 ELECTRIC: ARIZONA ELECTRIC POWER AND LIGHT COMPANY  
 CABLE TELEVISION: SPECTRUM ENERGY SERVICES

**SETBACKS:**  
 THIS SUBDIVISION IS SUBJECT TO THE CITY OF PHOENIX PLANNED AREA DEVELOPMENT REGULATIONS. THE CITY OF PHOENIX PLANNED AREA DEVELOPMENT REGULATIONS REQUIRE THE FOLLOWING SETBACKS:  
 FRONT: 10 FEET  
 REAR: 10 FEET  
 SIDE: 10 FEET  
 CORNER: 10 FEET



LINE	LENGTH	BEARING
1	100.00	S 89° 59' 59" W
2	100.00	S 00° 00' 00" E
3	100.00	S 89° 59' 59" W
4	100.00	S 00° 00' 00" E
5	100.00	S 89° 59' 59" W
6	100.00	S 00° 00' 00" E
7	100.00	S 89° 59' 59" W
8	100.00	S 00° 00' 00" E
9	100.00	S 89° 59' 59" W
10	100.00	S 00° 00' 00" E

**CONTRIBUTION:**  
 THE SUBDIVISION IS SUBJECT TO THE CITY OF PHOENIX PLANNED AREA DEVELOPMENT REGULATIONS. THE CITY OF PHOENIX PLANNED AREA DEVELOPMENT REGULATIONS REQUIRE THE FOLLOWING CONTRIBUTIONS:  
 OPEN SPACE: 1.41 ACRES-34.8%  
 PARKING: 10 SPACES  
 LANDSCAPING: 100 SQUARE FEET

**APPROVALS:**  
 ACCEPTANCE CERTIFICATE  
 CITY ZONING CERTIFICATE  
 PUBLIC WORKS CERTIFICATE  
 PERMITS FOR PLANS  
 DRAINAGE FACILITIES REQUIREMENTS

**LEGEND:**  
 1. LOT 1  
 2. LOT 2  
 3. LOT 3  
 4. LOT 4

**BOOK** \_\_\_\_\_ **PAGE** \_\_\_\_\_  
**MAPS AND PLATS**

**APPROVALS:**  
 ACCEPTANCE CERTIFICATE  
 CITY ZONING CERTIFICATE  
 PUBLIC WORKS CERTIFICATE  
 PERMITS FOR PLANS  
 DRAINAGE FACILITIES REQUIREMENTS

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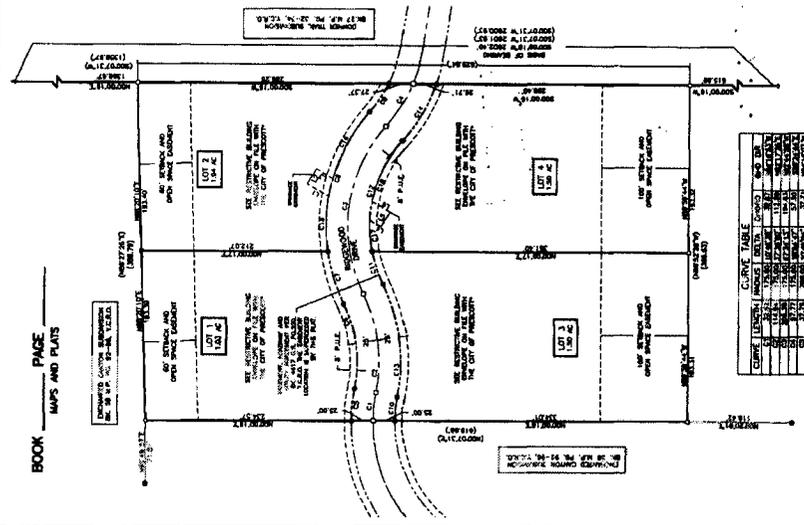
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**GRADE TABLE**

LINE	LENGTH	BEARING	GRADE
1	100.00	S 89° 59' 59" W	100.00
2	100.00	S 00° 00' 00" E	100.00
3	100.00	S 89° 59' 59" W	100.00
4	100.00	S 00° 00' 00" E	100.00
5	100.00	S 89° 59' 59" W	100.00
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10	100.00	S 00° 00' 00" E	100.00

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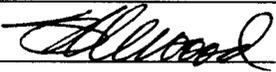
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 DRAINAGE FACILITIES REQUIREMENTS

<b>COUNCIL AGENDA MEMO – March 3rd &amp; 10th, 2009</b>
<b>DEPARTMENT:</b> Community Development
<b>AGENDA ITEM:</b> Revision of Plat for Lot 3 Prescott Lakes Commerce Center, Creating Four Office and Six Warehouse Condominiums (Existing Structures).

<b>Approved By:</b>	<b>Date:</b>
<b>Department Head:</b> Tom Guice	
<b>Finance Director:</b>	
<b>City Manager:</b> Steve Norwood 	02/25/09

This application seeks approval of a replat of Lot 3 of the Prescott Lakes Commerce Center to create The Prescott Lakes Commerce Center Condominiums including 4 office units and 6 warehouse units. This is a subdivision of existing structures. Construction of the buildings was completed in 2006.

This property is zoned Industrial Transition (IT). The project as constructed meets Land Development Code (LDC) requirements.

Plans for this development were provided to the City Departments. Comments were received from the City's Utility Department directing the applicant to add language to the plat and to the CC&R's describing the responsibilities of the property owners for the operation and maintenance of their private water and sewer system. This requirement is due to the fact that the separate units do not have individual services and or meters. The appropriate language has been provided.

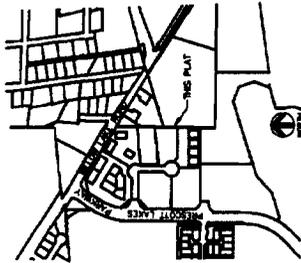
**PLANNING COMMISSION RECOMMENDATION**

The Planning Commission reviewed this plat on 1/29/09. The Commission concluded its review with a vote (6:0) recommending approval of the plat.

<b>Recommended Action:</b> MOVE to approve the Revision of Plat, Creating the Prescott Lakes Commerce Center Condominiums.
--

**FIRST REVISION OF PLAT**  
**LOT 3, PRESCOTT LAKES**  
**COMMERCE CENTER CONDOMINIUMS**

A SUBDIVISION OF LOT 3 AS SHOWN ON THE FINAL SUBDIVISION MAP FOR PRESCOTT LAKES COMMERCE CENTER RECORDED IN BOOK 44 MAPS & PLATS, PAGE 58, Y.C.R.O. LOCATED IN A PORTION OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 36 NORTH, RANGE 12 EAST, GILA AND SALT RIVER BASE AND MERIDIAN, YAVAPAI COUNTY, ARIZONA CONTAINING 1.15 ACRES, MORE OR LESS



VICINITY MAP  
NORTH

APPROVED BY THE MAYOR AND THE COUNCIL OF THE CITY OF PRESCOTT, ARIZONA, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008.

CITY CLERK \_\_\_\_\_

APPROVED BY THE CITY OF PRESCOTT ENGINEERING DEPARTMENT, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008.

CITY ENGINEER \_\_\_\_\_

APPROVED BY THE CITY OF PRESCOTT COMMUNITY DEVELOPMENT DEPARTMENT, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008.

COMMUNITY DEVELOPMENT DIRECTOR \_\_\_\_\_

**NOTES**

1. ALL CONTRACTS FOR THE CONSTRUCTION OF THE PROJECT SHALL BE SUBJECT TO THE CITY OF PRESCOTT'S STANDARD CONTRACTS FOR THE CONSTRUCTION OF THE PROJECT. THE CITY OF PRESCOTT'S STANDARD CONTRACTS FOR THE CONSTRUCTION OF THE PROJECT SHALL BE SUBJECT TO THE CITY OF PRESCOTT'S STANDARD CONTRACTS FOR THE CONSTRUCTION OF THE PROJECT.
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**PLAT NOTES**

- 1) ALL DISTANCES SHOWN HAVE A TOLERANCE OF ONE OR MORE DECIMALS.
- 2) HORIZONTAL, VERTICAL, AREA, AND VOLUME CALCULATIONS ARE BASED ON THE DATA PROVIDED.
- 3) ALL AREAS OUTSIDE "LOT" BOUNDARIES = TRACT A COMMON AREA.

<b>YAVAPAI COUNTY RECORDER</b> FILED AND RECORDED AS REQUESTED BY	
<b>LS First Editions</b> 2025 CONGRESS DRIVE PHOENIX, ARIZONA 85016 (602) 998-7766	DATE: 8-11-08 DRAWN BY: JEB JOB NO: 2311-S SHEET 1 OF 2

**CERTIFICATION**  
I, \_\_\_\_\_, COUNTY CLERK OF YAVAPAI COUNTY, ARIZONA, DO HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT COPY OF THE ORIGINAL RECORD AS FILED IN MY OFFICE ON THIS DATE.



EXEMPT 6/20/10

**OPERATION, MAINTENANCE AND REPAIR OF COMMON ELEMENTS AND UNITS**

1. The Association shall be responsible for the operation, maintenance and repair of the common elements and units of the project. The Association shall be responsible for the operation, maintenance and repair of the common elements and units of the project.
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5. The Association shall be responsible for the operation, maintenance and repair of the common elements and units of the project. The Association shall be responsible for the operation, maintenance and repair of the common elements and units of the project.

**DECLARATION**

I, \_\_\_\_\_, COUNTY CLERK OF YAVAPAI COUNTY, ARIZONA, DO HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT COPY OF THE ORIGINAL RECORD AS FILED IN MY OFFICE ON THIS DATE.

**ACKNOWLEDGEMENT**

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008, \_\_\_\_\_, COUNTY CLERK OF YAVAPAI COUNTY, ARIZONA, DO HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT COPY OF THE ORIGINAL RECORD AS FILED IN MY OFFICE ON THIS DATE.

**RATIFICATION STATEMENT**

I, \_\_\_\_\_, COUNTY CLERK OF YAVAPAI COUNTY, ARIZONA, DO HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT COPY OF THE ORIGINAL RECORD AS FILED IN MY OFFICE ON THIS DATE.

**COMPLIANCE**

I, \_\_\_\_\_, COUNTY CLERK OF YAVAPAI COUNTY, ARIZONA, DO HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT COPY OF THE ORIGINAL RECORD AS FILED IN MY OFFICE ON THIS DATE.

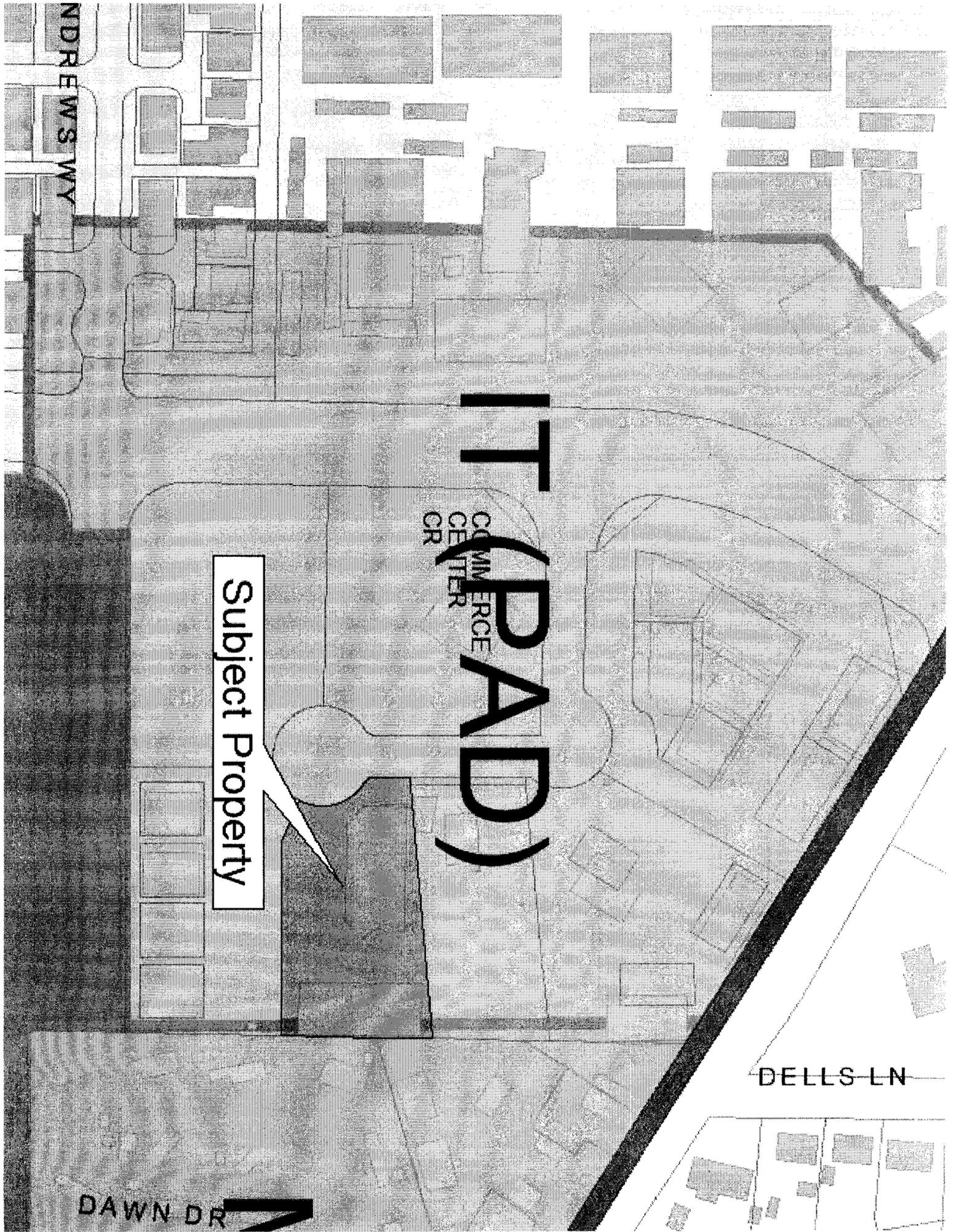
**COMPLIANCE**

I, \_\_\_\_\_, COUNTY CLERK OF YAVAPAI COUNTY, ARIZONA, DO HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT COPY OF THE ORIGINAL RECORD AS FILED IN MY OFFICE ON THIS DATE.

**COMPLIANCE**

I, \_\_\_\_\_, COUNTY CLERK OF YAVAPAI COUNTY, ARIZONA, DO HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT COPY OF THE ORIGINAL RECORD AS FILED IN MY OFFICE ON THIS DATE.





COMMERCIAL CENTER CR  
(PAD)

Subject Property

ANDREWS WY

DELLS LN

DAWN DR

<b>COUNCIL AGENDA MEMO – March 3, 2009</b>	
<b>DEPARTMENT:</b>	City Manager
<b>AGENDA ITEM:</b>	Water Conservation Program changes and initiatives

<b>Approved By:</b>		<b>Date:</b>
<b>Deputy City Manager:</b>	Craig V. McConnell <i>Craig McConnell</i>	2-26-09
<b>Finance Director:</b>	Mark Woodfill	
<b>City Manager:</b>	Steve Norwood <i>SNorwood</i>	02/26/09

**Background**

In November 2008 the Water Conservation/Safe Yield Committee (the Committee) presented five recommendations to Council for changes to the Water Conservation Program. Council subsequently referred them to staff for review:

1. Revisions to the Water Conservation Incentive Program
2. Initiating a Volunteer Program for water conservation
3. Converting City landscapes and facilities into models for water conservation
4. Reducing current water consumption to achieve a lower target level (number of gallons per capita per day)
5. Changing the City's current water management policy to require allocation of a specific quantity of water for each new nonresidential project

The first three are addressed herein. The other two are more complex, and will be brought forward later in conjunction with formulation of a long-term water management policy anticipated to begin once the Arizona Department of Water Resources issues its final determination on the City's Assured Water Supply designation application.

**Revisions to the Water Conservation Incentive Program**

The Committee analyzed the current incentive program structure and return on investment for the City (the amount of water savings per dollar of incentive). Two incentives are proposed to be removed from the program: (1) hot water recirculating pumps; and (2) water efficient washing machines. The hot water recirculating pumps have shown a low return on the City's investment, and are now required by code in all new residential construction. Similarly, all new washing machines are subject to a minimum industry standard for efficient water use, and the incentive is not needed.

The Committee is also recommending increasing the incentive for dual flush toilets from \$130 to \$150 to reflect the proportionate water savings these toilets demonstrate, and establishing three new incentives: \$150 for high efficiency toilets (1.28 gallons or less per flush); \$100 for a landscape audit performed by a certified auditor; and rainwater harvesting cisterns at the rate of \$0.10/gallon of storage, with a 500 gallon minimum and a \$500 maximum incentive. The attached ordinance incorporates these proposals.

### **Volunteer Program for Water Conservation**

The Committee developed a template for a volunteer program to assist the City's full-time Water Conservation Coordinator by performing residential water audits, contributing technical assistance for installing water saving devices in nonresidential applications, enhancing public outreach and education, and providing overall program support. The recommended scope is broad, and should prove popular with customers.

To effectively administer this potentially large effort, submission of an application to the AmeriCorps VISTA Program has been proposed. City financial support of \$10,500 per year would be required, for which VISTA would provide volunteer coordination services 40 hours per week for the aforementioned items, as well as a public education campaign focusing on backwater valves for customer sewer lines, and their importance in preventing backups. Many structures in older neighborhoods do not have these valves, which can often be installed at very reasonable cost; and owners will be pleased to learn of the cost-effective protection they afford.

The \$10,500 for the VISTA agreement will be presented as a decision package for FY 2010 consideration, with the Water and Wastewater Funds defraying the cost.

### **Retrofit/Landscape Projects in City Facilities and Rights-of-Way**

The current (FY 2009) budget includes \$50,000 for projects to improve water efficiency at City facilities. The Committee has proposed three implementing projects. The first is an interior retrofit of plumbing fixtures at the Grace Sparks Activity Center. This project consists of replacing 11 existing toilets with high efficiency units, and replacing and maintaining aerators in all lavatory fixtures, saving an estimated 56,000 gallons per year. Due to renovations underway at the facility, City forces have already begun the installations.

The second project consists of turf removal and WaterSmart landscaping in the public right-of-way in front of Miller Valley Elementary School. Approximately 50% of the turf would be removed and replaced with low water use landscaping, resulting in estimated water savings of one acre-foot (325,800 gallons). The removal and landscaping would be accomplished cooperatively by the City's Parks & Recreation Department and the Prescott Unified School District.

The third project is installation of WaterSmart landscaping at Memorial Park, located at the Sheldon/E. Gurley intersection. The Committee proposal for this area was to reduce or eliminate turf and utilize xeriscape principles to incorporate native vegetation into the landscape, saving about 600,000 gallons of water per year. Because several local professionals have expressed interest in the project, a competition is proposed with modest compensation. Entries would be reviewed by a panel consisting of water conservation and landscape industry representatives, and their recommendation brought to Council for approval.

**Agenda Item: Water Conservation Program changes and initiatives**

It has been estimated that the \$50,000 investment in these three projects would save nearly 3 acre-feet of water per year, and reduce annual operational costs by \$8,600.

**Budget**

The amount of \$50,000 has been budgeted in the current fiscal year (FY 2009), and is available as a one-time sum for the three water use reduction projects outlined above.

The \$10,500 of City support required to implement the Volunteer Program is not budgeted, and as mentioned above will be submitted for FY 2010 budget consideration.

- Attachments**
- (1) Ordinance No. \_\_\_\_ amending the City of Prescott Water Conservation Incentive Program
  - (2) Redline version of proposed Ordinance No. \_\_\_\_ indicating changes to Incentive Program ordinance previously adopted and incorporated into current City Code (for reference)

**Recommended Action: MOVE to:**

- (1) approve Ordinance No. \_\_\_\_\_ amending the City of Prescott Water Conservation Incentive Program
- (2) consider implementation of the Volunteer Program for water conservation, subject to FY 2010 budget approval for VISTA coordination services
- (3) authorize use of budgeted water reduction demonstration project funding for the retrofit of plumbing fixtures at the Grace Sparks Activity Center, and landscape modifications within the public right-of-way at Miller Valley Elementary School
- (4) authorize solicitation of proposals for implementation of WaterSmart landscaping of Memorial Park as a design competition

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AMENDING TITLE III, CHAPTER 10 OF THE PRESCOTT CITY CODE BY REVISING SECTION "8" THERETO ENTITLED "INCENTIVE PROGRAM"

WHEREAS, the Mayor of the City of Prescott has appointed a Water Conservation/Safe Yield Committee, which Committee, inter alia, was directed to recommend to the City Council revisions to the City's Incentive Program as a part of its Water Conservation Code; and

WHEREAS, the Mayor's Water Conservation/Safe Yield Committee has recommended that the City Council revise its adopted incentive program, as more particularly set forth herein.

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

SECTION 1. THAT Title III, Chapter 10 of the Prescott City Code entitled "Building Regulations; Water Conservation Code" is hereby amended by revising Section 8 hereto, to read as follows:

**3-10-8: INCENTIVE PROGRAM**

- (A) Purpose: to encourage residents and businesses to conserve water with financial incentives (rebates) for retrofitting existing, wasteful water-use devices and high water-use landscaping with more efficient ones. This section applies to the purchase and installation after March 30, 2006 of devices to retrofit plumbing fixtures installed in buildings built prior to January 1, 1993, the removal of high water consuming landscaping which existed on or before March 30, 2006, and irrigation audit services and rainwater cisterns conducted or purchased after December 30, 2008, within those areas of the City served City of Prescott water.
- (B) All incentive awards are subject to the submittal of complete applications and determination of eligibility and qualifications by the City. Applications will be accepted only from the current property owner(s) of record.
- (C) The incentive program is provided on a first come, first served basis, subject to the availability of budgeted funding; applicants are responsible for determining that funds are available for incentive awards prior to submittal of their application, which information can be obtained by contacting the Water Conservation Coordinator or other person designated by the City of Prescott Public Works Director. No applicant shall be entitled to more than one-half (1/2) of the monies available for this program at any time during a fiscal year.
- (D) Incentive awards will be credited on water bills of affected properties within three billing cycles after approval.

- (E) The Water Conservation Coordinator and Water Conservation/Safe Yield Committee will from time to time review the incentive program, and may recommend changes to the City Council.
- (F) Incentives shall be administered by the Water Conservation Coordinator or other person designated by the City of Prescott City Manager, in accordance with the following Incentive Awards List and qualifying criteria:

#### **INCENTIVE AWARDS LIST**

<b>Water Efficiency Improvement Incentive (unless otherwise indicated, each item is a one-time award for the property, fixture, or equipment, as applicable and determined by the City)</b>	<b>Maximum Award Per Incentive</b>
Landscape conversion to automatic drip systems <sup>1</sup>	\$ 150
Landscape irrigation audits by Certified Auditors <sup>2</sup>	\$ 100
Rainwater cisterns <sup>3</sup> 500 gallon minimum storage/\$500 maximum	\$ 0.10 per gallon of storage
Turf removal on-site, and in adjacent right-of-way with City permit (\$0.50 per sq.ft.) <sup>2</sup>	\$ 800 Residential \$ 2,000 Non-Residential
Low-flow Toilets-2 unit maximum per residential application (replacement toilets not to exceed 1.6 gal. per flush)	\$ 100
Dual flush 0.8/1.6 gpf and high efficiency 1.28 gpf toilets	\$ 150
Commercial Urinals (not to exceed 1 gpf)	\$ 100
Commercial Urinals (no flush design or technology)	\$ 125
Leak Repairs (\$50 maximum benefit per property)	\$ 20
Showerheads (not to exceed 2.4 gal. per minute)	\$ 10
WaterSmart Kit	\$ 10

#### **<sup>1</sup>Landscape Conversion to Automatic Drip Systems**

Incentive award pays up to \$150 to upgrade the landscape irrigation system. In order for the system to be eligible for incentive award, the system when completed must include all three of the following components: automatic timer, backflow prevention device (permit required), and drip irrigation system. The incentive award may represent the addition of one, two or all three of the required components, but will always require a backflow prevention device (permit required).

**<sup>2</sup>Landscape Irrigation Audits by Certified Auditors**

Incentive award requires applicant contact the conservation office for guidelines prior to irrigation audit being conducted. A complete irrigation audit application must include a complete and certified landscape irrigation worksheet reviewed and signed by the applicant and a copy of the paid invoice signed and dated by an approved and certified landscape irrigation auditor.

**<sup>3</sup>Rainwater Cisterns**

Incentive requires the installation of a minimum 500-gallon capacity rainwater catchment tank or cistern. Rainwater storage systems shall not be allowed to interconnect to the City's potable water system. Applicants must contact the conservation office for guidelines prior to installation of the system. Maximum incentive awarded is \$500.00.

**<sup>4</sup>Turf Removal**

Incentive award requires conversion from turf to water saving landscaping, and if irrigated, installation of an automatic water timer, backflow prevention device and drip or similar system. Applicants must contact conservation office for guidelines prior to removal of turf. Minimum turf removal areas are 100 square feet for residential and 500 square feet for Non-Residential.

- (G) Incentive awards given pursuant to this Section shall not exceed the actual cost incurred by the applicant for the water efficiency improvements for which an incentive award application is made.

PASSED AND ADOPTED by the Mayor and Council of the City of Prescott, Arizona on this \_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
JACK D. WILSON, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
ELIZABETH A. BURKE, City Clerk

\_\_\_\_\_  
GARY KIDD, City Attorney

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AMENDING TITLE III, CHAPTER 10 OF THE PRESCOTT CITY CODE BY ~~ADDING~~ REVISING A NEW SECTION "8" THERETO ENTITLED "INCENTIVE PROGRAM"

WHEREAS, the Mayor of the City of Prescott has appointed a Water Conservation/Safe Yield Committee, which Committee, inter alia, was directed to recommend to the City Council revisions to the City's Incentive Program as a part of its Water Conservation Code; and

WHEREAS, the Mayor's Water Conservation/Safe Yield Committee has recommended that the City Council ~~adopt a revised~~ revise its adopted incentive program, as more particularly set forth herein.

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**3-10-8: INCENTIVE PROGRAM**

- (A) Purpose: to encourage residents and businesses to conserve water with financial incentives (rebates) for retrofitting existing, wasteful water-use devices and high water-use landscaping with more efficient ones. This section applies to the purchase and installation after March 30, 2006 of devices to retrofit plumbing fixtures installed in buildings built prior to January 1, 1993, the removal of high water consuming landscaping which existed on or before March 30, 2006, and irrigation audit services and rainwater cisterns conducted or purchased after December 30, 2008, ~~and hot water circulating systems/hot water point of demand systems and water efficient washing machines purchased after March 30, 2006,~~ within those areas of the City served City of Prescott water.
- (B) All incentive awards are subject to the submittal of complete applications and determination of eligibility and qualifications by the City. ~~Applications will be accepted only from the current property owner(s) of record.~~
- (C) The incentive program is provided on a first come, first served basis, subject to the availability of budgeted funding; applicants are responsible for determining that funds are available for incentive awards prior to submittal of their application, which information can be obtained by contacting the Water Conservation Coordinator or other person designated by the City of Prescott Public Works Director. No applicant shall be entitled to more than one-half (1/2) of the monies available for this program at any time during a fiscal year.

- (D) Incentive awards will be credited on water bills of affected properties within three billing cycles after approval.
- (E) The Water Conservation Coordinator and Water Conservation/Safe Yield Committee will from time to time review the incentive program, and may recommend changes to the City Council.
- (F) Incentives shall be administered by the Water Conservation Coordinator or other person designated by the City of Prescott ~~Public Works Director~~City Manager, in accordance with the following Incentive Awards List and qualifying criteria:

**INCENTIVE AWARDS LIST**

<b>Water Efficiency Improvement Incentive (unless otherwise indicated, each item is a one-time award for the property, fixture, or equipment, as applicable and determined by the City)</b>	<b>Maximum Award Per Incentive</b>
Landscape conversion to automatic drip systems <sup>1</sup>	\$ <u>—</u> 150
<u>Landscape irrigation audits by Certified Auditors<sup>2</sup></u>	\$ <u>100</u>
<u>Rainwater cisterns<sup>3</sup></u> <u>—500 gallon minimum storage or bio-retention/\$500 maximum</u>	\$ <u>0.10 per gallon of storage</u>
Turf removal on-site, and in adjacent right-of-way with City permit (\$0.50 per sq.ft.) <sup>2</sup>	\$ <u>800 Residential</u> \$ <u>2,000 Non-Residential</u>
<del>Water-efficient Washing Machines<sup>3</sup></del>	<del>\$ <u>100</u></del>
<u>Low-flow Toilets-2 unit maximum per residential application (replacement toilets not to exceed 1.6 gal. per flush)</u>	\$ <u>100</u>
<u>Dual Flush 0.8/1.6 gpf and high efficiency 1.28 gpf Toilets</u>	\$ <u>130150</u>
<u>Commercial (not to exceed 1 gal. per flush) Urinals (not to exceed 1 gpf)</u>	\$ <u>100</u>
<u>Commercial (no flush design) Urinals (no flush design or technology)</u>	\$ <u>125</u>
Leak Repairs (\$50 maximum benefit per property)	\$ <u>20</u>
<del>Hot water circulators/ Point of Demand systems</del>	<del>\$ <u>50</u></del>
Showerheads (not to exceed 2.4 gal. per minute)	\$ <u>10</u>

WaterSmart Kit\$ 10**1) Landscape Conversion to Automatic Drip Systems**

Incentive award pays up to \$150 to upgrade the landscape irrigation system. In order for the system to be eligible for incentive award, the system when completed must include all three of the following components: automatic timer, backflow prevention device (permit required), and drip irrigation system. The incentive award may represent the addition of one, two or all three of the required components, but will always require a backflow prevention device (permit required).

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Incentive award requires applicant contact the conservation office for guidelines prior to irrigation audit being conducted. A complete irrigation audit application must include a complete and certified landscape irrigation worksheet reviewed and signed by the applicant and a copy of the paid invoice signed and dated by an approved and certified landscape irrigation auditor.

**3) Rainwater Cisterns**

Incentive requires the installation of a minimum 500-gallon capacity rainwater catchment tank or cistern. Rainwater storage systems shall not be allowed to interconnect to the City's potable water system. Applicants must contact the conservation office for guidelines prior to installation of the system. Maximum incentive awarded is \$500.00.

**4) Turf Removal**

Incentive award requires conversion from turf to ~~other~~ water saving landscaping, and if irrigated, installation of an automatic water timer, backflow prevention device and drip or similar system. Applicants must contact conservation office for guidelines prior to removal of turf. ; ~~m~~ Minimum turf removal areas are 100 square feet for residential and 500 square feet for Non-Residential.

~~<sup>3</sup>Incentive award is for a new machine of qualifying brand and model currently listed on the CEE Residential Clothes Washer Initiative, at Consortium for Energy Efficiency, [www.cee1.org](http://www.cee1.org); a copy of the current list is available from the Water Conservation Coordinator.~~

(G) Incentive awards given pursuant to this Section shall not exceed the actual cost incurred by the applicant for the water efficiency improvements for which an incentive award application is made.

PASSED AND ADOPTED by the Mayor and Council of the City of Prescott, Arizona on this 28<sup>th</sup> day of February, 20069.

Mayor

ROWLE P. SIMMONS JACK D. WILSON,

ATTEST:

APPROVED AS TO FORM:

ELIZABETH A. BURKE, City Clerk  
Attorney

JOHN R. MOFFITT GARY KIDD, City

<b>COUNCIL AGENDA MEMO – 03/03/09 &amp; 03/10/09</b>
<b>DEPARTMENT: AIRPORT</b>
<b>AGENDA ITEM:</b>  <b>Approval of contract for a three year airport property appraisal services with Southwest Appraisal Associates, Inc. not to exceed \$30,000 and further authorizing the Mayor and City Staff to execute any and all related documents.</b>

<b>Approved By:</b>	<b>Date:</b>
<b>Department Head: Benjamin Vardiman, Airport Manager</b>	<b>02-24-09</b>
<b>Finance Director:</b>	
<b>City Manager:</b> <i>Al Wood</i>	<i>02/26/09</i>

This is a request for authorization to enter into a three-year contract with Southwest Appraisal Associates, Inc. to provide for Airport Property Appraisal Services for the City of Prescott subject to available annual budgetary funding.

The Airport has two properties coming due for rate adjustment within the next year for a total of approximately 8 acres. These certain leases clearly specify that the rate increase is to be based upon the appraised value of the lease parcel. One of these lease parcels has not received an appraisal or a rate adjustment since it was entered into in 1988 and the other has not received an appraisal or rate adjustment since 1993. Airport staff is seeking to correct this issue as well as provide for appraisal services of vacant airport parcels as may be needed to determine the minimum fair market rent of the specific parcels as they are made available for lease.

The City published a request for qualifications to provide Airport Property Appraisal Services in April of 2008. Two firms submitted responses to the City's request. One was a local firm and the other is based in Tucson. Based upon an evaluation of the submittals in accordance with the terms and conditions of the RFQ, the local firm did not meet the minimum qualification requirements of the RFQ. Southwest Appraisal Associates, Inc. met the qualifications of the RFQ and was determined to be the most qualified firm to be recommended for contract.

<p><b>Recommended Action: MOVE</b> to approve a three-year contract for airport property appraisal services with Southwest Appraisal Associates, Inc. not to exceed \$30,000.00 and further authorizing the Mayor and City staff to execute any and all related documents.</p>
--

<b>COUNCIL AGENDA MEMO – March 3, 2009</b>	
<b>DEPARTMENT:</b> City Manager	
<b>AGENDA ITEM:</b> Approval of letter to Central Yavapai Metropolitan Planning Organization (CYMPO) regarding transit implementation	

<b>Approved By:</b>		<b>Date:</b>
<b>Deputy City Manager:</b> Craig V. McConnell		2-26-09
<b>Finance Director:</b> Mark Woodfill		
<b>City Manager:</b> Steve Norwood		

**Background**

At their January 28, 2009, meeting the CYMPO Executive Board accepted the "Transit Implementation Plan (October 2008)" prepared by TransitPlus, and directed that a survey be distributed to those CYMPO entities which had expressed an interest in providing initial transit services (Prescott, Prescott Valley, and Yavapai County). Responses are sought by the CYMPO Executive Board to benefit further public discussion of whether, how, and when to implement transit in our area.

Attachment 1 is a draft letter suggested to be finalized through discussion at the Council meetings of March 3/10, 2009, for subsequent release to the CYMPO Executive Board.

**Transit Implementation Plan and Survey**

Chapter 2 of the Transit Implementation Plan describes service alternatives and routes (see "Attachments" and "Reference" at the end of this memorandum to access this information). Attachment 2, the CYMPO survey document which was forwarded to Councilmembers, includes a summary of the service alternatives, draft 10-year budgets based upon startup of a system in late 2010, related capital and operating expenses, and estimated net costs to the local entities after federal grant revenues are applied.

Following the 2000 census, when the population of the Prescott-Prescott Valley area was measured to be in excess of 50,000 and the area therefore designated as "urbanized", CYMPO was established pursuant to federal law in 2003. Since then, annual distributions of federal transit funds to CYMPO have accumulated, and are available for transit implementation. However, deployment of fixed route and accompanying paratransit services will deplete this one-time balance of "banked" funds, after which participating local governments will have to provide more annual funding.

While the timeframe when "banked" funds would be exhausted depends upon many factors, it is projected that additional local funding of \$450,000 per year could be needed effective 2017 for the "Limited" system (Alternative #2); and \$725,000 per year effective 2015 for the "Expanded" system (Alternative #3). The total cost to Prescott for the "Expanded" service alternative could rise to around \$500,000 per year in 2015.

**Agenda Item: Approval of letter to Central Yavapai Metropolitan Planning Organization (CYMPO) regarding transit implementation**

Individual survey responses expressed support for the following:

- A. New fixed and flexible routes services, with complementary paratransit.
- B.1 Use of existing LTAF II (lottery) revenues to fund, in part, the new services.
- B.3 Creation of new dedicated revenue source(s) to include seeking enabling legislation, if necessary.
- C.1 A Public Transportation/Transit Authority to govern the function, with the Metropolitan Public Transit Authority (MPTA) type preferred. (An MPTA has an elected board, and taxing authority which can be exercised to generate funding).

Other survey comments included the need for a stable, long term funding source to assure transit services success, and an observation that the population within the CYMPO urbanized area is the largest in Arizona without reliable (and full-fledged) transit service.

Attachment 1 is suggested as a template for a letter of response to the CYMPO Executive Board, with final content to be determined through discussion by the Council as a whole, and with the benefit of public comments which are offered.

### **Budget**

Beyond the current voucher program, which relies on LTAF II (lottery) distributions from the state, the City has no funding source identified for expansion of transit services. During this time of extreme pressure on the City's finances and related abilities to provide core services, and with no firm indication of when more favorable economic circumstances may exist, any commitment of significant money required to fund a new function will necessitate a corresponding reduction in existing programs and/or services.

Release of the letter (Attachment 1) to the CYMPO Executive Board will have no fiscal impact to the City. If an MPTA is eventually established upon voter approval, its elected board will be responsible for managing the transit system and grants for federal funding, and have taxing authority to generate funding for local match amounts.

### **Attachments**

- Attachment 1 Letter to CYMPO Executive Board (*draft for Council discussion*)
- Attachment 2 CYMPO Transit Implementation Preferences Survey
- Attachment 3 Figures 2.1 & 2.2, Initial and Expanded Fixed and Flexible Routes (*color-coded maps can be viewed on pp. 15 and 16 of the online Transit Implementation Plan document below, or by navigating to the March 3, 2009, City Council study session packet under "Meetings" on the City website at [www.prescott-az.gov](http://www.prescott-az.gov)*)

**Agenda Item:** Approval of letter to Central Yavapai Metropolitan Planning Organization (CYMPO) regarding transit implementation

**Reference** - Transit Implementation Plan ([www.cympo.com](http://www.cympo.com); click on "Regional Transit Planning" and then "Transit Implementation Plan Draft Report")

**Recommended Action:** **MOVE** to authorize the Mayor to sign the letter to the CYMPO Executive Board communicating the views of the Prescott City Council regarding implementation of transit services.

**CITY OF PRESCOTT**  
**P.O. Box 2059**  
**Prescott, AZ 86302**  
**928-777-1270**  
  
**Mayor Jack Wilson**



**Councilman Bob Bell**  
**Councilman Jim Lamerson**  
**Councilwoman Lora Lopas**  
**Councilman Bob Luzius**  
**Councilman Bob Roecker**  
**Councilwoman Mary Ann Suttles**

March 10, 2009

Discussion Draft for City Council Study Session of March 3, 2009

Mike Flannery, Chairman  
Central Yavapai Metropolitan Planning Organization  
7501 E. Civic Circle  
Prescott Valley, Arizona 86314

Re: CYMPO Transit Implementation Preferences Survey

Dear Chairman Flannery and the CYMPO Executive Board:

At your meeting of January 28, 2009, the CYMPO Executive Board accepted the "Transit Implementation Plan (October 2008)" prepared by TransitPlus, and directed that the referenced survey be forwarded to those CYMPO entities which had previously expressed an interest in providing initial transit services. This letter, approved by the City Council at their regular meeting of March 10, 2009, provides the City of Prescott's response to the survey.

In summary, the City of Prescott supports:

*Transit preferences of the City to be inserted here, responding to the  
CYMPO transit implementation survey questions.*

The City presently has no funding source identified for providing expanded public transportation services. Unfortunately, during this time of extreme pressure on the City's finances and ability to provide core services, and with no firm indication of when more favorable economic circumstances may exist, any commitment of significant money required to fund a new function will necessitate a corresponding reduction in existing programs and/or services. Accordingly, we suggest that the region move toward expanding public transportation very deliberately, to assure that it is affordable and enjoys the clear support of our citizens.

Sincerely,

Jack D. Wilson  
Mayor

**Attachment 1**

# CYMPO Transit Implementation Preferences Survey

Reference Document: CYMPO Transit Implementation Plan (TRIP)

**Definitions:**

- entity*            a CYMPO member (also includes Dewey-Humboldt, a nonmember)
- entities*        two or more CYMPO members
- TRIP*            Transit Implementation Plan
- IGA*             Intergovernmental Agreement

**Part A – Background and the Threshold Question**

The TRIP presented transit service alternatives with associated cost estimates, as well as various approaches to governance of the transit function. Several service alternatives have been defined that could be phased in over time (TRIP, p. 5):

- Alternative 1:        Improved general public voucher program, funded with federal and/or local funds
- Alternative 2:        Limited fixed and flexible route services, augmented with paratransit service
- Alternative 3:        Expanded fixed and flexible route services, implemented by jurisdiction
  - a. Additional North Willow Creek route in City of Prescott
  - b. Additional vehicle in Prescott Valley so route would operate in both directions instead of a one-way loop

Service Alternatives 1, 2, and 3 can be implemented in successive phases by and among entities. Section 7 of the TRIP (p. 76) provides draft ten-year budgets for services beginning in late 2010, with Prescott, Yavapai County, and Prescott Valley initially participating in system operations. Allocations of net estimated program costs to the entities (after projected federal grant revenues) are as follows:

	Operating	Capital	Total
<b>Initial Service</b> (vouchers, mileage, routes, paratransit)			
City of Prescott	\$ 149,900	\$ 49,980	\$ 199,880
Yavapai County	124,000	36,040	160,040
Prescott Valley	153,400	49,980	203,380
<b>Totals</b>	<b>\$ 427,300</b>	<b>\$ 136,000</b>	<b>\$ 563,300</b>
<b>Expanded Service</b> (vouchers, mileage, routes, paratransit)			
City of Prescott	\$ 187,000	\$ 55,860	\$ 242,860
Yavapai County	121,200	40,280	161,480
Prescott Valley	226,800	55,860	282,660
<b>Totals</b>	<b>\$ 535,000</b>	<b>\$ 152,000</b>	<b>\$ 687,000</b>

Threshold Question

Does your entity favor moving forward to implement an alternative providing transit service to the general public using fixed and/or flexible routes?

- Yes**, Check A or B
- A. Limited Service: Fixed and Flexible Routes
- B. Expanded Service: Fixed and Flexible Routes

**If Yes, proceed to Part B, Financing the System.**

- No**, Check A or B
- A. Pursue enhancements to existing voucher system utilizing federal/local funding made available to CYMPO
- B. Shelve the TRIP until better economic climate

**If No, comments may be entered at the end of this survey.**

**Part B - Financing the System**

The TRIP (Table 2.1, p.6) restated the preferences each entity expressed in 2007 following completion of the CYMPO Regional Transit Study, with most leaning toward some form of fixed-route service which would necessitate achievement of an ***“important commonality to develop adequate and sustainable financing”***.

It must be noted, however, that once accrued federal transit funds are depleted, more cost must be switched to local funding. While the timeframes when this would occur depend upon many assumptions and other factors, it is estimated that additional average local funding of \$450,000 per year could be needed effective 2017 for the initial service scenario, and \$725,000 per year effective 2015 if the expanded service alternative is selected.

Given the preceding information, please respond to the following financing questions.

Question 1 Will your entity fund any or all of the TRIP service alternatives/phases with existing revenues, including LTAF II funds?

- Yes**
- No**

Question 2 If LTAF II funds are not available from the state, will your entity replace the LTAF II money from other existing revenue sources?

- Yes**
- No**

**Question 3** Will your entity support creation of one or more new, dedicated revenue sources to supplement or entirely replace existing sources?

**Yes**

**If Yes, we would support (check one or more of the following):**

- a local sales tax ballot initiative
- a local property tax advisory ballot initiative
- enabling legislation for levy of a multi-jurisdictional sales tax for transit
- enabling legislation, if necessary, for levy of a County property tax for transit (within CYMPO transit service area boundaries)

**No**

### **Part C - Transit Governance**

If the entities decide to move forward with the recommendations of the TRIP, then consideration must be given to how the transit function will be managed. The three basic forms of governance identified were:

- A simple intergovernmental agreement (IGA)
- CYMPO-managed (with additional staff)
- A public transportation/transit authority in the form of either an IPTA or MPTA

An IGA among the interested participants is the simplest approach.

The CYMPO-managed approach would require additional staff resources and a series of IGAs.

#### Public transportation/transit authority alternatives:

An IPTA (Intergovernmental Public Transportation Authority) allows liability to be shifted away from the entities and to the IPTA; funding can come from any sources available to the participants. The entities **appoint** members from their elected bodies to sit on the IPTA governing board (ARS 28-9101 to 28-9143). An IPTA has **no taxing authority**.

A MPTA (Metropolitan Public Transit Authority) is a political subdivision of the state and can be formed by a single entity or entities working together as long as the total population inside the authority boundary is 51% or more of the entity(s). Board members are **elected** from the benefiting population; the MPTA has **taxing authority** to generate funding for operating the system (ARS 40-1111 to 40-1152).

In discussion to date, CYMPO Executive Board members have expressed interest in the Public Transportation/Transit Authority model rather than the simple IGA or CYMPO-managed approaches. While a more detailed presentation on a MPTA has yet to be made, the preliminary indication is that legislation would be required to adapt this essentially Maricopa County model to the CYMPO area.

Considering what is presently known about transit governance alternatives:

**Question 1** Of the three basic governance models presented, which one do you favor to run the transit system?

- IGA
- CYMPO – managed (with additional staff)
- Public Transportation/Transit Authority (IPTA or MPTA)

**Question 2** If your preference is a Public Transportation/Transit Authority, do you favor the IPTA or the MPTA?

- IPTA
- MPTA

**Part D - Marketing the System (to be added later)**

Questions regarding marketing transit services are being held in abeyance until a consensus is reached on funding and governance.

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Additional  
Comments:

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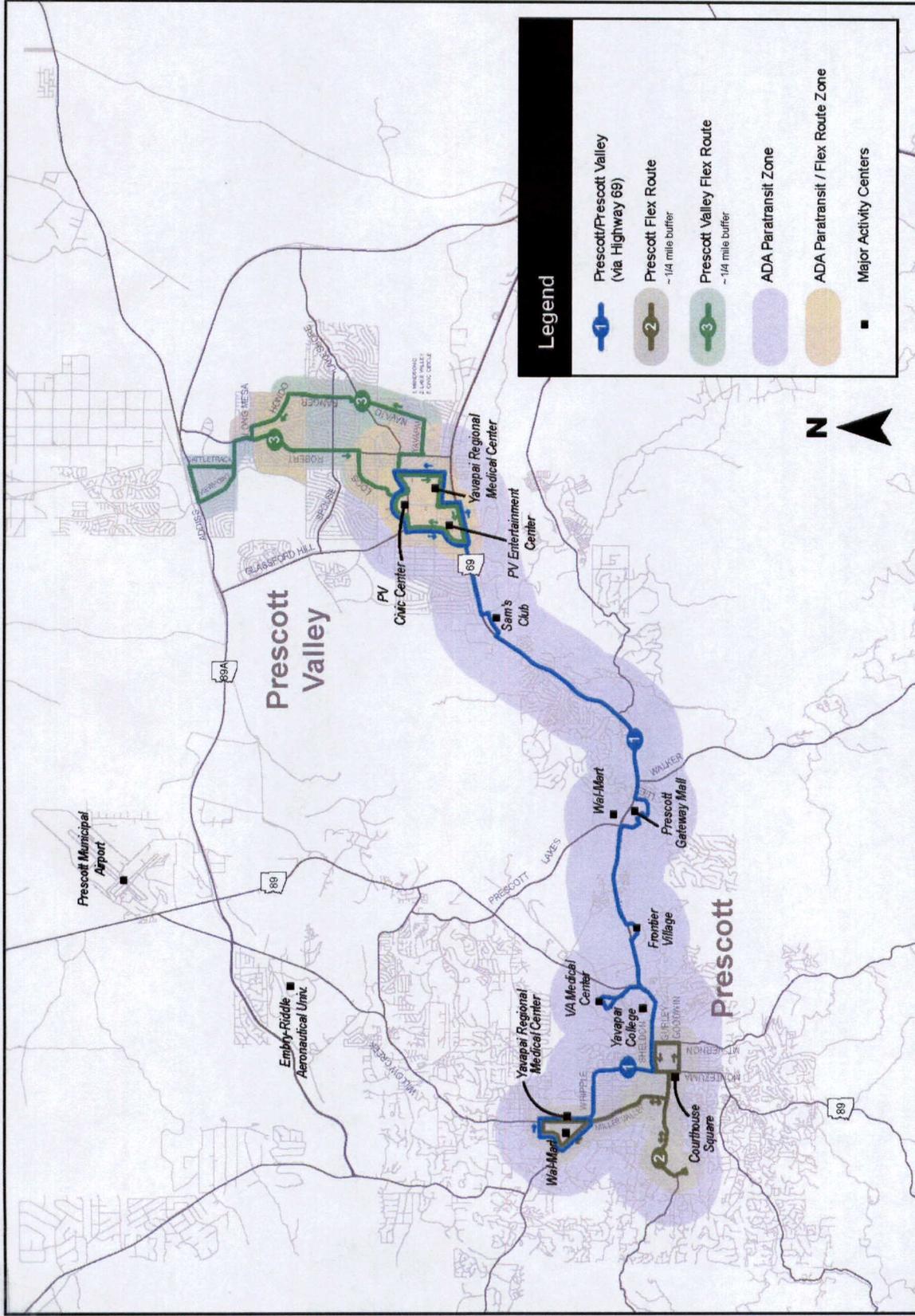
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Note - Viewing of the color-coded version of this map is necessary, which can be accessed at either of the following sites:  
 (1) [www.cympo.com](http://www.cympo.com) (click on "Regional Transit Planning" then "Transit Implementation Plan Draft Report" and Page 15 of the online document)  
 (2) March 3, 2009, City Council study session packet posted on the City website at [www.prescott-az.gov](http://www.prescott-az.gov).

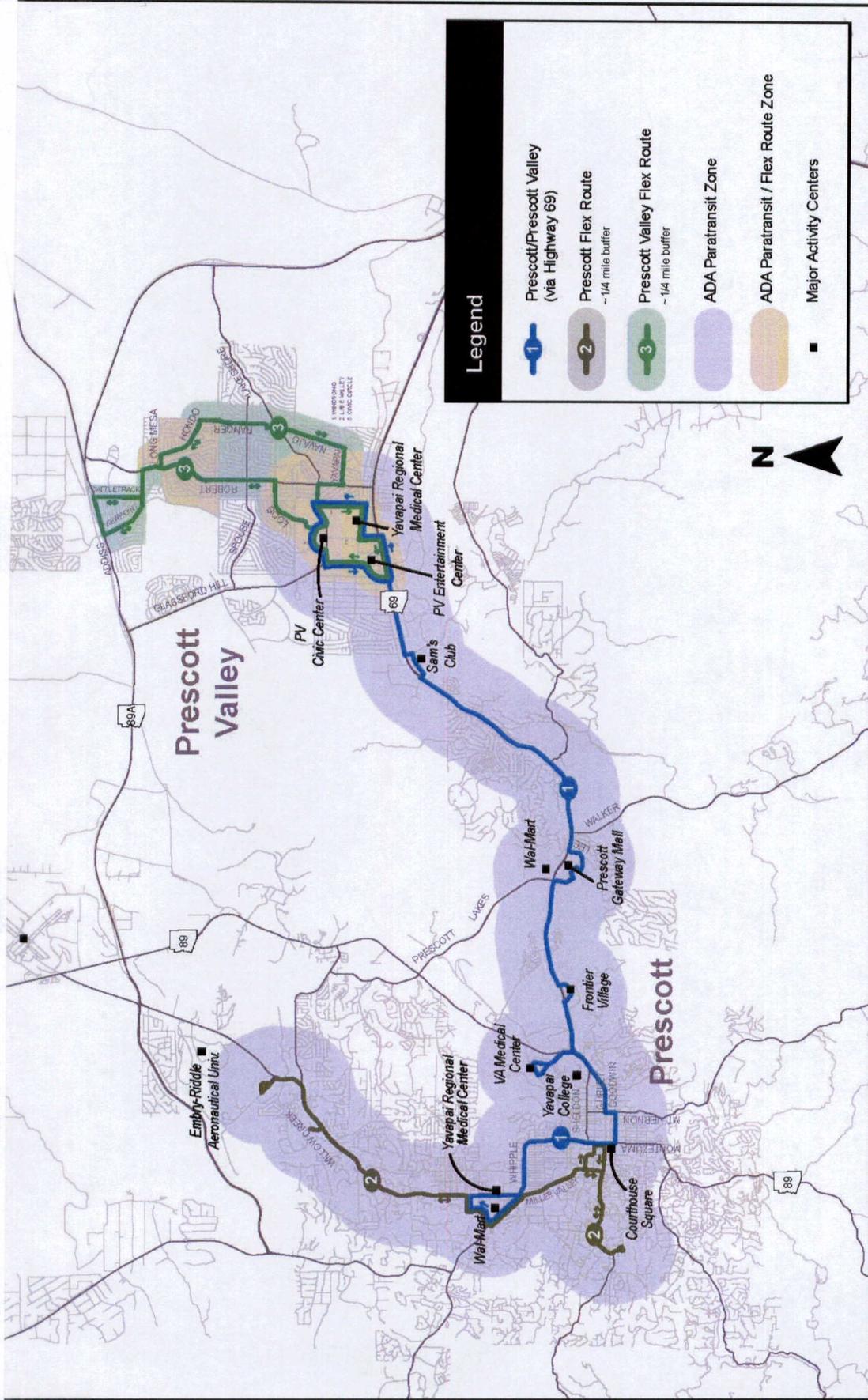
**Figure 2.1 Initial Fixed and Flexible Routes**



## Figure 2.2 Expanded Fixed and Flexible Routes

Note - Viewing of the color-coded version of this map is necessary, which can be accessed at either of the following sites:

- (1) [www.cympo.com](http://www.cympo.com) (click on "Regional Transit Planning" then "Transit Implementation Plan Draft Report" and Page 16 of the online document)
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0 1 2 miles



**Nelson Mygaard**  
consulting associates

<b>COUNCIL AGENDA MEMO – March 3 and 10, 2009</b>
<b>DEPARTMENT: FINANCE</b>
<b>AGENDA ITEM: Council Action for Debt Issuance through WIFA</b>

<b>Approved By:</b>	<b>Date:</b>
<b>Department Head:</b>	
<b>Finance Director: Mark Woodfill</b>	
<b>City Manager: Steve Norwood</b> <i>[Signature]</i>	<i>03/24/09</i>

**BACKGROUND**

The North Prescott Regional Force Main is a 14" sewer main that collects flow from eight different sewer lift stations and was financed as a debt issue in the fiscal year 2009 budget. This project is eligible to be financed through the State's Water Infrastructure Finance Authority (WIFA) clean water program.

The WIFA board will consider the City's application for this project at an upcoming meeting. This debt would be backed and repaid with revenues from the Wastewater Enterprise Fund and be for a twenty-year term.

**ITEM**

This resolution is to authorize the application to WIFA for the financing of this project. If the WIFA board approves the financing, there will be additional action that the Council will need to take to complete the transaction.

**Recommended Action: MOVE to adopt Resolution No. 3938-0944.**

**RESOLUTION NO. 3938-0944**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, TO AUTHORIZE THE APPLICATION FOR A CLEAN WATER STATE REVOLVING FUND LOAN FROM THE WATER INFRASTRUCTURE FINANCE AUTHORITY OF ARIZONA (WIFA)**

**RECITALS:**

WHEREAS, the City of Prescott of Yavapai County has identified a need for a wastewater capital improvement project; and

WHEREAS, pursuant to Arizona Revised Statutes 9-521 through 540, and specifically A.R.S. 9-571, the City of Prescott may obligate the revenues generated by its wastewater system to repay a loan from WIFA; and

WHEREAS, the City of Prescott of Yavapai County certifies that the population of the community is under 50,000 in population as the most recent U.S. Census Date; and

WHEREAS, it is in the City of Prescott's best interest to pursue and apply for, financial assistance from WIFA of an amount not to exceed \$4,467,057 for the North Prescott Regional Force Main project; and

WHEREAS, the City of Prescott population at the time of this request is 43,329, which meets the requirement under A.R.S. 9-571.

**ENACTMENTS:**

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

SECTION 1. THAT, the Finance Director of the City of Prescott is hereby authorized to apply for Clean Water State Revolving Fund financial assistance from the Water Infrastructure Finance Authority of Arizona.

SECTION 2. THAT, the Finance Director is authorized to take such actions as are necessary to apply for financial assistance in an amount not to exceed \$4,467,057 payable from revenues for the wastewater system.

SECTION 3. THAT, all actions of the officers and agents of the City of Prescott which conform to the purposes and intent of this resolution and which further the completion of the application as contemplated by this resolution, whether heretofore or hereafter taken are hereby ratified, confirmed and approved. The proper officers and agents of the City of Prescott are hereby authorized and directed to do all such acts and

things and to execute and deliver all such application documents on behalf of the City of Prescott as may be necessary to carry out the terms and intent of this resolution.

PASSED and ADOPTED by the Mayor and Council of the City of Prescott, Arizona, this 10<sup>th</sup> day of March, 2009.

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JACK D. WILSON, Mayor

ATTEST:

APPROVED AS TO FORM:

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ELIZABETH A. BURKE, City Clerk

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GARY D. KIDD, City Attorney

<b>COUNCIL AGENDA MEMO – (March 10, 2009)</b>
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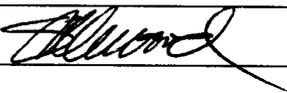
<b>DEPARTMENT:</b> City Clerk
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<b>AGENDA ITEM:</b> Public Hearing and consideration of a liquor license application from Nicholas Patric Agar, Applicant for Mama Edda's Gourmet Pizza, for a Series 12, Restaurant, license for Mama Edda's Gourmet Pizza located at 221 North Cortez
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<b>Approved By:</b>	<b>Date:</b>
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<b>Department Head:</b> Elizabeth A. Burke	<b>02/13/2009</b>
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<b>Finance Director:</b> Mark Woodfill	
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<b>City Manager:</b> Steve Norwood		<b>02/25/09</b>
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A Liquor License Application, City No. 09-135 State No. 121334331, has been received from Mr. Nicholas Agar, Applicant for Mama Edda's Gourmet Pizza., for a new Series 12, *Restaurant*, License for **Mama Edda's Gourmet Pizza** located at 221 North Cortez.

The public hearing will be held at the Regular Council Meeting of Tuesday, March 10, 2009. The applicant has been requested to attend the Regular Meeting to answer any questions Council may have.

A copy of the application is available for Council's review in the City Clerk's Office.

<b>Recommended Action:</b> (1) <b>MOVE</b> to close the Public Hearing. (2) <b>MOVE</b> to approve/deny State Liquor License Application No. 12133433, for a new Series 12, Restaurant, Liquor License for Nicholas Patrick Agar, Applicant for Mama Edda's Gourmet, located at 221 N. Cortez.
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## R19-1-102. Granting a License for a Certain Location

Local governing authorities and the Department may consider the following criteria in determining whether public convenience requires and that the best interest of the community will be substantially served by the issuance or transfer of a liquor license at a particular unlicensed location:

1. Petitions and testimony from persons in favor of or opposed to the issuance of a license who reside in, own or lease property in close proximity.
2. The number and series of licenses in close proximity.
3. Evidence that all necessary licenses and permits have been obtained from the state and all other governing bodies.
4. The residential and commercial population of the community and its likelihood of increasing, decreasing or remaining static.
5. Residential and commercial population density in close proximity.
6. Evidence concerning the nature of the proposed business, its potential market, and its likely customers.
7. Effect on vehicular traffic in close proximity.
8. The compatibility of the proposed business with other activity in close proximity.
9. The effect or impact of the proposed premises on businesses or the residential neighborhood whose activities might be affected by granting the license.
10. The history for the past five years of liquor violations and reported criminal activity at the proposed premises provided that the applicant has received a detailed report(s) of such activity at least 20 days before the hearing by the Board.
11. Comparison of the hours of operation of the proposed premises to the existing businesses in close proximity.
12. Proximity to licensed childcare facilities as defined by A.R.S. § 36-881.

### **Historical Note**

Former Rule 2; Former Section R4-15-02 renumbered as Section R4-15-102 without change effective October 8, 1982 (Supp. 82-5). Repealed effective July 11, 1983 (Supp. 83-4). New Section adopted effective March 3, 1993 (Supp. 93-1). R19-1-102 recodified from R4-15-102 (Supp. 95-1). Amended by final rulemaking at 11 A.A.R. 5119, effective January 9, 2006 (Supp. 05-4).

Editor's Note: The following Section was amended under an exemption from the Arizona Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to Laws 1996, Ch. 307 § 18. Although exempt from certain provisions of the rulemaking process, the Department was required to provide for reasonable notice and hearing. This Section was not reviewed by the Governor's Regulatory Review Council; and the Department did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register (Supp

**ARIZONA STATE LIQUOR LICENSES  
TYPES / PURPOSES  
AS OF 04/07**

**License Types: Series 01 In-State Producer's License**

Allows an in-state producer to produce or manufacture spirituous liquor and sell the product to a licensed wholesaler.

**License Types: Series 02 Out-of-State Producer's License**

Allows an out-of-state producer, exporter, importer or rectifier to ship spirituous liquor into the state to a licensed Arizona wholesaler.

**License Types: Series 03 Domestic Microbrewery License**

Allows the licensee of a microbrewery to manufacture or produce not less than 5,000 gallons of beer in each calendar year following the first year of operation and not more than 620,000 gallons of beer in a calendar year.

**License Types: Series 04 Wholesaler's License**

Allows a wholesaler to warehouse and distribute for sale, spirituous liquor to a licensed retailer.

**License Types: Series 05 Government License**

Allows the holder of a government license to sell and serve spirituous liquor solely for consumption on the premises for which the license is issued. The license is issued in the name of a county, city, town or state university whose governing body has authorized its use.

**License Types: Series 06 Bar License – Transferable**

Allows a bar retailer to sell and serve spirituous liquors, primarily by individual portions, to be consumed on the premises and in the original container for consumption on or off the premises.

**License Types: Series 07 Beer and Wine Bar License - Transferable**

Allows a beer and wine bar retailer to sell and serve beer and wine, primarily by individual portions, to be consumed on the premises and in the original container for consumption on or off the premises.

**License Types: Series 08 Conveyance License (Airplanes, Trains, and Boats)**

Allows the owner or lessee of an operating airline, railroad or boat to sell all spirituous liquors in individual portions or in original containers for consumption *only* on the plane, train or boat.

**License Types: Series 09 Liquor Store License (All spirituous liquors) - Transferable**

Allows a spirituous liquor store retailer to sell all spirituous liquors, only in the original unbroken package, to be taken away from the premises of the retailer and consumed off the premises.

**License Types: Series 10 Beer and Wine Store License (Beer and wine only)**

Allows a retail store to sell beer and wine (no other spirituous liquors), only in the original unbroken package, to be taken away from the premises of the retailer and consumed off the premises.

**License Types: Series 11 Hotel/Motel License (with Restaurant)**

Allows the holder of a hotel/motel license to sell and serve spirituous liquor solely for consumption on the premises of a hotel or motel that has a restaurant where food is served on the premises.

**License Types: Series 12 Restaurant License**

Allows the holder of a restaurant license to sell and serve spirituous liquor solely for consumption on the premises of an establishment which derives at least forty percent (40%) of its gross revenue from the sale of food.

**License Types: Series 13 Domestic Farm Winery License**

Allows a domestic farm winery licensee to manufacture or produce more than two hundred (200) gallons, but less than seventy-five thousand (75,000) gallons of wine annually, from grapes or other agricultural products, of which at least seventy-five percent (75%) are grown in this state.

**License Types: Series 14 Club License**

Allows the holder of a club license to sell and serve spirituous liquor for consumption only on the premises owned, leased or occupied by the club, and only to bona fide members of the club and their guests.

**License Types: Series 15 Special Event License**

Allows a charitable, civic, fraternal, political or religious organization to sell and serve spirituous liquor for consumption only on the premises where the spirituous liquor is sold, and only for the period authorized on the license. This is a temporary license.

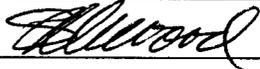
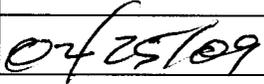
**Non-transferable License Types: Series 16 Wine Festival/Wine Fair License (Temporary)**

1. Wine festival license: Allows a licensed domestic farm winery to serve samples of its products on the wine festival premises and the sale of such products in original containers for consumption off the wine festival premises.
2. Wine fair license: Allows a licensed domestic farm winery to serve samples of its products at a sanctioned county or state fair, and the sale of such products in original containers for consumption off the fair premises.

**License Types: Series 17 Direct Shipment License**

Allows an out-of-state producer, exporter, importer, or rectifier to take orders from retail customers by telephone, mail, catalog or the Internet. The orders must be shipped into the state to a licensed Arizona wholesaler. The wholesaler must sell the product to a licensed retailer. The retailer will deliver the spirituous liquor to the customer.

<b>COUNCIL AGENDA MEMO – (March 10, 2009)</b>	
<b>DEPARTMENT:</b> City Clerk	
<b>AGENDA ITEM:</b> Public Hearing and consideration of a liquor license application from Lawrence Angel Hernandez, Applicant for L&L Chuy Distributing, for a Series 04, Wholesaler, license for L&L Chuy located at 565 E Z Street Suite C-3.	

<b>Approved By:</b>	<b>Date:</b>
<b>Department Head:</b> Elizabeth A. Burke	02/13/2009
<b>Finance Director:</b> Mark Woodfill	
<b>City Manager:</b> Steve Norwood 	02/25/09 

A Liquor License Application, City No. 09-136 State No. 04133011, has been received from Mr. Lawrence Hernandez, Applicant for L&L Chuy Distributing., for a new Series 04, *Wholesaler*, License for **L&L Chuy Distributing** located at 565 E Z Street, Suite C-3.

The public hearing will be held at the Regular Council Meeting of Tuesday, March 10, 2009. The applicant has been requested to attend the Regular Meeting to answer any questions Council may have.

A copy of the application is available for Council's review in the City Clerk's Office.

<b>Recommended Action:</b> (1) <b>MOVE</b> to close the Public Hearing. (2) <b>MOVE</b> to approve/deny State Liquor License Application No. 04133011, for a new Series 04, <i>Wholesaler</i> , Liquor License for Lawrence Angel Hernandez, Applicant for L&L Chuy Distributing, located at 565 E Z Street, Suite C-3.
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<b>COUNCIL AGENDA MEMO – (March 3 &amp; March 10, 2009)</b>
<b>DEPARTMENT:</b> City Clerk
<b>AGENDA ITEM:</b> Public Hearing and consideration of a liquor license application from Keri Hansen, Applicant for Sweettart LLC, for a Series 12, Restaurant, license for Sweettart located at 123 North Cortez Street.

<b>Approved By:</b>	<b>Date:</b>
<b>Department Head:</b> Elizabeth A. Burke	
<b>Finance Director:</b>	
<b>City Manager:</b> Steve Norwood 	02/25/09

A Liquor License Application, City No. 09-022 State No. 12133435, has been received from Keri Hansen, Applicant for Sweetart, LLC, for a Series 12, Restaurant, License for **Sweetart** located at 123 North Cortez Street.

The public hearing will be held at the Regular Council Meeting of Tuesday, March 10, 2009. The applicant has been requested to attend the Regular Meeting to answer any questions Council may have.

The original liquor license for Sweettart was issued when they opened in July 2007. The new license is due to a change of ownership.

A copy of the application is available for Council's review in the City Clerk's Office.

<b>Recommended Action:</b> (1) <b>MOVE</b> to close the Public Hearing. (2) <b>MOVE</b> to approve/deny State Liquor License Application No. 12133416, for a new Series 12, <i>Restaurant</i> , License for Keri Hansen, Applicant for Sweettart, LLC for Sweettart located at 123 North Cortez Street.
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