

# PRESCOTT CITY COUNCIL JOINT STUDY SESSION/ SPECIAL MEETING AGENDA A M E N D E D\*

**PRESCOTT CITY COUNCIL  
JOINT STUDY SESSION/SPECIAL MEETING\*  
TUESDAY, OCTOBER 20, 2009  
3:00 P.M.**

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

The following Agenda will be considered by the Prescott City Council at its **Joint** Study Session/**Special Meeting** pursuant to the Prescott City Charter, Article II, Section 13. Notice of this meeting is given pursuant to Arizona Revised Statutes, Section 38-431.02.

- ◆ **CALL TO ORDER**
- ◆ **INTRODUCTIONS**
- ◆ **INVOCATION:** Father John A. Peck, Prescott Orthodox Christian Church
- ◆ **PLEDGE OF ALLEGIANCE:** Councilwoman Lopas
- ◆ **ROLL CALL:**

MAYOR AND CITY COUNCIL:

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

- ◆ **SUMMARY OF CURRENT OR RECENT EVENTS**

## STUDY SESSION\*

### I. PUBLIC COMMENT

- A. Representative from United Way of Yavapai County re *Community Resource Fair* on Saturday, October 24, 2009.

### II. DISCUSSION ITEMS

- A. Approval of an agreement with Otto Environmental Systems for purchase of automated side-load containers, in an amount not to exceed \$120,000.00.
- B. Approval of an agreement with Roberts Tire, Inc. for retread tires in an amount not to exceed \$55,000.00.

- C. Approval to increase the Guaranteed Maximum Price (GMP) of the CM@Risk agreement for the Elk's Opera House Restoration by \$87,709.00 to \$1,239,032.00.
- D. Adoption of Resolution No. 3994-1024 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, approving the incorporation of the Town of Williamson Valley, Arizona.
- E. Adoption of Resolution No. 3989-1019 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, amending Resolution Number 3830, by amending the Intergovernmental Agreement approved therein to now allow for a disbursement of \$250,000 from the City to the County against monies otherwise payable to them and authorizing payment therefore.
- F. Approval of minutes of the Prescott City Council Workshop of October 13, 2009, the Regular Voting Meeting of October 13, 2009 and the Joint Public Workshop with Water Conservation/Safe Yield Committee of October 15, 2009.
- G. Selection of items to be placed on the Regular Voting Meeting Agenda of October 27, 2009.

**III. ADJOURNMENT**

**SPECIAL MEETING\***

**1. Call to order.**

**2. Recess into Executive Session.**

**3. EXECUTIVE SESSION**

**A. Discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation, and/or discussion or consultation for legal advice with the attorney or attorneys of the public body, pursuant to ARS 38-431.03(A)(3) and (4).**

**i. Paul Katan v. City of Prescott/Liz Burke.**

**4. 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

<b>COUNCIL AGENDA MEMO – October 20/October 27, 2009</b>	
<b>DEPARTMENT:</b>	<b>Field Operations</b>
<b>AGENDA ITEM:</b>	<b>Purchase of side-load automated trash carts</b>

<b>Approved By:</b>		<b>Date:</b>
<b>Department Head:</b>	Chad M <sup>c</sup> Dowell	
<b>Finance Director:</b>	Mark Woodfill	
<b>City Manager:</b>	Steve Norwood <i>[Signature]</i>	10/13/09

Background

The Solid Waste Division annually purchases automated side-load trash carts for use in our residential waste and recycling operations. Purchases must be made two to three times per year due to storage limitations. Carts generally have a life expectancy of ten years. In an average year, we deliver 1,900 new carts. Approximately half of those are replacements for carts that can no longer be repaired. The remaining carts are used for new accounts, second containers on existing accounts and replacements for stolen carts.

On September 17, 2009, the City received bids for residential carts. Three bids were received; Otto Environmental Systems was the successful bidder.

Financial

Description/Total Net Bid	OTTO ENVIRONMENTAL SYSTEMS Eloy, AZ	REHRIG PACIFIC COMPANY Los Angeles, CA	TOTER INCORPORATED Statesville, NC
65 Gal. Container U/P	\$39.98	\$40.96	\$42.69
96 Gal Truckload Qty	\$42.65	\$45.77	\$49.47

Price includes tax and shipping

Solid Waste has budgeted \$120,000 for FY 10 budget in account 7306600-8290. Because Solid Waste is limited on the amount of containers we can store, we request Council allow us to enter into a contract not-to-exceed \$120,000 so we can order as demand warrants.

**Recommended Action: MOVE** to approve an agreement not-to-exceed \$120,000 with Otto Environmental Systems for purchase of the Automated Side-Load Containers.

<b>COUNCIL AGENDA MEMO – October 20/October 27, 2009</b>	
<b>DEPARTMENT:</b>	<b>Field Operations</b>
<b>AGENDA ITEM:</b>	<b>Purchase of recapped tires</b>

<b>Approved By:</b>	<b>Date:</b>
<b>Department Head:</b> Chad M <sup>c</sup> Dowell	
<b>Finance Director:</b> Mark Woodfill	
<b>City Manager:</b> Steve Norwood <i>SNorwood</i>	<i>10/15/09</i>

Background

Field Operations annually purchases retread (recapped) tires for use on garbage trucks and on dump trucks. These two vehicles have a commonality as they each use the same two sizes of tires; 315/80R22.5 and 11R22.5. Since we are spending up to \$55,000 a year on tires for both divisions, we have found it to be financially beneficial to merge these two division demands together to receive the best price on tires.

On October 1, 2009, the City received 5 bids from three different vendors for retread tires. Roberts Tire Sales, Inc. submitted the lowest, most responsive bid.

Financial

SIZE	ROBERTS TIRE SALES, INC.		A TO Z TIRE & BATTERY		PHOENIX TIRE, INC.
	Spread Axle	Waste Hauler Lug	HBWHR	Premium Ring Tread	Unspecified
315/80R22.5	\$100	\$129	\$120	\$135	\$135
11R22.5	\$ 92	\$108	\$115	\$130	\$120

Funds are budgeted in Streets FY10 Budget as well as the Solid Waste FY10 Budget.

<b>Recommended Action: MOVE</b> to approve an agreement not-to-exceed \$55,000 with Roberts Tire Inc for 315/80R22.5 and 11R22.5 retread tires.
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<b>COUNCIL AGENDA MEMO – 10/20/09 &amp; 10/27/09</b>
<b>DEPARTMENT: Administrative Services</b>
<b>AGENDA ITEM: Approval to increase The Guaranteed Maximum Price (GMP) of the CM@Risk agreement for the Elk’s Opera House Restoration by \$87,709 to \$1,239,032 from \$1,151,323.</b>

<b>Approved By:</b>	<b>Date:</b>
<b>Department Head: Mic Fenech</b>	
<b>Finance Director:</b>	
<b>City Manager: Steve Norwood</b> <i>SNorwood</i>	<i>10/15/09</i>

**Background:**

On July 28, 2009 Council approved three party CM@Risk constructions services contract with a Guaranteed Maximum Price of \$1,151,323 between The Elk’s Opera House Foundation, the City of Prescott, and Haley Construction for the Historic restoration of the Elk’s Opera House.

City Staff has applied for and received a Federal Stimulus Grant for energy efficiency improvements in the amount of \$197,100. In this grant, \$87,709 was designated for the Elk’s Opera House to improve energy efficiency through the installation of insulation, new doors, windows, and other improvements.

The City of Prescott has designated \$275,670 in the Capital Improvement Fund for City Hall energy efficiency improvements in 2010. Staff is proposing that the energy efficiency grant funds be entirely diverted to City Hall energy efficiency improvements, and that the \$87,709 previously designated to the Elks for energy efficiency come out of the Capital Improvement Fund. The reason for this change would be to simplify the methodology of each areas improvement. The current three-party contract between the Elks Opera House Foundation, the City of Prescott, and Haley construction require two separate accounting systems because of the two separate funding sources; ie. The Elk’s Opera House Foundation and the City of Prescott.

Using the Energy Stimulus grant at the Elks Opera House would necessitate a third accounting method in order to accommodate Davis-Bacon wage requirements. By using the Capital Improvement funds for the Elks improvements and the Stimulus Grant all at other City facilities eliminates the need for a third accounting method and tracking for the three-party agreement.

Our Grants Administrator has reviewed this request and has obtained the approval of the Federal Stimulus authority.

**Agenda Item:** Approval to increase The Guaranteed Maximum Price (GMP) of the CM@Risk agreement for the Elk's Opera House Restoration

In order for Haley Construction to use these funds, the GMP of the restoration of the Elks Opera House would have to be increased by the amount of the grant, and an amendment to the contract would have to be executed with the increased funding.

**Financial:**

The funding for the Elks Opera House restoration would be adjusted as follows:

Elk's Opera House Foundation:	\$ 842,946 – no change
City of Prescott:	\$ 308,377 – no change
Capital Improvement funds:	<u>\$ 87,709</u>
New Contract Amount	\$1,239,032

**Recommended Action:** MOVE to increase The Guaranteed Maximum Price (GMP) of the CM@Risk agreement between the Elk's Opera House Foundation, the City of Prescott, and Haley Construction by \$87,709.00 to \$1,239,032.00 from \$1,151,323.00.

CITY OF PRESCOTT  
CHANGE ORDER #(1)

Restoration and Renovation of the Historic Elks Opera House

**CONTRACT NUMBER:** 2010-018  
**ACCOUNT #:** 2253425-8930-10017  
**CONTRACTOR:** Haley Construction  
**DATE:** October 20, 2009  
**CHANGE ORDER AMOUNT** \$87,709.00

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<b><u>ORIGINAL CONTRACT AMOUNT (GMP)</u></b>	<b><u>\$1,151,323</u></b>
ORIGINAL CITY LIABILITY	\$308,377
ORIGINAL ELKS FOUNDATION LIABILITY	\$842,946
<b><u>TOTAL CHANGE ORDERS</u></b>	<b><u>\$ 87,709</u></b>
<b><u>NEW CONTRACT TOTAL</u></b>	<b><u>\$1,239,032</u></b>
REVISED CITY LIABILITY	\$396,086
REVISED ELKS FOUNDATION LIABILITY	\$842,946

**DESCRIPTION OF CURRENT CHANGE ORDER:**

To improve energy efficiency by installing insulation, new doors, windows and other improvements. See Exhibit 'A' for detailed Scope of Work.

**APPROVED BY:**

\_\_\_\_\_  
HALEY CONSTRUCTION

\_\_\_\_\_  
JACK D. WILSON, MAYOR  
CITY OF PRESCOTT

\_\_\_\_\_  
JOHN OLSEN, PRESIDENT  
ELKS OPERA HOUSE FOUNDATION

## STIMULUS GRANT

DESCRIPTION	Subtotal	Total
<b>Door 101</b>	1,418	2,922
<b>Hardware</b>	1,504	
Remove the existing door		
Prepare the opening for the new door		
Install the door frame, door, and door hardware		
Paint the Door		
<b>Door 104</b>	1,417	3,939
<b>Hardware</b>	672	
Remove the existing Door		
Prepare the opening, and Install Lintel	200	
Install the door frame, door, and door hardware	500	
Cut the hole	500	
Lintel / Ironwork	500	
Paint the Door	150	
<b>Door 110</b>	506	1,770
<b>Hardware</b>	684	
Remove the existing door	75	
Prepare the opening for the new door	75	
Install the door frame, door, and door hardware	350	
Paint the Door	80	
<b>Door 112</b>	1,763	4,105
<b>Hardware</b>	1,762	
Remove the existing door	75	
Prepare the opening for the new door	75	
Install the door frame, door, and door hardware	350	
Paint the Door	80	
<b>Door 113</b>	1,763	4,105
<b>Hardware</b>	1,762	
Remove the existing door	75	
Prepare the opening for the new door	75	
Install the door frame, door, and door hardware	350	
Paint the Door	80	
<b>Door 201</b>	1,418	2,922
<b>Hardware</b>	1,504	
Remove the existing door		
Prepare the opening for the new door		
Install the door frame, door, and door hardware		
Paint the Door		
<b>Door 204</b>	1,763	4,105
<b>Hardware</b>	1,762	
Remove the existing door	75	
Prepare the opening for the new door	75	
Install the door frame, door, and door hardware	350	
Paint the Door	80	

DESCRIPTION	Subtotal	Total
<b>Door 302</b>	482	1,166
<b>Hardware</b>	684	
Remove the existing door		
Prepare the opening for the new door		
Install the door frame, door, and door hardware		
Paint the Door		
 <b>Window E</b>	 610	 610
 <b>Roof Insulation</b>		 28,434
Provide Access to underside of the roof / Scaffolding	18,750	
Insulation R19 Spray Foam	9,684	
Material for Scaffolding		
 <b>Floor Insulation below ramped area main seating</b>		 7,010
Insulation	1,970	
Remove Flooring to Allow Insulation	5,040	
Access		
 <b>Remove Louver in Exterior Wall. Install Brick On the Exterior, and Insulate</b>		
Remove Louver	140	2,449
Close hole in exterior wall with brick	1,600	
Wood frame wall inside of brick	280	
Insulate	150	
Framing Material, Hardware	200	
Paint	79	
 <b>Direct Costs</b>		 63,537
 CM Contingency	 6.12%	 3,888
Builders Risk Insurance	0.25%	159
Performance Bond	1.50%	953
Liability Insurance	1.00%	635
	 <b>Subtotal</b>	 69,173
CM Fee	10.00%	6,917
	<b>Subtotal</b>	76,090
Sales Tax (5.34) of total GMP		4,130
<b>Category Total</b>	<b>Total</b>	<b>80,220</b>
<b>CATEGORY TOTAL</b>		<b>80,220</b>

<b>COUNCIL AGENDA MEMO – October 20 &amp; 27 2009</b>
<b>DEPARTMENT: City Manager</b>
<b>AGENDA ITEM: Resolution Supporting Williamson Valley Incorporation</b>

<b>Approved By:</b>	<b>Date:</b>
<b>Department Head:</b>	<b>August 14, 2009</b>
<b>Finance Director:</b>	
<b>City Manager: Steve Norwood</b> <i>SNorwood</i>	<i>10/15/09</i>

**Summary**

Representatives from the Town of Williamson Valley Incorporation Committee have been working with City staff in order to ensure compliance with incorporation petition requirements. According to Arizona Revised Statutes 9-101.01, Williamson Valley needs the endorsement, by form of passing a Resolution, to proceed with their incorporation efforts.

**Background**

The proposed Town of Williamson Valley has an estimated population of 5,000 people. City staff has received the proposed Town boundary limits (attached). All City departments have reviewed the boundaries and have concluded that there are no conflicts with utilities, zoning, or future annexations. Should the incorporation be successful City staff can provide cost estimates for police and sanitation services. The area is currently serviced by Central Yavapai Fire District, which would not change if the area incorporated.

The Town of Williamson Valley Incorporation Committee has received enough signatures from the residents to place the incorporation on the August 24<sup>th</sup>, 2010 ballot as well as presenting a petition to the County Board of Supervisors in February of 2010.

**Financial Impact**

If the incorporation is successful staff has determined that the City will lose \$53,489 in state shared revenue.

<b>Recommended Action: MOVE to approve or deny Resolution <i>3994-1024</i> allowing the incorporation of Williamson Valley.</b>
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**RESOLUTION NO. 3994-1024**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT,  
YAVAPAI COUNTY, ARIZONA, APPROVING THE INCORPORATION OF THE TOWN  
OF WILLIAMSON VALLEY, ARIZONA**

**RECITALS:**

WHEREAS, Arizona Revised Statutes Section 9-101-01 provides that territory within six miles of any incorporated city or town having a population of 5,000 or more is an "urbanized area"; and

WHEREAS, said statute further provides that no territory within an urbanized area shall be incorporated as a city or town unless a resolution of the city or town causing an urbanized area to exist approving the proposed incorporation is submitted with the petition for incorporation; and

WHEREAS, the proposed boundary of the Town of Williamson Valley, Arizona, includes an urbanized area for the reason that the area is within six miles of the incorporated City of Prescott; and

WHEREAS, the City of Prescott has received a request to approve the incorporation of the Town of Williamson Valley.

**ENACTMENTS:**

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Prescott, Yavapai County, Arizona, hereby approves the proposed incorporation of the Town of Williamson Valley, Arizona.

PASSED AND ADOPTED by the City Council of the City of Prescott, Yavapai County, Arizona, this 27<sup>th</sup> day of October, 2009.

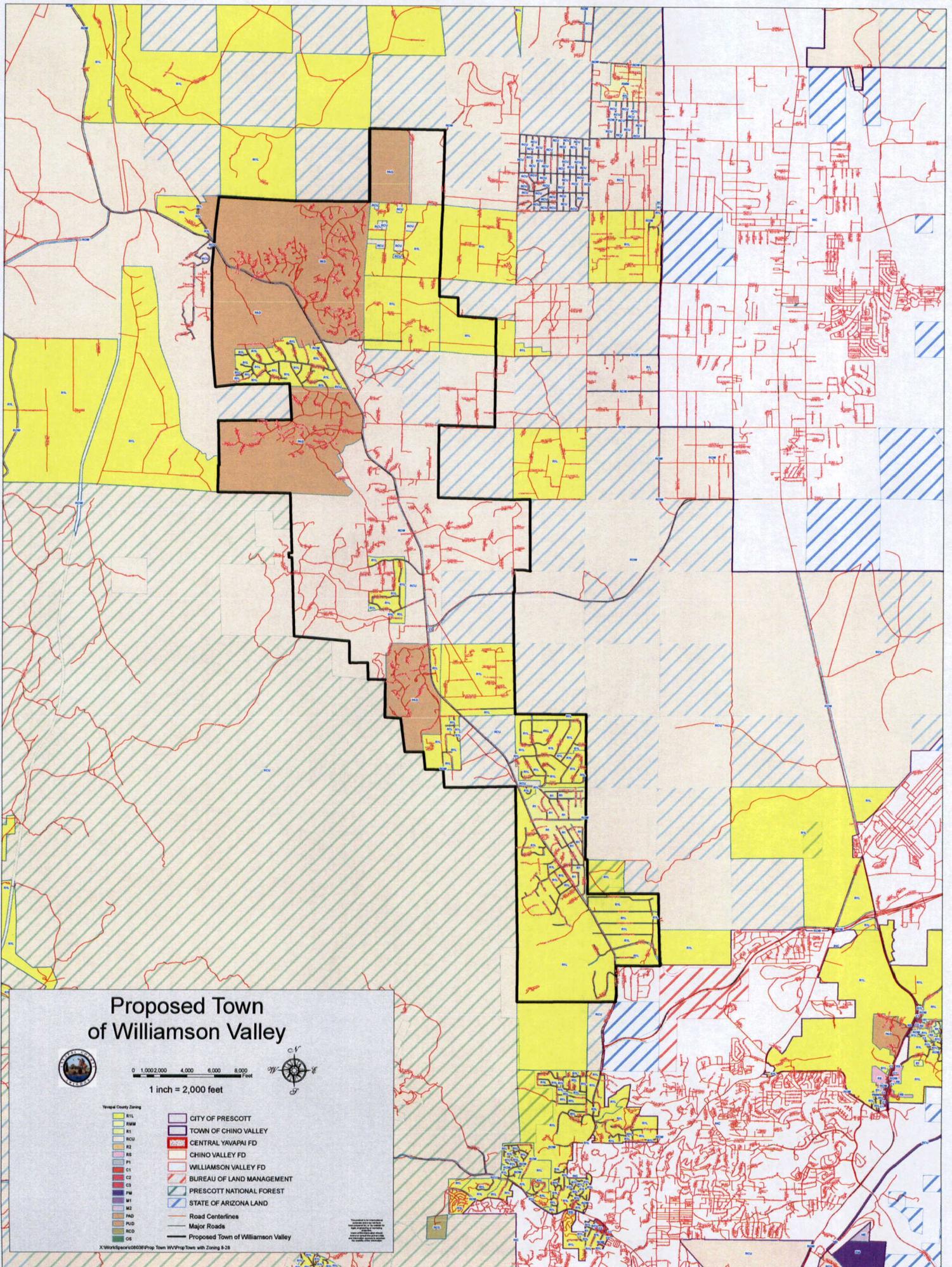
\_\_\_\_\_  
JACK D. WILSON, Mayor

ATTEST:

APPROVED AS TO FORM:

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

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



# Proposed Town of Williamson Valley



0 1,000 2,000 4,000 6,000 8,000 Feet  
1 inch = 2,000 feet



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|--|---|
| <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: yellow; border: 1px solid black; margin-right: 5px;"></span> R1L</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #e6f2ff; border: 1px solid black; margin-right: 5px;"></span> R1</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #e6f2ff; border: 1px solid black; margin-right: 5px;"></span> RCU</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #e6f2ff; border: 1px solid black; margin-right: 5px;"></span> R2</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #e6f2ff; border: 1px solid black; margin-right: 5px;"></span> R3</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #e6f2ff; border: 1px solid black; margin-right: 5px;"></span> P1</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #e6f2ff; border: 1px solid black; margin-right: 5px;"></span> C1</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #e6f2ff; border: 1px solid black; margin-right: 5px;"></span> C2</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #e6f2ff; border: 1px solid black; margin-right: 5px;"></span> P16</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #e6f2ff; border: 1px solid black; margin-right: 5px;"></span> M1</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #e6f2ff; border: 1px solid black; margin-right: 5px;"></span> M2</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #e6f2ff; border: 1px solid black; margin-right: 5px;"></span> PND</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #e6f2ff; border: 1px solid black; margin-right: 5px;"></span> PUG</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #e6f2ff; border: 1px solid black; margin-right: 5px;"></span> RCD</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #e6f2ff; border: 1px solid black; margin-right: 5px;"></span> OS</li> </ul> | <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 10px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> CITY OF PRESCOTT</li> <li><span style="display: inline-block; width: 10px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> TOWN OF CHINO VALLEY</li> <li><span style="display: inline-block; width: 10px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> CENTRAL YAVAPI FD</li> <li><span style="display: inline-block; width: 10px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> CHINO VALLEY FD</li> <li><span style="display: inline-block; width: 10px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> WILLIAMSON VALLEY FD</li> <li><span style="display: inline-block; width: 10px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> BUREAU OF LAND MANAGEMENT</li> <li><span style="display: inline-block; width: 10px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> PRESCOTT NATIONAL FOREST</li> <li><span style="display: inline-block; width: 10px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> STATE OF ARIZONA LAND</li> <li><span style="display: inline-block; width: 10px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> Road Centerlines</li> <li><span style="display: inline-block; width: 10px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> Major Roads</li> <li><span style="display: inline-block; width: 10px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> Proposed Town of Williamson Valley</li> </ul> |
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<b>COUNCIL AGENDA MEMO – 10/20/09 &amp; 10/27/09</b>
<b>DEPARTMENT:</b> City Manager
<b>AGENDA ITEM:</b> Adoption of a Resolution approving an amendment to Intergovernmental Agreement #2007-315 with Yavapai County for Real Property Transfer/Development, providing for a \$250,000.00 payment to Yavapai County

<b>Approved By:</b>	<b>Date:</b>
<b>Finance Director:</b> Mark Woodfill	
<b>City Manager:</b> Steve Norwood <i>Craig M. Lowndes for</i>	10-16-09

**Summary**

The attached Resolution No. 3989-1019 will amend the Intergovernmental Agreement (IGA) with Yavapai County dated June 19, 2007, for Real Property Transfer/Development to allow for a \$250,000.00 payment by the City to the County in lieu of the credit previously agreed upon.

**Background**

In June 2007 the City Council adopted Resolution No. 3830 approving the IGA which enabled ownership of the Rodeo Grounds to transfer to the City of Prescott, and land along Prescott Lakes Parkway owned by the City to transfer to the County. In order to equalize the consideration, the City agreed to credits and/or payments for several items to compensate for the lesser appraised value of the property along Prescott Lakes Parkway. One of the conditions was a credit to the County in the amount of \$250,000.00 to offset the County's 50% share of the cost of construction of an addition to the City's animal control facility.

Both the City and County have now contracted with the Yavapai Humane Society for animal shelter services, eliminating the need for the facility expansion. Resolution No. 3989-1019, attached, would approve an amendment to the IGA allowing for a disbursement of \$250,000.000 from the City to the County, to be used for whatever purposes the County chooses.

**Financial Impact**

The \$250,000.00 has always been contemplated as part of the original agreement, and this amount is available in the City's Capital Improvement Fund for the payment to the County.

**Attachment - Resolution No. 3989-1019**

<b>Recommended Action:</b> MOVE to adopt Resolution No. 3989-1019.
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**RESOLUTION NO. 3989-1019**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AMENDING RESOLUTION NUMBER 3830, BY AMENDING THE INTERGOVERNMENTAL AGREEMENT APPROVED THEREIN TO NOW ALLOW FOR A DISBURSEMENT OF \$250,000 FROM THE CITY TO THE COUNTY AGAINST MONIES OTHERWISE PAYABLE TO THEM AND AUTHORIZING PAYMENT THEREFOR**

**RECITALS:**

WHEREAS the City Council, passed Resolution No. 3830 on June 19, 2009, approving IGA No. 2007-309 with Yavapai County for exchange of the rodeo grounds. Within that IGA was a clause that the County would credit the City \$250,000.00 against monies otherwise payable to them to offset the County's 50% share of the cost of construction of an addition to the City's animal control facility; and

WHEREAS, since that time, both the City and the County have elected to contract with Yavapai Humane Society for animal control services, thereby eliminating the need for such addition; and

WHEREAS, the parties do now wish to amend that IGA to allow for a \$250,000.00 payment to the County from the City in lieu of the credit previously agreed upon, and subsequently approve the amendment by resolution No. 3989-1019 thereto.

**ENACTMENTS:**

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

SECTION 1. THAT the attached amendment to the Intergovernmental Agreement between the City of Prescott and the County, No. 2007-309 is hereby approved as set forth in Exhibit "1" attached hereto, and disbursement is hereby authorized to the County in the amount of \$250,000.00 pursuant to Resolution Number 3989-1019.

SECTION 2. THAT the Mayor and staff are hereby authorized to execute any and all documents on behalf of the City of Prescott, and to take any and all steps deemed necessary to accomplish the foregoing.

PASSED AND ADOPTED by the Mayor and Council of the City of Prescott this 27<sup>th</sup> day of October, 2009.

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JACK D. WILSON, Mayor

ATTEST:

APPROVED AS TO FORM:

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

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

**EXHIBIT '1'**

***CITY OF PRESCOTT/YAVAPAI COUNTY***  
**INTERGOVERNMENTAL AGREEMENT No \_\_\_\_\_ - AMENDING A**  
**PORTION OF THAT CERTAIN "TRANSFER/DEVELOPMENT**  
**AGREEMENT IGA NO. 2007-309",**

***REAL PROPERTY OCCUPANCY/DEVELOPMENT***

**THIS AGREEMENT**, which amends a portion of that certain IGA No. 2007-309 between the parties has an effective date of \_\_\_\_\_, 2009 is by and between YAVAPAI COUNTY, a political subdivision of the State of Arizona (hereinafter "the COUNTY") and the City of Prescott, a municipal corporation created under the laws of the State of Arizona (hereinafter "the CITY")

**RECITALS**

**WHEREAS**, the CITY and the COUNTY have previously entered into a Real Property Transfer/Development IGA No. 2007-309, dated June 19, 2007, , which was duly recorded and is referred to herein as the "Transfer/Development Agreement", provided for the transfer of certain real property between the Parties pursuant to the terms and conditions set forth therein; and

**WHEREAS**, Section 6 of the Transfer/Development Agreement provided for a \$250,000 credit (the "Animal Control Credit") against the net amount payable at close of escrow by the CITY to the COUNTY, said credit constituting an offset against a future contribution by the COUNTY in an amount equal to 50% of the cost of construction of an addition to the City's animal control facility; and

**WHEREAS**, the Parties have determined that due to changes in the structure for delivery of animal control services in Western Yavapai County, the CITY will not be constructing an addition to its animal control facility and that no future contribution by the COUNTY for this purpose shall be required;

**WHEREAS**, having determined that a COUNTY contribution toward the cost of an addition to the CITY's animal control facility is no longer required, the Parties wish to provide for the transfer of the \$250,000 currently retained by the CITY to the COUNTY; and

**WHEREAS**, the COUNTY wishes to extend its term occupancy of certain portions of the Rodeo Grounds previously conveyed by to the CITY by the COUNTY which the COUNTY currently occupies pursuant to Section 10 of the Transfer/Development Agreement; and the parties wish to provide for such extended occupancy by the County for those areas specifically described or delineated in Attachment "A" which is incorporated and made a part of this agreement and

**WHEREAS**, the CITY wishes to occupy certain portions of the Rodeo Grounds currently occupied by the COUNTY prior to the dates by which the subject portions would otherwise be vacated by the COUNTY (as presently provided by the current Transfer/Development Agreement) and the parties wish to provide for earlier occupancy by the City of those areas specifically described or delineated in Attachment "B" which is incorporated and made a part of this agreement:

**NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:**

**1. Transfer of Funds.** On or before the effective date of this Agreement, the \$250,000 currently retained by the CITY as an Animal Control Credit pursuant to Section 6 of the Transfer/Development Agreement shall be paid to the COUNTY.

**2. Ongoing County Operations; Rodeo Grounds; Extended Occupancy.** It is understood and agreed that pursuant to this Agreement the COUNTY may, without charge, continue to conduct its operations on those portions of the Rodeo Grounds previously conveyed to the CITY by the COUNTY pursuant to the Transfer/Development Agreement, as shown in Attachment A to this Agreement, for an additional one-year period commencing on July 1, 2010 and ending on June 30, 2011 subject to interim use by the CITY of certain portions of the subject premises as set forth in Exhibit \_\_\_ of this Agreement. It is further understood and agreed that the COUNTY's occupancy and use of the subject premises pursuant to this amendment to the Transfer/Development Agreement and as specifically delineated on Attachment A hereto shall be in accordance with the terms and conditions set forth in Section 10 of the Transfer/Development Agreement. All provisions of the Transfer/Development Agreement not specifically amended by this agreement shall remain in full force and effect.

**3. Occupancy by City; Rodeo Grounds.** Notwithstanding any provision of the Transfer/Development Agreement or this Agreement, it is understood and agreed that the COUNTY agrees to and shall vacate, and the CITY may occupy, those portions of the Rodeo Grounds specified in Attachment B to this Agreement as of the dates specified in said Attachment,

**APPROVALS**

**COUNTY: Yavapai County**

By \_\_\_\_\_ Date  
Chairman, Board of Supervisors

**ATTEST:**

\_\_\_\_\_  
Clerk, Board of Supervisors Date

**CITY:** City of Prescott

By \_\_\_\_\_

\_\_\_\_\_ Title \_\_\_\_\_ Date

ATTEST:

\_\_\_\_\_  
Clerk, City of Prescott Date

**Determinations of Counsel**

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

\_\_\_\_\_

\_\_\_\_\_  
City Attorney

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

\_\_\_\_\_  
David S. Hunt  
Deputy County Attorney

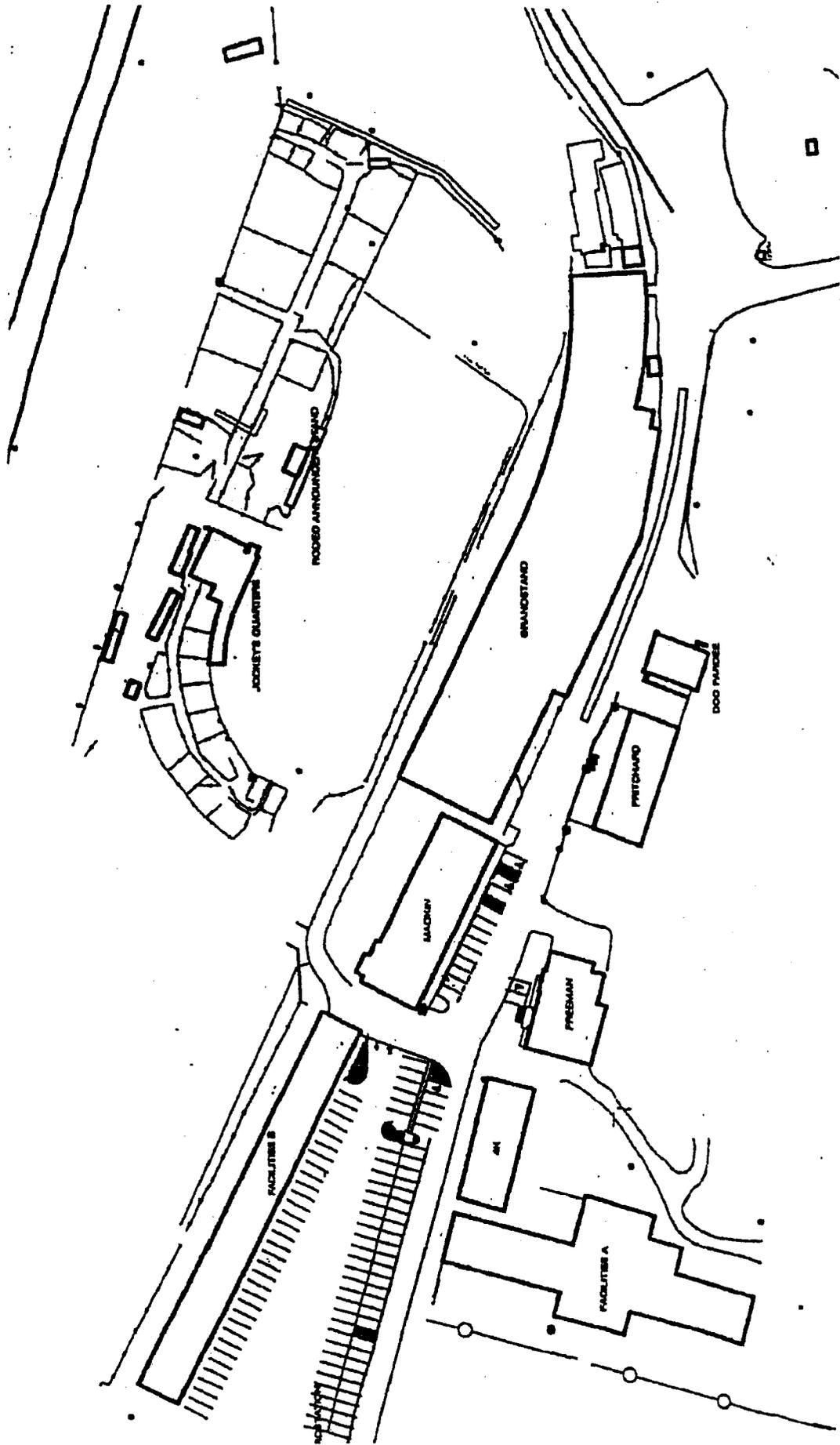
**ATTACHMENT A**

**FACILITIES LOCATED ON RODEO GROUNDS PROPERTY PREVIOUSLY CONVEYED BY COUNTY TO CITY PURSUANT TO THE 2007 TRANSFER/DEVELOPMENT AGREEMENT FOR WHICH EXTENDED OCCUPANCY HAS BEEN GRANTED FOR THE ADDITIONAL PERIOD FROM JULY 1, 2010 THROUGH JUNE 30, 2011 PURSUANT TO SECTION 3 OF THIS AGREEMENT.**

1. Mackin Building
2. Barn A
3. Barn B

[Subject facilities shown on map attached]

Attachment A -Map



**ATTACHMENT B**

**FACILITIES LOCATED ON RODEO GROUNDS PROPERTY PREVIOUSLY CONVEYED BY COUNTY TO CITY PURSUANT TO THE 2007 TRANSFER/DEVELOPMENT AGREEMENT CURRENTLY OCCUPIED BY THE COUNTY TO BE VACATED BY THE COUNTY AND OCCUPIED BY THE CITY ON OR BEFORE THE DATES SPECIFIED HEREIN PURSUANT TO THIS AGREEMENT.**

<b>Building</b>	<b>Date of City Occupancy</b>
1. Pritchard Building	July 15 <sup>th</sup> , 2009
2. North Portion of Barn A (Approximately 4000 sq. ft.)	May 15 <sup>th</sup> 2010

[Subject facilities shown on map attached]

Attachment B - Map

