

PRESCOTT CITY COUNCIL REGULAR VOTING MEETING A G E N D A *AMENDED

**PRESCOTT CITY COUNCIL
REGULAR VOTING MEETING
TUESDAY, DECEMBER 14, 2010
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 **Regular Voting Meeting** pursuant to the Prescott City Charter, Article II, Section 13. Notice of this meeting is given pursuant to Arizona Revised Statutes, Section 38-431.02.

- ◆ **CALL TO ORDER**
- ◆ **INTRODUCTIONS**
- ◆ **INVOCATION:** Pastor Hylyard Irvin, Church of Nazarene
- ◆ **PLEDGE OF ALLEGIANCE:** Councilwoman Linn
- ◆ **ROLL CALL:**

MAYOR AND CITY COUNCIL:

Mayor Kuykendall	
Councilman Blair	Councilwoman Linn
Councilman Hanna	Councilwoman Lopas
Councilman Lamerson	Councilwoman Suttles

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

- I. **PRESENTATION**

- A. [Acknowledgement of Award of Excellence from the Amateur Softball Association.](#)

- II. **CONSENT AGENDA**

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

- A. [Approval to purchase a Tymco 600 Regenerative Air Vacuum Sweeper from H&E Equipment in an amount not to exceed \\$210,719.47, including tax, for use by the Field Operations and Airport Departments.](#)

- B. Approval of Final Plat for the Tenney Homestead, Phase 1, comprising 5 lots on approximately 3.38 acres, generally located east of Senator Highway and west of Summer Field Road. (FP10-003).
- C. Adoption of Ordinance No. 4774-1125 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, abandoning a small portion of an unimproved alley right-of-way located adjacent to and at the rear of 817 Country Club Drive, retaining a public utility easement over the abandoned alley right-of-way and authorizing the Mayor and City staff to take all necessary steps to effectuate such abandonment.
- D. Approval of the minutes of the Prescott City Council Regular Meeting of November 23, 2010, the Special Meeting (Executive Session) of November 24, 2010, and the Special Meeting (Executive Session) of November 30, 2010.

III. REGULAR AGENDA

- A. Voucher Transit Program
 - 1. Adoption of Resolution No. 4059-1129 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the application and acceptance of a grant for Local Transportation Assistance Funds (LTAF II) to assist in the continued funding of the Transit Voucher System Program.
 - 2. Adoption of Resolution No. 4060-1130 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the City of Prescott to enter into a Memorandum of Understanding (MOU), with the Northern Arizona Council of Governments (NACOG) - Economic Workforce Development, providing for the administration of the Voucher Transit Program for calendar year 2011, and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.
- B. Approval of Water Service Agreement #10-006 with ETL Investments, LLC, for a multi-unit residential development to be located at 195 Plaza Drive.
- C. Adoption of Resolution No. 4058-1128 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, extending the 2005-2010 Water Management Policy, adopting a Water Management Budget for Calendar Year 2011, and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.

- D. Public Hearing and adoption of Ordinance No. 4773-1124 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, amending Title II, Chapter 1, of the Prescott City Code regarding the imposition of water rates, sewer rates and alternate water sources fees.
- E. Award of a construction services contract to WCC, LLC to modify a thirty-four foot section of concrete retaining wall along Iron Springs Road west of Vyne Street in an amount not to exceed \$71,225.00.
- F. Adoption of Ordinance No. 4775-1126 – An ordinance of the Mayor and council of the City of Prescott, Yavapai County, Arizona, accepting the dedication of streets and rights-of-way from FJLE1, LLC, a Utah limited liability company, in the Enchanted Canyon Subdivision and authorizing the Mayor and City staff to take all necessary steps to effectuate such dedication.
- G. Approval of a professional services agreement with Shephard Wesnitzer, Inc. for engineering and construction support services for the Williamson Valley Road Reconstruction Project in an amount not to exceed \$64,690.00.
- H. Approval of a professional services agreement with Dava & Associates to provide drainage engineering services for analysis, retrofit design and plan preparation for various locations within the City in an amount not to exceed \$36,600.00. (Funded by the Yavapai County Flood Control District)
- I. Approval of a professional services agreement with Dubroy Engineering to provide engineering services for drainage analysis, retrofit design and plan preparation for various locations within the City in an amount not to exceed \$24,440.00. (Funded by the Yavapai County Flood Control District)
- J.* Approval of a professional services agreement with JE Fuller/Hydrology & Geomorphology, Inc. for engineering services to update the FEMA floodplain determination of ~~William~~ Willow Creek, Tributaries of Willow Creek, Bottleneck Wash, and the northern segment of Granite Creek in an amount not to exceed \$350,000.00. (Funded by a FEMA grant)
- K. Recess into Executive Session.

IV. EXECUTIVE SESSION

A. Discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body, except that, with the exception of salary discussions, an officer, appointee or employee may demand that the discussion or consideration occur at a public meeting, pursuant to A.R.S. Section 38-431.03(A)(1).

1. Annual evaluation of Judge Arthur Markham.

B. 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, pursuant to ARS 38-431.03(A)(4).

1. McBurnie v. City of Prescott

V. POST EXECUTIVE SESSION

A. Approval of Employment Agreement with Judge Arthur Markham for a two-year period.

VI. ADJOURNMENT

CERTIFICATION OF POSTING OF NOTICE

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

Elizabeth A. Burke, MMC, City Clerk

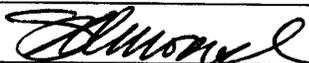
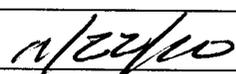
AWARD OF EXCELLENCE

The City of Prescott was the only city in the US to receive an "Award of Excellence" for hosting three (3) ASA National Championships during 2010. The COP earned a ranking of EXCELLENT on each of the three tournaments hosted.

The tournaments included a first-time Men's 12" Slow-Pitch Class "C" Softball National, a Men's 40 & Over Fast-Pitch National, and a Men's 50 & Over Fast-Pitch National.

Prescott's excellent reputation throughout the Amateur Softball Association (ASA) helped secure an additional two first-time tournaments in 2011 and 2012. They include a 16 & Under and 18 & Under Class B Girl's Fast-Pitch National scheduled for August 3-7, 2011 and a Girl's 18 & Under Class A Fast-Pitch Western National in 2012. To be awarded tournaments of this caliber you must have a proven reputation of excellence, which the City of Prescott has been recognized for many times.

COUNCIL AGENDA MEMO – December 14, 2010
DEPARTMENT: Airport
AGENDA ITEM: Request to purchase a Tymco 600 Regenerative Air Vacuum Sweeper from H&E Equipment in an amount not to exceed \$210,719.47 including tax for use by the Field Operations Department and Airport Department.

Approved By:	Date:
Department Head: Benjamin Vardiman, ACE, Airport Manager	11-17-2010
Finance Director:	
City Manager: 	

This is a request to purchase a Tymco 600 Regenerative Air Vacuum Sweeper from H&E Equipment for shared use by the Field Operations Department and the Airport Department.

Background

The Airport Department and the Field Operations Department have teamed up again to work toward providing better service and cost savings to the citizens of Prescott. In September of this year, the City went out to bid for a regenerative air vacuum sweeper to replace two (2) mechanical broom sweepers currently in use with the City. One unit is used by the Streets Division of the Field Operations Department to provide routine street sweeping and debris removal. The other unit is used by the Airport Department for sweeping and debris removal on the runways, taxiways, and ramps at the airport.

Debris can come in many shapes, sizes, and forms and can cause damage to vehicles or aircraft. Just as the types of debris may vary, the cost of the damage may vary as well. In vehicles, repairs can run from a few hundred dollars for a new windshield to several thousand dollars for repainting or repair of body damage. On aircraft the costs can range from a few thousand dollars to repair small chips in the propeller to over a million dollars if a jet engine is damaged by the debris.

Removal of debris from the paved surfaces of the City of Prescott is a critical issue taken very seriously by the City staff. Most citizens would be familiar with the efforts of the City Field Operations Department efforts to remove cinders after a snow storm but the debris removal efforts are not just limited to those few winter storms. The City Field Operations Department logs over 4,542 hours per year sweeping the City streets. The new Tymco Regenerative sweeper will be utilized daily on our City streets and will be used at the airport when not in use on the City Streets.

The regenerative air vacuum sweeper is a new design to the City of Prescott fleet but has been proven to be more efficient by other entities in Arizona such as the City of Chandler, City of Lake Havasu, City of Mesa, Flagstaff Airport, Mesa Falcon Field Airport, Phoenix-Mesa Gateway Airport, City of Scottsdale, Tucson Airport, and the Page Airport. By collecting even the smaller debris in the ROW that our current sweepers are not able to collect, we will be able to virtually eliminate the trails the current sweepers leave behind and leave our pavements in much better condition. The hopper on the Tymco has twice the capacity of a Broom Bear, allowing the operator to stay on the route longer, eliminating the need to make multiple trips to the Transfer Station to empty the hopper, saving fuel and time.

Agenda Item: Purchase of Regenerative Air Vacuum Sweeper

Since this is a vacuum sweeper, it also allows us the option to use this sweeper to help clean out our catch basins in the City, saving us thousands of dollars in man hours and keeping our storm drains in compliance with NPDES and SWPPP regulations. We are also purchasing a high pressure washer attachment for this sweeper that will be utilized downtown helping us keep our downtown area clean and vibrant.

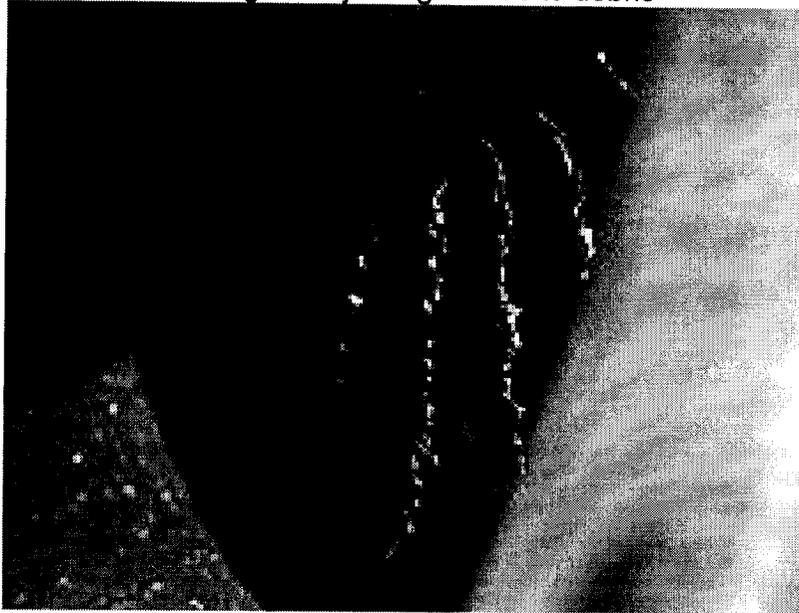
Financial

The total cost is \$210,719.47 including the extended warranties and sales tax. This purchase is budgeted and funded by the vehicle replacement fund. Annual operational and maintenance cost savings are anticipated for both departments through the replacement of 1 broom sweeper from each department (2 total) with the shared use of the one new sweeper.

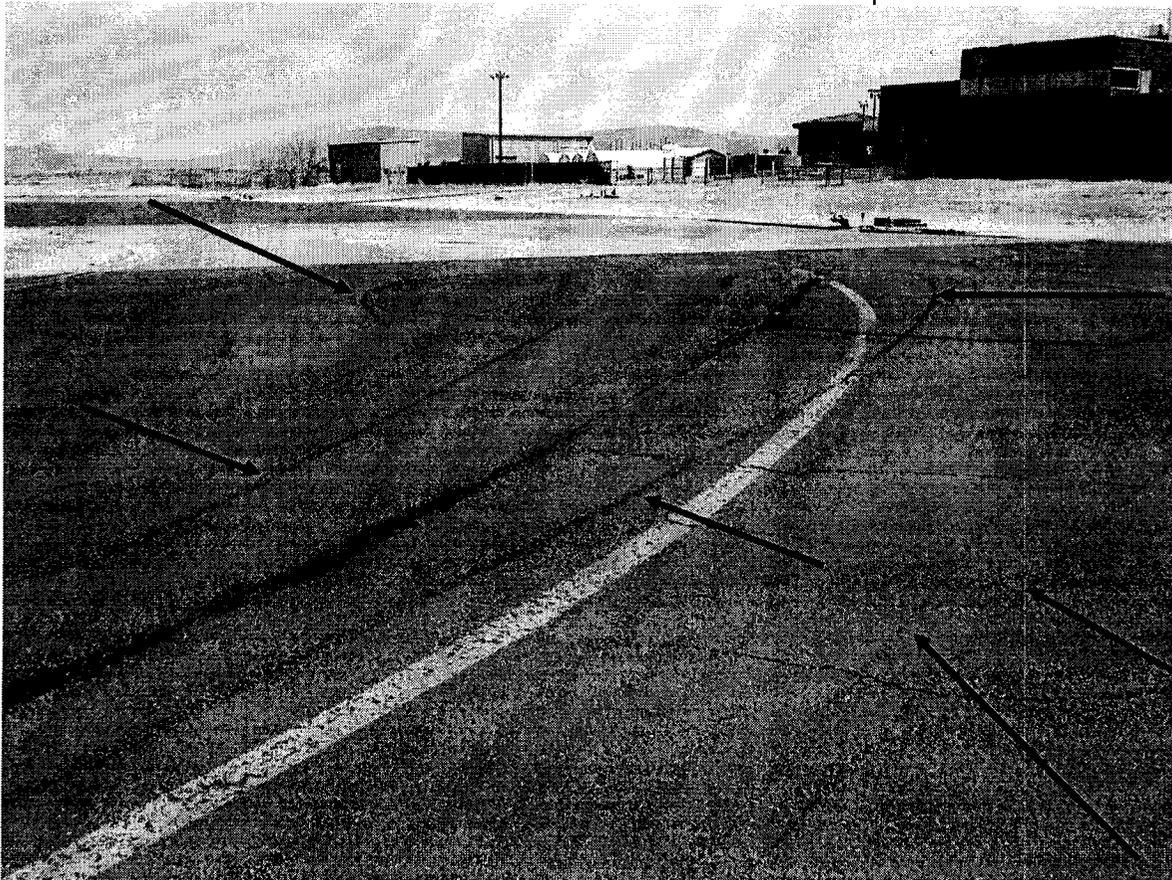
Recommended Action: Approve purchase of a Tymco 600 Regenerative Air Vacuum Sweeper from H&E Equipment in an amount not to exceed \$210,719.47 including tax for use by the Field Operations Department and Airport Department and further authorize the Mayor and City Staff to execute any and all related documents necessary.

Agenda Item: Purchase of Regenerative Air Vacuum Sweeper

Damage to a jet engine due to debris



Arrows showing debris trails left by current broom sweepers after 8 hours of sweeping at the US Forest Service Tanker Base Ramp



Agenda Item: Purchase of Regenerative Air Vacuum Sweeper

A File photo of the Tymco 600



COUNCIL AGENDA MEMO – 12/14/10

DEPARTMENT: COMMUNITY DEVELOPMENT

AGENDA ITEM: Final Plat for Phase I of Tenney Homestead, comprising 5 lots on ±3.38 acres, generally located east of Senator Highway and west of Summer Field.
Applicant: Carl Tenney, APNs: 110-06-005R & 111-06-006A

Approved By:

Department Head: Tom Guice	
Finance Director:	
City Manager: Steve Norwood 	12/10/10

REQUEST. Final Plat (FP10-003) of the Tenney Homestead subdivision for Phase 1 for 5 lots located on ±3.38 acres. (Phase 2 will be for the remaining 28 lots of the total 33 lots located on ±17.94 acres).

Project Information

Number of Lots:	5	Parcel Size (Phase 1):	±3.38 acres
Min. Lot Size:	±19,512 sq. ft.	Proposed Density (Phase 1&2)	1.84 units/acre
Max. Lot Size:	±36,514 sq. ft.	Max. Density Allowed:	2.20 units/acre
Average Lot Size	±19,679 sq. ft. (of the 33 lots)		

Prior Council Actions: Council approved the Preliminary Plat (PP09-002), the Rezone (RZ09-004) from SF-35 to SF-18, the Water Service Agreement (WSA10-001) for 11.55 acres per year, and the Development Agreement in June 2010.

STAFF ANALYSIS

Site Information. The property is bordered by the Summit Pointe Estates and Foothills subdivisions, Acker Park, and vacant private lands. Existing vegetation consists of native grasses, scrub oak, and junipers on a generally north-facing slope of less than 20% in gradient.

Access. The proposed Phase I is accessed primarily via Senator Highway and Nathan Lane.

Street Renaming. The Developer has agreed to rename that portion of Nathan Lane being dedicated as part of this final plat to City Lights to provide for improved “911” response, and to lessen confusion by having street names change mid-block. The remainder of Nathan Lane will need to be renamed at some point in time. One of the three property owners currently located on Nathan Lane west of Phase I is opposed to the renaming of Nathan Lane. The basis of this owner’s objection is that a change to City Lights would require address changes to her Home Occupation business.

The approval of Phase I does not require that Nathan Lane be changed at this time. Staff suggests that the City rename the remaining small portion of Nathan Lane to City Lights when the left turn lane improvements to Senator Highway are undertaken in Phase 2.

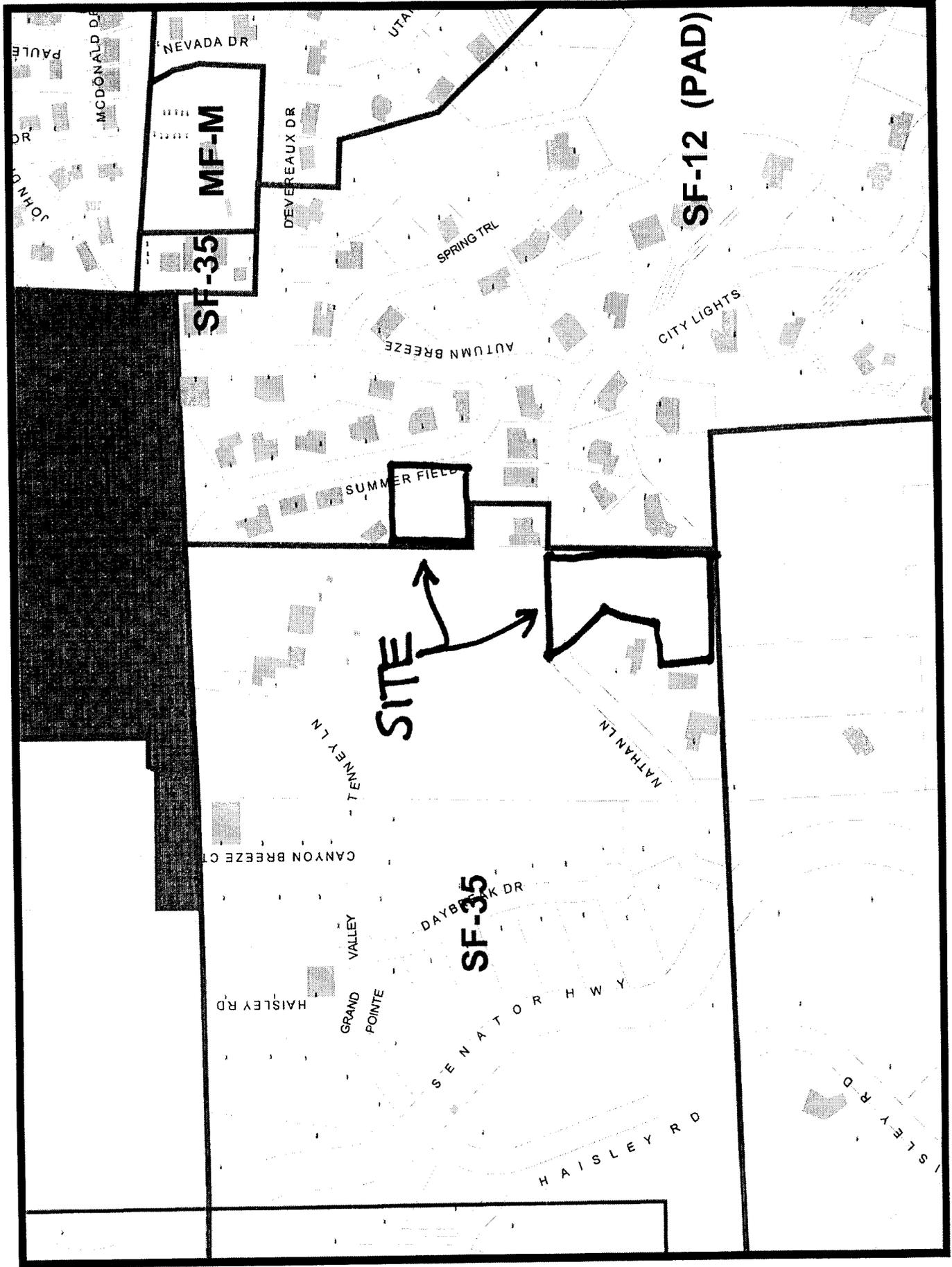
Agenda Item: FP10-003--Final Plat for the Tenney Homestead – Phase 1

Development Agreement: The approved Development Agreement relates to Phase II of the development, not Phase I. At the time Phase II is approved, the developer will be responsible for making Acker Park improvements, left turn lane improvements and participation in the creation of regional detention.

STAFF RECOMMENDATION:

The final plat is in substantial conformance with the preliminary plat. Staff recommends approval of the Final Plat.

SUGGESTED MOTION: MOVE to approve the Final Plat for Phase I of Tenney Homestead, FP10-003.



MF-M

SF-35

SF-12 (PAD)

SITE

SF-35

NEVADA DR

DEVEREAUX DR

SPRING TRL

AUTUMN BREEZE

CITY LIGHTS

SUMMER FIELD

NATHAN LN

CANYON BREEZE CT

DAYBREAK DR

HAISLEY RD

GRAND VALLEY
GRAND POINTE

SENATOR HWY

HAISLEY RD

HAISLEY RD

JOHN
PAUL
MCDONALD DR

COUNCIL AGENDA MEMO – December 14, 2010
DEPARTMENT: Public Works
AGENDA ITEM: Adoption of Ordinance No. 4774-1125 - Abandon a small portion of alley right-of-way south of Country Club Drive.

Approved By:	Date:
Department Head: Mark Nietupski	
Finance Director: Mark Woodfill	
City Manager: Steve Norwood <i>[Signature]</i>	12/06/10

Item Summary

This item is to abandon a small portion (27 SF) of an alley right-of-way south of 817 Country Club Drive to resolve an encroachment issue. There are existing overhead utilities requiring a Public Utility Easement (PUE) be retained over the abandoned portion of the alley. The abandonment right-of-way will be conveyed at market value.

Background

The previous property owners were preparing to sell the property and discovered there is a 2-foot high masonry wall that encroaches into the alley approximately 1-foot. To resolve a "clouded title" now and in the future, the abandonment has been requested. The alley is unimproved except for the overhead lines.

Since the abandonment request was made, the property has been sold. The Quit Claim Deed is in the name of the new owners, Rulon and Debra Smith. Monies have been set aside in the escrow account to purchase the abandoned alley right-of-way.

All utilities have been notified and have no objection to the abandonment as long as a PUE is retained over the abandoned area. The property owners adjacent to the alley have been notified and have no objection to the abandonment.

Since the abandoned area is small, a separate appraisal was not required. The value of \$1.25 per square feet was determined from a previous abandonment and includes the encumbrance for the PUE. Total cost for the alley right-of-way abandonment is \$298.75 (27 SF X \$1.25 + \$265.00 processing and recording fees).

Credit Account No. 2159999-7820

- Attachments**
- Area Map
 - Exhibit "A" - Map and Legal Description for alley right-of-way
 - Ordinance
 - Quit Claim Deed

Recommended Action: MOVE to adopt Ordinance No. 4774-1125.

ORDINANCE NO. 4774-1125

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, ABANDONING A SMALL PORTION OF AN UNIMPROVED ALLEY RIGHT-OF-WAY LOCATED ADJACENT TO AND AT THE REAR OF 817 COUNTRY CLUB DRIVE, RETAINING A PUBLIC UTILITY EASEMENT OVER THE ABANDONED ALLEY RIGHT-OF-WAY AND AUTHORIZING THE MAYOR AND CITY STAFF TO TAKE ALL NECESSARY STEPS TO EFFECTUATE SUCH ABANDONMENT

RECITALS:

WHEREAS, the City Council of the City of Prescott has determined that abandoning a small portion of alley right-of-way (27 square feet), more particular described in Exhibit "A", attached hereto and made a part hereof and as recorded in Block "A", Ridgewood Heights, Book 3 of Maps and Plats, Page 34, is not needed nor likely to be needed within a reasonable future time by the City; and

WHEREAS, the City Council of the City of Prescott wishes to abandon that certain small portion of an alley right-of-way as described on Exhibit "A" to resolve a wall encroachment in the alley right-of-way; and

WHEREAS, the alley right-of-way value was determined to be \$33.75 (27 SF X \$1.25) which has been adjusted to reflect the encumbrance for the public utility easement. The total cost for the alley right-of-way will be \$298.75 (\$33.75 + \$265.00 Processing and Recording Fees); and

WHEREAS this abandonment is in compliance with ARS Section 28-7201 et seq.

ENACTMENTS:

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

SECTION 1. THAT certain municipal alley right-of-way as set forth in Exhibit "A", which constitutes an unimproved portion of that certain alley recorded in Ridgewood Heights at Book 3, Page 34, records of the Yavapai County Recorder, is no longer necessary for public use and the same is hereby vacated and abandoned. A Public Utilities Easement will be retained over the abandoned alley right-of-way.

SECTION 2. THAT title to that property set forth in Exhibit "A" shall vest in the owner of the adjacent property, located at 817 Country Club Drive which is made a part of this action. Prior to such conveyance, the owner of 817 Country Club Drive will pay to the City of Prescott pursuant to this abandonment the market value of \$298.75, which sum

and consideration is determined to be commensurate with the value of the abandoned property, and includes payment to the City of Prescott in the sum of \$265.00 in accordance with PCC Section 8-2-14.

SECTION 3. THAT upon payment of the foregoing sum, the Mayor and staff are hereby authorized to execute a Quit-Claim Deed and any other instruments in order to carry out the conveyances as set forth herein.

SECTION 4. THAT the City of Prescott hereby retains a Public Utilities Easement over the abandoned alley right-of-way for access, installation, repair and maintenance of all public utilities.

SECTION 5. That pursuant to ARS Section 33-404, the following disclosure is made:

The beneficiary of this abandonment is:

Rulon Alexander Smith and Debra Lynn Smith, husband and wife
487 W. Scott Avenue
Gilbert, AZ 85233

PASSED AND ADOPTED by the Mayor and Council of the City of Prescott this 14th day of December, 2010.

MARLIN D. KUYKENDALL, Mayor

ATTEST:

APPROVED AS TO FORM:

ELIZABETH A. BURKE, City Clerk

GARY D. KIDD, City Attorney



ORDINANCE NO. 4774-1125

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, ABANDONING A SMALL PORTION OF AN UNIMPROVED ALLEY RIGHT-OF-WAY LOCATED ADJACENT TO AND AT THE REAR OF 817 COUNTRY CLUB DRIVE, RETAINING A PUBLIC UTILITY EASEMENT OVER THE ABANDONED ALLEY RIGHT-OF-WAY AND AUTHORIZING THE MAYOR AND CITY STAFF TO TAKE ALL NECESSARY STEPS TO EFFECTUATE SUCH ABANDONMENT

RECITALS:

WHEREAS, the City Council of the City of Prescott has determined that abandoning a small portion of alley right-of-way (27 square feet), more particular described in Exhibit "A", attached hereto and made a part hereof and as recorded in Block "A", Ridgewood Heights, Book 3 of Maps and Plats, Page 34, is not needed nor likely to be needed within a reasonable future time by the City; and

WHEREAS, the City Council of the City of Prescott wishes to abandon that certain small portion of an alley right-of-way as described on Exhibit "A" to resolve a wall encroachment in the alley right-of-way; and

WHEREAS, the alley right-of-way value was determined to be \$33.75 (27 SF X \$1.25) which has been adjusted to reflect the encumbrance for the public utility easement. The total cost for the alley right-of-way will be \$298.75 (\$33.75 + \$265.00 Processing and Recording Fees); and

WHEREAS this abandonment is in compliance with ARS Section 28-7201 et seq.

ENACTMENTS:

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

SECTION 1. THAT certain municipal alley right-of-way as set forth in Exhibit "A", which constitutes an unimproved portion of that certain alley recorded in Ridgewood Heights at Book 3, Page 34, records of the Yavapai County Recorder, is no longer necessary for public use and the same is hereby vacated and abandoned. A Public Utilities Easement will be retained over the abandoned alley right-of-way.

SECTION 2. THAT title to that property set forth in Exhibit "A" shall vest in the owner of the adjacent property, located at 817 Country Club Drive which is made a part of this action. Prior to such conveyance, the owner of 817 Country Club Drive will pay to the City of Prescott pursuant to this abandonment the market value of \$298.75, which sum

and consideration is determined to be commensurate with the value of the abandoned property, and includes payment to the City of Prescott in the sum of \$265.00 in accordance with PCC Section 8-2-14.

SECTION 3. THAT upon payment of the foregoing sum, the Mayor and staff are hereby authorized to execute a Quit-Claim Deed and any other instruments in order to carry out the conveyances as set forth herein.

SECTION 4. THAT the City of Prescott hereby retains a Public Utilities Easement over the abandoned alley right-of-way for access, installation, repair and maintenance of all public utilities.

SECTION 5. That pursuant to ARS Section 33-404, the following disclosure is made:

The beneficiary of this abandonment is:

Rulon Alexander Smith and Debra Lynn Smith, husband and wife
487 W. Scott Avenue
Gilbert, AZ 85233

PASSED AND ADOPTED by the Mayor and Council of the City of Prescott this 14th day of December, 2010.

MARLIN D. KUYKENDALL, Mayor

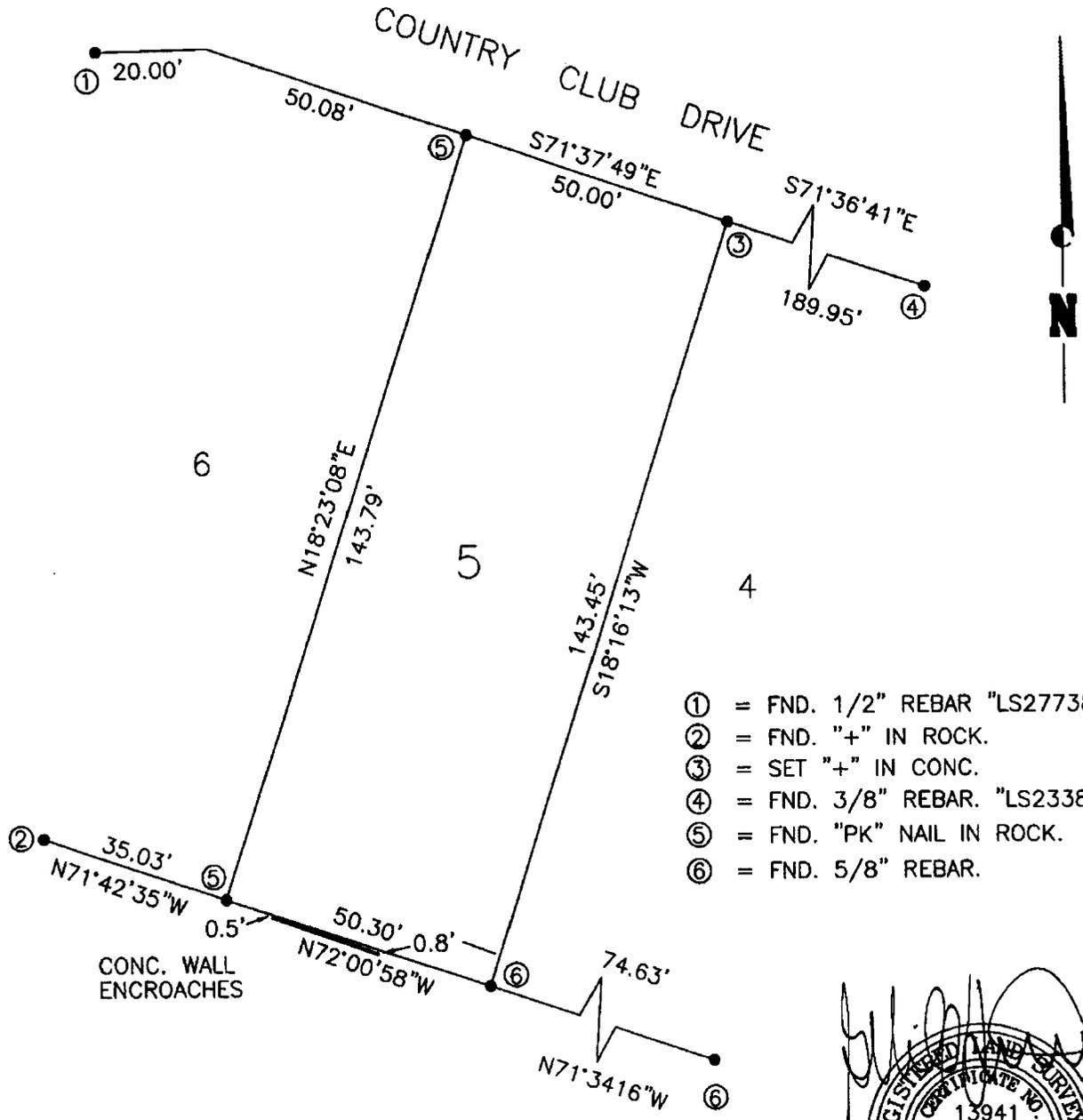
ATTEST:

APPROVED AS TO FORM:

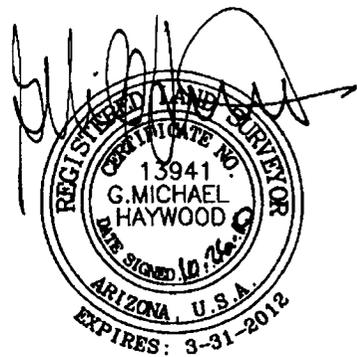
ELIZABETH A. BURKE, City Clerk

GARY D. KIDD, City Attorney

EXHIBIT "A"



- ① = FND. 1/2" REBAR "LS27738".
- ② = FND. "+" IN ROCK.
- ③ = SET "+" IN CONC.
- ④ = FND. 3/8" REBAR. "LS23383".
- ⑤ = FND. "PK" NAIL IN ROCK.
- ⑥ = FND. 5/8" REBAR.



SURVEY OF LOT 5, BLK. A,
RIDGEWOOD HEIGHTS SUBDV.

SEC. 4, T13N-R2W, G&SRB&M,
YAVAPAI COUNTY, ARIZONA.

ORIG. REC. BK. 3 M&P, PG. 34, Y.C.R.O.
ALL BEARINGS & DISTANCES AS MEASURED

G. MICHAEL HAYWOOD REGISTERED LAND SURVEYOR	
115 E. GOODWIN STREET PRESCOTT, AZ. 86303 (928) 778-5101	
JOB NO: 10-014	DRAWN: GMH
CREW: RR/PH	DATE: 3-10-10
CLIENT: HALE	CHECKED: GMH
SCALE: N.T.S.	DATE: 4-11-10

**G. MICHAEL HAYWOOD
REGISTERED LAND SURVEYOR**



212 S. Marina St. • P. O. Box 1001 • Prescott, Arizona 86302
Phone 928-778-5101 • Fax 928-778-9321 • email mike@mhainc.net

**EXHIBIT "___"
Alley Description**

All that portion of the public alley in Block "A", RIDGEWOOD HEIGHTS, a subdivision recorded in Book 3 of Maps and Plats, Page 34, on file in the office of the Yavapai County Recorder, located in a portion of Section 4, Township 13 North, Range 2 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows:

Commencing at the Southwest corner of Lot 5 in Block "A", RIDGEWOOD HEIGHTS;

Thence, South 72°00'58" East, 8.75 feet to a point on the South line said Lot 5 and the North line of the said public alley, and the **POINT OF BEGINNING** of this description;

Thence, continuing South 72°00'58" East along said common line, 20.62 feet;

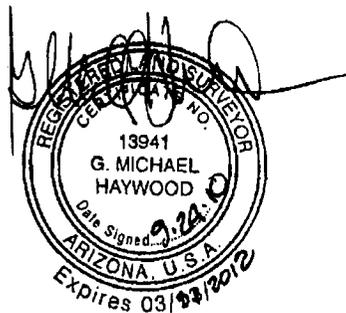
Thence, South 17°59'02" West, 1.42 feet;

Thence, North 71°11'09" West, 20.62 feet;

Thence, North 17°59'02" East, 1.12 feet to the **POINT OF BEGINNING**;

Containing 27 square feet, more or less.

September 10, 2010
10-014-EaveLGL



When recorded, mail to:

CITY OF PRESCOTT
LEGAL DEPARTMENT
P. O. Box 2059
Prescott, AZ 86302

QUIT CLAIM DEED

FOR THE CONSIDERATION of Two-hundred-ninety-eight Dollars and seventy-five cents (\$298.75) and other valuable consideration, the receipt of which is hereby acknowledged, CITY OF PRESCOTT , Grantor, hereby quitclaims to Rulon Alexander Smith and Debra Lynn Smith, husband and wife, all right, title or interest in the following real property, listed in the attached maps and legal descriptions, Exhibit "A", reserving a Public Utilities Easement over the Exhibit "A" and excepting any and all public or private utility easements, any other public easements of record, any roadways or easements for public ingress and egress and any prescriptive easements or public pathways or trails existing on the property at the time of transfer. The deeded is situated in Yavapai County, Arizona and is fully described in Exhibit "A", attached hereto and made a part hereof.

In accordance with A.R.S. 11-1134 A(3), this transfer of Title by the City of Prescott, the named grantor, is exempt from real estate transfer affidavit and fees.

DATED this _____ day of _____, 2010.

APPROVED BY THE MAYOR AND COUNCIL

ATTEST:

CITY OF PRESCOTT

ELIZABETH BURKE, City Clerk
STATE OF ARIZONA)

) ss.

County of Yavapai)

STATE OF ARIZONA)

) ss.

County of Yavapai)

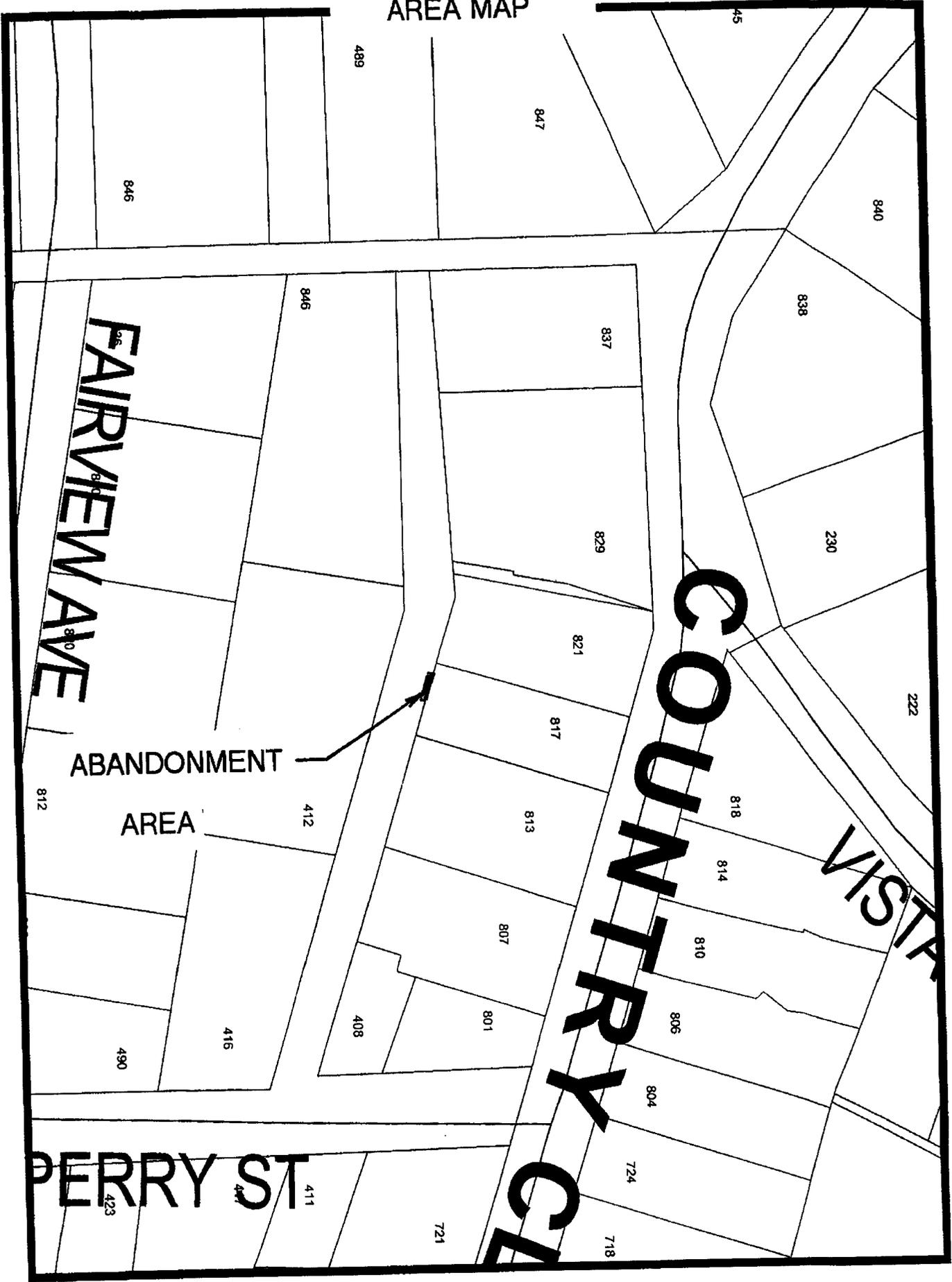
MARLIN D. KUYKENDALL, Mayor

The foregoing instrument was acknowledged before me this ____ day of _____, 2010, by Marlin D. Kuykendall, Mayor of the City of Prescott, personally known to me or proven to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged that he executed it.

[Seal]

Notary Public

AREA MAP



COUNCIL AGENDA MEMO – December 14, 2010

DEPARTMENT: Community Development

AGENDA ITEM: Consider authorizing staff to apply for Local Transportation Assistance Funds (LTAFF) in the amount of \$34,985.52 for the continuation of the Voucher Transit Program, and approval of a Memorandum of Understanding with Northern Arizona Council of Governments (NACOG) for the administration of the Voucher Transit Program for calendar year 2011.

Approved By:	Date:
Department Head: Tom Guice	
Finance Director: Mark Woodfill	
City Manager: Steve Norwood 	12/10/10

The City of Prescott has the opportunity to participate in the Local Transportation Assistance Fund Grant (LTAFF II) program again this year.

As Council is aware, the LTAFF II program is an Arizona Department of Transportation (ADOT) administered program that provides transit assistance for the elderly, disabled and "low income" persons.

The history of the program began in 1998 with the State Legislature's adoption of HB 2565 and required local governments desiring to participate in the program to provide a 25% cash match of the amount allocated by the State. The 2011 grant allotment available is \$34,985.52, with the City's matching 25% in the amount of \$8,746.38, for a total of \$43,731.90.

A Memorandum of Understanding (MOU) with NACOG is attached. Basically, the MOU includes the following conditions:

- Funds are distributed based on residency, not on origin/destination of travel.
- Eligibility includes youth, elderly (55 or older), developmentally disabled and low-income per grant requirements.
- Clients deemed eligible will be given vouchers based on need as established by NACOG.
- At the time of service, the voucher will be presented to the service provider along with a co-pay of \$2.00.
- NACOG receives a 15% administration fee for performing the duties as set forth in the MOU (attached).

Because of the availability of funds, the program will not terminate as planned at the end of 2010. Instead, the approval of the MOU will keep the program running from January 2011 through December 2011.

Attached for Council's information is the most recent voucher activity report that is provided by NACOG on a quarterly basis.

Recommended Action: (1) **MOVE** to adopt Resolution No. 4059-1129; and (2) **MOVE** to adopt Resolution No. 4060-1130.

PRESCOTT TRANSPORTATION PROGRAM

Year-To-Date Voucher Report

01/01/2010 to 12/31/10

	Jan-10	Feb-10	Mar-10	Apr-10	May-10	Jun-10	Jul-10	Aug-10	Sep-10	Oct-10	Nov-10	Dec-10	TOTAL TO DATE
Medical	371	401	385	414	160	117	132	138	154	151	107		2530
Basic Needs	676	692	675	610	182	221	201	248	242	238	229		4214
Job Search	216	295	262	197	38	51	41	31	81	59	45		1316
Work	146	120	136	92	44	6	0	20	12	8	0		584
Social Service	88	95	105	110	46	35	42	36	23	30	12		622
Counseling	170	171	173	175	50	35	42	41	52	36	31		976
Education	75	72	40	42	8	11	12	17	9	13	8		307
Requested Monthly Totals	1742	1846	1776	1640	528	476	470	531	564	535	432		10540
# People Requesting Rides	169	188	173	183	52	61	53	56	75	74	64		1148

RESOLUTION NO. 4059-1129

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AUTHORIZING THE APPLICATION AND ACCEPTANCE OF A GRANT FOR LOCAL TRANSPORTATION ASSISTANCE FUNDS (LTAF II) TO ASSIST IN THE CONTINUED FUNDING OF THE TRANSIT VOUCHER SYSTEM PROGRAM

RECITALS:

WHEREAS, there are Local Transportation Assistance Funds available for transit-related activities; and

WHEREAS, the City Council of the City of Prescott has determined that the transit voucher system program is a benefit to the residents of the City of Prescott; and

WHEREAS, the City Council of the City of Prescott wishes to apply for and accept LTAF II funds to assist in the continued funding of the transit voucher system program.

ENACTMENTS:

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

SECTION 1. That City Council hereby approves the filing of an application and an acceptance of LTAF II funds to assist in the continued funding of the transit voucher system in the amount of \$34,985.52.

SECTION 2. That it is hereby certified that the City of Prescott will comply with all appropriate state and federal regulations, policies, guidelines, and requirements as they relate to the application and acceptance.

SECTION 3. That the City of Prescott agrees to comply with all appropriate procedures, guidelines and requirements established by the Arizona Department of Transportation (ADOT) as a part of the application process.

SECTION 4. That in the event that this grant application is approved, the City of Prescott will contribute \$8,745.38 in matching funds from the City's General Fund for the purposes as set forth in Section 1 above.

PASSED AND ADOPTED by the Mayor and Council of the City of Prescott on this 14th day of December, 2010.

MARLIN D. KUYKENDALL, Mayor

ATTEST:

APPROVED AS TO FORM:

ELIZABETH A. BURKE, City Clerk

GARY D. KIDD, City Attorney

RESOLUTION NO. 4060-1130

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AUTHORIZING THE CITY OF PRESCOTT TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU), WITH THE NORTHERN ARIZONA COUNCIL OF GOVERNMENTS (NACOG) – ECONOMIC WORKFORCE DEVELOPMENT, PROVIDING FOR THE ADMINISTRATION OF THE VOUCHER TRANSIT PROGRAM FOR CALENDAR YEAR 2011, AND AUTHORIZING THE MAYOR AND STAFF TO TAKE ANY AND ALL STEPS NECESSARY TO ACCOMPLISH THE ABOVE

RECITALS:

WHEREAS, the City of Prescott and the Northern Arizona Council of Governments has entered into a Memorandum of Understanding (MOU) setting forth their agreement concerning their respective rights and responsibilities for the development and implementation of a voucher transit system; and,

WHEREAS, this MOU shall supersede and replace all prior agreements between the parties with respect to their respective rights and responsibilities concerning the voucher transit system; and,

WHEREAS, the City of Prescott and NACOG have the authority to enter into the foregoing agreement pursuant to ARS Section 11-952, 26-307 and 26-308; and,

WHEREAS, the funding for the MOU is included in the City's Fiscal Year 2011 Budget; and,

WHEREAS, the Northern Arizona Council of Governments has expertise in administering Local Transportation Assistance Funds (LTAFII).

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 attached Memorandum of Understanding between the City of Prescott and NACOG for administering the City's Local Transportation Assistance Funds (LTAFII) projects for calendar year 2011, attached hereto as "Exhibit A".

Section 2. That the Mayor and staff are hereby authorized to execute the attached Memorandum of Understanding 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 on this 14th day of December, 2010.

MARLIN D. KUYKENDALL, Mayor

ATTEST:

APPROVED AS TO FORM:

ELIZABETH A. BURKE, City Clerk

GARY D. KIDD, City Attorney

EXHIBIT 'A'

MEMORANDUM OF UNDERSTANDING
between Northern Arizona Council of Governments-
Economic/Workforce Development Division
and the
City of Prescott, Arizona

General Provisions

I) Introduction - Purpose of Memorandum of Agreement

This Memorandum of Understanding (MOU) is made and entered into by and between the Northern Arizona Council of Governments - Economic Workforce Development, hereafter referred to as NACOG, and the City of Prescott, hereafter referred to as the City.

The purpose of this MOU is to establish an agreement between NACOG and the City concerning their respective rights and responsibilities for the development and implementation of a voucher transit system, or VTS, which shall serve the area including the City of Prescott, the Town of Prescott Valley, the Town of Dewey-Humboldt and Chino Valley, hereafter referred to as the Tri-City area.

All parties agree to coordinate and collaborate their efforts in mutual planning and implementation to ensure that each area benefits from this service. The vouchers shall be issued to residents of the City to be used for travel only within the Quad-City area. Residents of the City will pay a \$2.00 co-payment per service provided.

II) NACOG - Authorities and Responsibilities Expressly Implied

1. Fiscal Agent: NACOG will act as the fiscal agent for the VTS being responsible to receive and disperse funds.
2. Eligibility: NACOG will establish eligibility screening which conforms to the requirements set forth.
3. Reporting: NACOG will collect data regarding all VTS users to include residency, origination, user name, eligibility category, age, income level as appropriate, and destination. This information will be compiled and reported to the City on a quarterly basis.

4. Records Management: NACOG will prepare and maintain all records relating to the VTS for the duration of this agreement. Records will be released to the City, upon request, at the termination of this agreement.
5. Staff: NACOG shall select and employ staff in order to provide project supervision and direct client services. This staff shall also perform administrative services as applicable.
6. Compensation: NACOG will receive a 15% administrative fee for performing all duties set forth herein.
7. Contributions: NACOG, when applicable, will make available other resources to VTS recipients.

III) Services to be provided

It is understood and agreed upon by all parties that this agreement is the result of collaboration between the Quad-City area and NACOG. NACOG will develop and implement the VTS program, per the following guidelines:

1. Funds will be distributed based on residency not on origination/destination of travel, i.e., the residency or a recipient shall determine the allocation of funds from the respective Quad-City area VTS budget.
2. Transportation originations and destinations will be limited to the Quad-City area only.
3. Eligibility includes the general public, elderly (55 or older), persons with disabilities, and welfare recipients and "low income" persons engaged in employment activities.
4. Special needs clients will be given transportation only when appropriate accessibility and safety precautions can be provided.
5. Clients deemed eligible will be given vouchers based on a monthly expenditure budget for each city of residency. The vouchers will be given out on a first come first serve basis beginning on the 1st on each month.
6. Transportation will be provided only by approved vendors.

7. NACOG may, as the City has requested, authorize processing of vouchers by select organizations as may be deemed appropriate. Said organizations will be required to comply with all record maintenance procedures set forth by NACOG to facilitate the reporting process. NACOG reserves the right to withdraw on-site voucher processing from any organization which does not comply with required procedures.
8. The City agrees that NACOG shall not be held accountable in the event of abuse by another organization utilizing on-site voucher processing. Neither shall payments be denied for services rendered by providers in good faith.

IV) Assignment of this amended agreement

This agreement is not assignable in whole or in part by NACOG without the express written permission of the City.

V) Term of this agreement

The City and NACOG agree that the terms of this agreement will become effective upon execution by signature and shall continue until such time as either party provides 30 days written notice to modify or amend or terminate this agreement.

In the event that state funds are swept or no longer available to the city, the city will immediately notify NACOG to stop the issuance of vouchers. The city will remain responsible for vouchers distributed or otherwise authorized up to this notification.

VI) Conflict of Interest

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

VII) Funding Level

The City agrees to fund the voucher program in the amount of \$43,731.90 during the period January 1, 2011 to December 31, 2011. This equates to \$3,644.33 per month. NACOG's 15% administration charge would equal \$546.65 per month, with the remainder of the funds going directly towards funding the vouchers.

VIII) Signatures

This Memorandum of Understanding shall constitute the entire agreement of both parties and is executed upon signature.

Passed, Approved, and Adopted by the Mayor and Council of the City of Prescott this ____ day of _____, 2010.

Marlin Kuykendall, Mayor

ATTEST:

Elizabeth A. Burke, City Clerk

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

Gary D. Kidd, City Attorney

Teri Drew
NACOG – Regional Director
Economic/Workforce Development Division

COUNCIL AGENDA MEMO – December 14, 2010
DEPARTMENT: City Manager
AGENDA ITEM: Approval of Water Service Agreement No. 10-006 with ETL Investments, LLC, for a multi-unit residential development to be located at 195 Plaza Drive

Approved By:		Date:
Regional Programs Director: Craig McConnell	<i>Craig McConnell</i>	12-3-10
Finance Director: Mark Woodfill		
City Manager: Steve Norwood	<i>Steve Norwood</i>	<i>12/3/10</i>

Summary

This application is for a water service agreement to support a 12-unit apartment complex to be constructed at 195 Plaza Drive as facilities for the Sober Way Residential Treatment Program. The applicant is Paul Harris.

The property (APN 111-08-017D) is zoned Business General (BG), and was the location of the former Mining Company restaurant. The project has been reviewed through the pre-application process, the development plan complies with all provisions of the Land Development Code, and the only City Council approval required is this water service agreement.

The project to be served with water according to this agreement consists of 12 total residential units (three buildings each with four residential units). The total water allocation required is 3.0 acre-feet per year (0.25 acre-feet per year per multi-family residential unit x 12 units). Water is available in the City's 2010 Alternative Water Budget for this agreement and subsequent service to the property.

Attachment - Water Service Agreement No. 10-006

Recommended Action: MOVE to approve Water Service Agreement No. 10-006.

**AGREEMENT FOR POTABLE WATER (WSA No. 10-006)
ETL INVESTMENTS, LLC**

WHEREAS, ETL Investments, LLC (hereinafter collectively referred to as "Applicant"), is the owner of certain real property within the City of Prescott; and

WHEREAS, Applicant desires to obtain provision of potable water to said property from the City of Prescott (hereinafter referred to as "City"); and

WHEREAS, Applicant contemplates constructing three (3) apartment complexes on the Property, for a total of twelve residential (12) dwelling units, in addition to the existing commercial building; and

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

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

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

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

1. That this Agreement shall relate to that property more specifically described as Yavapai County Assessor Parcel Number 111-08-017D, more particularly described in the attached Exhibit "A" (hereinafter referred to as the "Property").
2. The City will designate 3.0 acre-feet annually of potable water to serve the Property, subject to the following:
 - A. Applicant shall be solely responsible for the costs of any water and sewer main extensions or upgrades required by the City to serve the Property.
 - B. Applicant shall connect the Property to the City's Sanitary Sewer System, and shall be responsible for any and all costs associated therewith, before water service to the property is initiated.

C. Any change in use of the Property exceeding a total of twelve (12) residential dwelling units shall result in the termination of this Agreement.

D. The quantity of 3.0 acre-feet annually of potable water shall be reserved for the Property for a period of five (5) years from the date of this Agreement, which quantity shall be made available upon issuance by the City of a certificate of occupancy for the first apartment complex consisting of four (4) residential dwelling units. In the event the Applicant has not satisfied all requirements for issuance of said certificate of occupancy within said five (5) year period, this Agreement shall automatically terminate, and in such case neither the Applicant shall have any entitlement to, nor shall the City have any obligation to provide, potable water for this project.

E. The installation of any new well on the Property, or the use of water on the Property from any other exempt well (less than 35 gpm), shall result in the termination of this Agreement.

F. There shall be no further lot splits on the Property.

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

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

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

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

7. Time is of the essence in this Agreement. The failure of either party to require strict performance of any provision of this Agreement shall not be deemed a waiver of the right of said party thereafter to require strict performance of that or any other provision of this Agreement in accordance with the terms hereof, and without notice.

8. The parties hereto expressly covenant and agree that in the event of a dispute arising from this Agreement, each of the parties hereto waives any right to a trial by jury. In the event of litigation, the parties hereby agree to submit to a trial before the Court.

9. The parties hereto expressly covenant and agree that in the event of litigation arising from this Agreement, neither party shall be entitled to an award of attorneys' fees, either pursuant to the Contract, pursuant to ARS Section 12-341.01(A) and (B), or pursuant to any other state or federal statute.

DATED this _____ day of _____, 2010.

APPLICANT:
ETL INVESTMENTS, LLC

By: _____
Name:
Its:

PASSED, APPROVED AND ADOPTED by the Mayor and Council of the City of Prescott this 14th day of December, 2010.

MARLIN D. KUYKENDALL
Mayor

ATTEST:

APPROVED AS TO FORM:

ELIZABETH A. BURKE
City Clerk

GARY D. KIDD
City Attorney

STATE OF ARIZONA)
)ss.
COUNTY OF YAVAPAI)

The foregoing instrument was acknowledged before me this _____ day of _____, 2010, by _____, the _____ of ETL Investments, LLC, personally known to me or proven to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged that they executed it.

[Seal]

Notary Public

STATE OF ARIZONA)
) ss.
COUNTY OF YAVAPAI)

The foregoing instrument was acknowledged before me this _____ day of _____, 2010, by Marlin D. Kuykendall, Mayor of City of Prescott, personally known to me or proven to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged that he executed it.

[Seal]

Notary Public

Exhibit "A"

LEGAL DESCRIPTION:

PARCEL 1:

ALL THAT PORTION OF LOTS 396, 397, 398 AND 399, IDYLWILD TRACT, ACCORDING TO THE PLAT OF RECORD IN BOOK 2 OF MAPS, PAGE 14, RECORDS OF YAVAPAI COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 398;

THENCE SOUTH 00°14' WEST, 198.48 FEET TO THE NORTH RIGHT-OF-WAY LINE OF PLAZA DRIVE, ACCORDING TO THE PLAT OF RECORD IN BOOK 8 OF MAPS, PAGE 23, RECORDS OF YAVAPAI COUNTY, ARIZONA;

THENCE SOUTH 89°07' WEST, 103.48 FEET ALONG SAID RIGHT-OF-WAY LINE;

THENCE NORTHWESTERLY, 84.61 FEET ALONG SAID RIGHT-OF-WAY LINE ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 161.60 FEET;

THENCE WESTERLY 55.00 FEET, ALONG SAID RIGHT-OF-WAY LINE ON A CURVE TO THE LEFT, HAVING A RADIUS OF 211.60 FEET;

THENCE NORTH 00°14' EAST, 113.50 FEET;

THENCE NORTH 20°31'36" EAST, 205.94 FEET;

THENCE SOUTH 48°04'40" EAST, 220.00 FEET TO THE POINT OF BEGINNING.

PARCEL II

ALL THAT PORTION OF LOT 413, IDYLWILD TRACT, ACCORDING TO THE PLAT OF RECORD IN BOOK 2 OF MAPS, PAGE 14, RECORDS OF YAVAPAI COUNTY, ARIZONA, BEING ALSO A PORTION OF LOT 17, PINE CREEK ESTATES SUBDIVISION, ACCORDING TO THE PLAT OF RECORD IN BOOK 24 OF MAPS, PAGES 37-38, RECORDS OF YAVAPAI COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A ONE-HALF INCH REBAR MARKING THE SOUTHWEST CORNER OF SAID LOT 413, IDYLWILD TRACT, BEING ALSO THE SOUTHWEST CORNER OF SAID LOT 17 OF PINE CREEK ESTATES;

THENCE NORTH 00°05'21" WEST, THE BASIS OF BEARING FOR THIS DESCRIPTION, DISTANT 85.44 FEET ALONG THE WEST LINE OF SAID LOT 17, PINE CREEK ESTATES TO A POINT ON SAID

WEST LINE, SAID POINT BEING A “+” CHISELED IN STONE AND THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION;

THENCE CONTINUING NORTH 00°05'21" WEST, DISTANT 46.38 FEET ALONG THE WEST LINE OF SAID LOT 17, PINE CREEK ESTATES, TO A POINT ON SAID WEST LINE, SAID POINT BEING A ONE-HALF INCH REBAR CAPPED L.S. 13941;

THENCE SOUTH 42°01'50" EAST, DISTANT 13.81 FEET TO A ONE-HALF INCH REBAR CAPPED L.S. 13941;

THENCE SOUTH 07°48'30" EAST, DISTANT 33.16 FEET TO A ONE-HALF INCH REBAR CAPPED L.S. 13941;

THENCE SOUTH 76°34'20" WEST, DISTANT 14.06 FEET TO THE TRUE POINT OF BEGINNING.

COUNCIL AGENDA MEMO – December 14, 2010	
DEPARTMENT:	City Manager
AGENDA ITEM: Extension of Water Management Policy and adoption of Water Management Budget for 2011	

Approved By:		Date:
Regional Programs Director:	Craig McConnell <i>Craig McConnell</i>	12-3-10
Finance Director:	Mark Woodfill	
City Manager:	Steve Norwood <i>Steve Norwood</i>	12/16/10

Item Summary

The City of Prescott Water Management Policy (2005-2010) will expire at the end of December 2010. This current policy is to be replaced by a Long Term Water Management Policy to include imported resource from the Big Chino Sub-basin, and a strategy for achieving an appropriate contribution by Prescott toward reaching safe-yield in the Prescott Active Management Area (PrAMA).

On November 12, 2008, the Director, Arizona Department of Water Resources (ADWR), issued a decision and order (D&O) finding that the City's most recent (2007) Application for Modification of Assured Water Supply satisfied all of the requirements for a Designation of Assured Water Supply. This D&O recognized 8,067 acre-feet/year of groundwater from the Big Chino Sub-basin, and an additional 1472 acre-feet/year of treated effluent resource available for storage and recovery by Prescott.

Since the D&O is still being litigated by the Yavapai Apache Nation and Ft. McDowell Yavapai Nation, it is necessary to: (1) extend the current Water Management Policy; and (2) set forth a Water Management Budget for 2011. When the litigation is concluded, formulation of the Long Term Water Management Policy will commence.

The City's annual water management budget makes "alternative water" available for allocation to serve new development. "Alternative water" is a term referring to sources such as recharged/recovered treated effluent and surface water, as well as groundwater from the Big Chino Sub-basin, located outside the PrAMA, to which Prescott is entitled by state law. Prescott's use of PrAMA groundwater is capped by the state; new subdivisions and development proposals cannot be served by pumping additional PrAMA groundwater.

A total budget of 200 acre-feet of "alternative water" is recommended for 2011, the same amount provided for each year in the current policy, consisting of 160 acre-feet for "market development," and 40 acre-feet for "workforce/affordable housing" projects. Single family residential requires an allocation of 0.35 acre-feet/year per unit; multi-family residential is allocated at 0.25 acre-feet/year per unit. Nonresidential development is allocated water on the basis of water demand (estimated use), with all

Agenda Item: Extension of Water Management Policy and adoption of Water Management Budget for 2011

project requests involving demand over five (5.0) acre-feet/year requiring approval of a water service agreement by the City Council. At year-end, any unallocated water in the annual "alternative water" budget remains in the water portfolio as an asset available for future use.

Background

The City of Prescott Water Management Policy (2005-2010) was approved October 25, 2005. Amendment No. 1, making certain revisions including reservations for vacant residentially-zoned parcels and phased allocations to master-planned projects, was subsequently approved on March 27, 2007 (Resolution No. 3807). The current policy can be viewed on the City website (www.prescott-az.gov). With the exception of extending this policy and creating a corresponding water budget for 2011, all other provisions of the policy will remain in force.

As mentioned above, Prescott's 2007 Application for Modification of Assured Water Supply is still being litigated. When the litigation is concluded, establishing the quantities of resource actually available for allocation, anticipated to include addition of water from the Big Chino Sub-basin, formulation of the Long Term Water Management Policy will be commenced.

Current Quantity Available for Allocation

Prescott is operating under a 2005 ADWR Assured Water Supply decision and order. The total quantity of "alternative water" presently available for allocation to new subdivisions and development is 421.01 acre-feet (see table below). Each allocation made from the recommended 2011 Water Management Budget will reduce this balance.

	2010	2011
<u>Unallocated Balance Forward</u>	499.16 AF	
<u>Budget for Year Available for Allocation</u>		
Market	160	160
Workforce	40	40
<u>Allocations Made Year to Date</u>	78.15 AF	
Market	38.15	
Workforce	0	
Granite Dells Estates Reservation	40	
<u>Current Available for Allocation</u>		
Market	121.85	
Workforce	40	
<u>Unallocated Balance at Year End</u>	421.01 AF (projected)	

Agenda Item: Extension of Water Management Policy and adoption of Water Management Budget for 2011

Annual Water Report - Resources and Uses

Recognizing the vital importance of water to the City's quality of life and economy, current and future, an annual water report is being designed with the participation of several interested citizens for issuance each March. The purposes of this document include quantifying and explaining the City's water portfolio (resources), current and committed demand (uses), and net availability. This report will also include the current year water budget.

Attachment - Resolution No. 4058-1128

Recommended Action: MOVE to adopt Resolution No. 4058-1128.

RESOLUTION NO. 4058-1128

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, EXTENDING THE 2005-2010 WATER MANAGEMENT POLICY, ADOPTING A WATER MANAGEMENT BUDGET FOR CALENDAR YEAR 2011, AND AUTHORIZING THE MAYOR AND STAFF TO TAKE ANY AND ALL STEPS NECESSARY TO ACCOMPLISH THE ABOVE

RECITALS:

WHEREAS, Resolution No. 3807, as adopted on March 27, 2007, sets forth the current 2005-2010 Water Management Policy for the City of Prescott; and

WHEREAS, the City of Prescott wishes to extend said policy until it is replaced with a new long term water management policy or otherwise repealed; and

WHEREAS, the City of Prescott wishes to set forth and adopt a water management budget for Calendar Year 2011.

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 extension of the current water management policy set forth by Resolution No. 3807, which policy shall remain in force until superseded by a successor water management policy or otherwise repealed.

SECTION 2. THAT the Water Management Budget for Calendar Year 2011 shall make available the following quantities of alternative water for allocation: 160 acre-feet in the market category and 40 acre-feet in the workforce/affordable housing category.

SECTION 3. THAT the Mayor and staff are hereby authorized 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 14th day of December, 2010.

MARLIN D. KUYKENDALL, Mayor

ATTEST:

APPROVED AS TO FORM:

ELIZABETH A. BURKE, City Clerk

GARY D. KIDD, City Attorney

COUNCIL AGENDA MEMO – December 14, 2010
DEPARTMENT: City Manager
AGENDA ITEM: Water and Wastewater Rates

Approved By:	Date:
Regional Programs Director: Craig McConnell <i>Craig McConnell</i>	12-3-10
Finance Director: Mark Woodfill	
City Manager: Steve Norwood <i>Steve Norwood</i>	12/06/10

ITEM SUMMARY

A "Notice of Intention to Increase Water and Wastewater (Sewer) Rates" was approved by Council on November 9, 2010, and subsequently published in the *Daily Courier* on November 19, 2010. The public report required by ARS 9-511.01 was additionally placed on the City website. The proposed rates (attached) are those which were presented at the public meetings of October 14th and 21st, and included with the Council agenda memorandum for the November 9th meeting.

The Notice set a public hearing on the rates for 3:00 pm, Tuesday, December 14, 2010. Following the public hearing, Council can either immediately approve Ordinance No. 4773-1124 (also attached) implementing the rate changes, or defer consideration to a subsequent meeting.

BACKGROUND

Economists.com was engaged by the City in October 2007 for a biannual analysis of rates and impact fees necessary to adequately support the City's potable water and wastewater enterprises. Rates were adjusted, and two years later the firm was requested to prepare another update.

At the study session of January 19, 2010, Council discussed further changes to the City water and wastewater rates identified by a financial plan prepared by Dan Jackson, Economists.com. Mr. Jackson cited various factors affecting the City's water and wastewater enterprises: slow growth in new customer accounts, much lower water use, reduced impact fee revenue, and most significantly, the City's extensive Capital Improvement Plan (CIP) which includes many projects to remedy existing system deficiencies.

On January 26, 2010, recognizing increases in the wastewater rates and alternative water sources fee which had become effective January 1, 2010, Council deferred the rate setting process to Summer 2010, to begin with review of the water and wastewater capital improvement programs (CIPs). That process is summarized in the table below.

Agenda Item: Water and Wastewater Rates

Funding required to keep the Sewer Fund on a stable financial footing continues to be a primary concern, in particular the costs of extensive improvements to the Sundog and Airport Wastewater Treatment Plants required during the coming years which have been detailed for Council in several meetings over the past year.

RATE SETTING PROCESS

8/17/10 Completed	Council Workshop	Discussion of rate increases necessary to fund the FY 11-16 Water and Wastewater CIP.
9/7/10 Completed	Council Workshop	Discussion of priority projects and schedule for the rate setting public process.
10/4-11/10 Completed	Meetings with Customers	Meetings with large water users to discuss their water usage, and current and proposed rates.
10/14/10 Completed	Public Meeting #1	Public Meeting #1 to present information on the City utilities systems, enterprise funds, and proposed rates; and receive comments.
10/21/10 Completed	Public Meeting #2	Repeat of Public Meeting #1.
11/2/10 Completed	Council Workshop	Presentation of proposed rates and summary of public comments; Council direction to proceed with the rate setting process.
11/9/10 Completed	Council Agenda Item	Adoption of Notice of Intention declaring the intent to adjust/raise rates; set public hearing and formally release the public report.
12/14/10	Council Public Hearing	Public hearing on the proposed rates not less than 30 days following adoption of the Notice of Intention.
12/14/10 or other meeting	Council Agenda Item	Adoption of ordinance setting new water and wastewater rates after the public hearing
TBD	New Rates in Effect	Ordinance setting new rates effective 30 days after adoption. • If adopted 12/14/10 proposed effective date for new rates 2/1/11 • If adopted 1/11/11 proposed effective date for new rates 3/1/11

AMENDMENT OF CITY CODE

Ordinance No. 4773-1124 would amend two sections of the City Code, 2-1-18 (Water Rates) and 2-1-21 (Sewer Rates) to implement the rates listed on the attached schedules. Section 2-1-21(B) would also be updated to read as follows:

- (B) The methodology used to determine user charges shall consider the sewage strength, suspended solids and flow volume. The basis for charges shall be a combination of a fixed monthly base charge allocated equally among all users and a volume charge related to metered water usage. The formula for calculating the volume charge shall use the average monthly water consumption for each individual user for either: 1) the winter months of October through March (billings of November through April), or 2) the annual consumption based on the months of April through March, whichever is less. Those consumers with no water consumption during the months listed shall, for the purposes of calculating a volume charge, be assigned a water volume amount equal to the average for their classification ...

Standard methodology by Arizona utilities for calculating volume charges on sewer bills is correlated to winter water consumption when outside water use is negligible (most water supplied is return flow to the sewer system and wastewater treatment plants). The change identified above would align Prescott with other Arizona municipalities.

Agenda Item: Water and Wastewater Rates

While other methods could be used to calculate the sewer bill volume component (annual average water use, quarterly water use, etc.), analysis by the Finance Department indicates that for 94% of the City's 17,500 sewer customers, the lowest cost and most accurate method will be to base this sewer volume charge on the average winter water usage (the six months of October through March). This average is recalculated and updated annually, for billing purposes, in May.

PROPOSED RATES AND EFFECTIVE PERIOD

If the ordinance is adopted as written, rates would be adjusted on February 1, 2011; January 1, 2012; and January 1, 2013. Although the current analysis addressed a longer timeframe (adjustments are indicated on the attachment through January 1, 2016), it is recommended that the next regular review/update be done in 2013 for the period 2014-2016.

Attachments: - Proposed rate schedule
 - Ordinance No. 4773-1124

Recommended Action: MOVE to:

1. Close the public hearing
- and then 2. Adopt Ordinance No. 4773-1124.

Proposed Water Rates

Monthly Fixed Charge								
Meter Size	Meters	Current	3/1/2011	1/1/2012	1/1/2013	1/1/2014	1/1/2015	1/1/2016
5/8" WATER	19,104	6.60	10.60	11.70	12.90	13.50	14.20	14.90
3/4" WATER	17	7.05	11.30	12.40	13.60	14.30	15.00	15.80
1" WATER	1,591	7.95	12.70	14.00	15.40	16.20	17.00	17.90
1 1/2" WATER	283	10.20	16.30	17.90	19.70	20.70	21.70	22.80
2" WATER	442	12.90	20.60	22.70	25.00	26.30	27.60	29.00
3" WATER	49	19.20	30.70	33.80	37.20	39.10	41.10	43.20
4" WATER	28	28.20	45.10	49.60	54.60	57.30	60.20	63.20
6" WATER	13	50.70	81.10	89.20	98.10	103.00	108.20	113.60
8" WATER	3	77.70	124.30	136.70	150.40	157.90	165.80	174.10
TOTAL	21,530							

Water Consumption Charge (per 1,000 gallons)								
Residential Single Family								
	Current	3/1/2011	1/1/2012	1/1/2013	1/1/2014	1/1/2015	1/1/2016	
INCREASE			0%	7%	5%	5%	5%	5%
Tier1	\$ 2.86	2.86	3.06	3.21	3.37	3.54	3.72	
Tier2	4.30	4.30	4.60	4.83	5.07	5.32	5.59	
Tier3	6.45	6.45	6.90	7.25	7.61	7.99	8.39	
Tier4	12.90	12.90	13.80	14.49	15.21	15.97	16.77	

Residential Multi-Family								
	Current	3/1/2011	1/1/2012	1/1/2013	1/1/2014	1/1/2015	1/1/2016	
INCREASE			0%	7%	5%	5%	5%	5%
Tier1	\$ 2.30	2.30	2.46	2.58	2.71	2.85	2.99	
Tier2	3.46	3.46	3.70	3.89	4.08	4.28	4.49	
Tier3	5.19	5.19	5.55	5.83	6.12	6.43	6.75	
Tier4	10.39	10.39	11.12	11.68	12.26	12.87	13.51	

Non-Residential								
	Current	3/1/2011	1/1/2012	1/1/2013	1/1/2014	1/1/2015	1/1/2016	
INCREASE			0%	7%	5%	5%	5%	5%
Tier1	\$ 2.61	2.61	2.79	2.93	3.08	3.23	3.39	
Tier2	3.92	3.92	4.19	4.40	4.62	4.85	5.09	
Tier3	5.88	5.88	6.29	6.60	6.93	7.28	7.64	
Tier4	11.76	11.76	12.58	13.21	13.87	14.56	15.29	

Alt-Water Consumption Charge (per 1,000 gallons)								
	Current	3/1/2011	1/1/2012	1/1/2013	1/1/2014	1/1/2015	1/1/2016	
All Tiers	0.65	0.70	0.80	0.85	0.90	0.95	1.00	

Proposed Wastewater Rates

Residential							
	<u>Current</u>	<u>3/1/2011</u>	<u>1/1/2012</u>	<u>1/1/2013</u>	<u>1/1/2014</u>	<u>1/1/2015</u>	<u>1/1/2016</u>
INCREASE		15%	15%	15%	10%	5%	5%
Monthly Base	\$ 12.54	\$ 14.42	\$ 16.58	\$ 19.07	\$ 20.98	\$ 22.03	\$ 23.13
Volume Charge	2.71	3.12	3.59	4.13	4.54	4.77	5.01
Non-Residential							
	<u>Current</u>	<u>3/1/2011</u>	<u>1/1/2012</u>	<u>1/1/2013</u>	<u>1/1/2014</u>	<u>1/1/2015</u>	<u>1/1/2016</u>
INCREASE		10%	10%	10%	10%	5%	5%
Monthly Base	\$ 15.18	\$ 16.70	\$ 18.37	\$ 20.21	\$ 22.23	\$ 23.34	\$ 24.51
Volume Charge							
Uniform Non-Residential	3.89	4.28	4.71	5.18	5.70	5.99	6.29
Bar w/o Dining Facilities	3.89	4.28	4.71	5.18	5.70	5.99	6.29
Car Wash	3.89	4.28	4.71	5.18	5.70	5.99	6.29
Dept/Retail Stores	3.89	4.28	4.71	5.18	5.70	5.99	6.29
Hospital/Convalescent	3.89	4.28	4.71	5.18	5.70	5.99	6.29
Hotel w/Dining Facilities	4.18	4.28	4.71	5.18	5.70	5.99	6.29
Hotel w/o Dining Facilities	3.89	4.28	4.71	5.18	5.70	5.99	6.29
Laundromat	3.89	4.28	4.71	5.18	5.70	5.99	6.29
Markets w/Garbage Disposal	5.84	5.84	5.84	5.84	5.84	5.99	6.29
Mortuaries	5.84	5.84	5.84	5.84	5.84	5.99	6.29
Professional Offices	3.89	4.28	4.71	5.18	5.70	5.99	6.29
Repair shops/Service Stat	3.89	4.28	4.71	5.18	5.70	5.99	6.29
Restaurants	6.28	6.28	6.28	6.28	6.28	6.28	6.29
Schools and Colleges	3.89	4.28	4.71	5.18	5.70	5.99	6.29

ORDINANCE NO. 4773-1124

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AMENDING TITLE II, CHAPTER 1, OF THE PRESCOTT CITY CODE REGARDING THE IMPOSITION OF WATER RATES, SEWER RATES, AND ALTERNATE WATER SOURCES FEES

RECITALS:

WHEREAS, the City of Prescott (the "City") has conducted a study regarding various rates and fees assessed to the City's water and sewer (wastewater) users; and

WHEREAS, the completed the study and public report, "Water and Wastewater Rates - 2010 Update," dated November 3, 2010 (the "Study"), was filed with the Office of the City Clerk November 9, 2010; and

WHEREAS, the Mayor and City Council of the City of Prescott (the "City Council") wish to implement the findings in the Study by revising certain rates and fees in order to ensure the continued viability of its current and future water and sewer systems; and

WHEREAS, pursuant to ARIZ. REV. STAT. § 9-511.01, the Notice of Intention to Raise Water and Wastewater Rates (the "Notice of Intent") was adopted November 9, 2010, and such Notice of Intent, including the date, time and place of a public hearing to be held before the City Council, was published in *The Daily Courier* November 19, 2010.

ENACTMENTS:

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

SECTION 1. THAT Section 2-1-18 of the Prescott City Code, entitled "Departments; Public Works Department; Utilities Division; Water Rates," is hereby amended by deleting subsection (A) thereof and replacing it with the following:

- (A) Residential (including but not limited to mobile home parks and apartment houses): A monthly water charge shall be assessed against all residential consumers having a service connection with the city water mains in accordance with the following table:

Single Family				
Block Thresholds (gallons)	Rate (\$/1000 gal)			
	Through 01/31/2011	02/01/2011 – 12/31/2011	01/01/2012 – 12/31/2012	Beginning 01/01/2013
First 3,000	\$ 2.86	\$ 2.86	\$ 3.06	\$ 3.21
Next 7,000	4.30	4.30	4.60	4.83
Next 10,000	6.45	6.45	6.90	7.25
Over 20,000	12.90	12.90	13.80	14.49

Multi-Family				
Block Thresholds (gallons)	Rate (\$/1000 gallons)			
	Through 01/31/2011	02/01/2011 – 12/31/2011	01/01/2012 – 12/31/2012	Beginning 01/01/2013
First 1,700	\$ 2.30	\$ 2.30	\$ 2.46	\$ 2.58
Next 3,300	3.46	3.46	3.70	3.89
Next 5,000	5.19	5.19	5.55	5.83
Over 10,000	10.39	10.39	11.12	11.68

SECTION 2. THAT Section 2-1-18 of the Prescott City Code, entitled "Departments; Public Works Department; Utilities Division; Water Rates," is hereby amended by deleting subsection (B) thereof and replacing it with the following:

(B) Non-residential rates: A monthly water charge shall be assessed against all non-residential consumers having a service connection with the city water mains in accordance with the following tables.

1. Non-residential properties will be assessed according to meter size, based upon the following table:

Nonresidential Monthly Usage in Blocks (1,000 gallons)				
Meter Size	1	2	3	4
5/8" 3/4"	6	22	32	> 60
1"	15	55	80	> 150
1 1/2"	30	110	160	> 300
2"	48	176	256	> 480
3"	96	352	512	> 960
4"	150	550	800	> 1,500
6"	300	1,100	1,600	> 3,000
8"	480	1,760	2,560	> 4,800

2. Non-residential rates will be in accordance with the following table:

Block	Rate (\$/1000 gallons)			
	Through 01/31/2011	02/01/2011 – 12/31/2011	01/01/2012 – 12/31/2012	Beginning 01/01/2013
1	\$ 2.61	\$ 2.61	\$ 2.79	\$ 2.93
2	3.92	3.92	4.19	4.40
3	5.88	5.88	6.29	6.60
4	11.76	11.76	12.58	13.21

SECTION 3. THAT Section 2-1-18 of the Prescott City Code, entitled "Departments; Public Works Department; Utilities Division; Water Rates," is hereby amended by deleting subsection (C) thereof and replacing it with the following:

- (C) In addition to the charges provided for herein, there shall be assessed an alternative water sources fee per one thousand gallons of water consumed per month on each monthly bill for all City of Prescott water customers. The revenues from this fee are restricted to defray expenses of the city associated with obtaining alternative water sources in order to comply with the groundwater laws of the State. The amount of the alternative water sources fee shall be as follows:

Effective Period	Volume Rate Per 1,000 Gallons
Through January 31, 2011	\$0.65
February 1, 2011 – December 31, 2011	\$0.70
January 1, 2012 – December 31, 2012	\$0.80
Beginning January 1, 2013	\$0.85

SECTION 4. THAT Section 2-1-18 of the Prescott City Code, entitled "Departments; Public Works Department; Utilities Division; Water Rates," is hereby amended by deleting subsection (D) thereof and replacing it with the following:

- (D) In addition to the charges provided for herein, there shall be a monthly fixed charge based upon meter size, as set forth in the following table:

Meter Size	Through 01/31/2011	02/01/2011 – 12/31/2011	01/01/2012 – 12/31/2012	Beginning 01/01/2013
5/8"	\$ 6.60	\$ 10.60	\$ 11.70	\$ 12.90
3/4"	7.05	11.30	12.40	13.60
1"	7.95	12.70	14.00	15.40
1 1/2"	10.20	16.30	17.90	19.70
2"	12.90	20.60	22.70	25.00
3"	19.20	30.70	33.80	37.20
4"	28.20	45.10	49.60	54.60
6"	50.70	81.10	89.20	98.10
8"	77.70	124.30	136.70	150.40

SECTION 5. THAT Section 2-1-21 of the Prescott City Code, entitled "Departments; Public Works Department; Utilities Division; Sewer Rates," is hereby amended by deleting subsection (B) thereof and replacing it with the following:

- (B) The methodology used to determine user charges shall consider the sewage strength, suspended solids and flow volume. The basis for charges shall be a combination of a fixed monthly base charge allocated equally among all users and a volume charge related to metered water usage. The formula for calculating the volume charge shall use the average monthly water consumption for each individual user for the winter months of October through March (billings of November through April). Those consumers with no water consumption during the months listed shall, for the purposes of calculating a volume charge, be assigned a water volume amount equal to the average for their classification. The fixed base charge and volume charge shall be as follows:

	Through 01/31/2011	02/01/2011 – 12/31/2011	01/01/2012 – 12/31/2012	Beginning 01/01/2013
Residential				
Monthly Base	\$ 12.54	\$ 14.42	\$ 16.58	\$ 19.07
Volume Charge	2.71	3.12	3.59	4.13
Non-Residential				
Monthly Base	\$ 15.18	\$ 16.70	\$ 18.37	\$ 20.21
Volume Charge by Category				
Uniform Non-Residential ¹	\$ 3.89	\$ 4.28	\$ 4.71	\$ 5.18
Bar w/o Dining Facilities	3.89	4.28	4.71	5.18
Car Wash	3.89	4.28	4.71	5.18
Department/Retail Stores	3.89	4.28	4.71	5.18
Hospital/Convalescent	3.89	4.28	4.71	5.18
Hotel w/Dining Facilities	4.18	4.28	4.71	5.18
Hotel w/o Dining Facilities	3.89	4.28	4.71	5.18
Laundromat	3.89	4.28	4.71	5.18
Markets w/Garbage Disposal	5.84	5.84	5.84	5.84
Mortuaries	5.84	5.84	5.84	5.84
Professional Offices	3.89	4.28	4.71	5.18
Repair Shops/Service Stations	3.89	4.28	4.71	5.18
Restaurants	6.28	6.28	6.28	6.28
Schools and Colleges	3.89	4.28	4.71	5.18

¹ The Uniform Non-Residential rate applies to all non-residential uses not otherwise specifically listed in the table.

SECTION 6. THAT the Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Ordinance.

SECTION 7. THAT if any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision of portion hereof shall be deemed separate, distinct, and independent of all other provisions and such holding shall not affect the validity of the remaining portions of this Ordinance.

PASSED AND ADOPTED by the Mayor and Council of the City of Prescott, Arizona on this 14th day of December, 2010.

MARLIN D. KUYKENDALL, Mayor

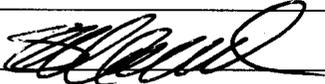
ATTEST:

APPROVED AS TO FORM:

ELIZABETH A. BURKE, City Clerk

GARY D. KIDD, City Attorney

COUNCIL AGENDA MEMO – December 14, 2010
DEPARTMENT: Public Works
AGENDA ITEM: Award of a construction services contract to WCC, LLC., to modify a thirty four (34) foot section of concrete retaining wall along Iron Springs Road west of Vyne Street in an amount not to exceed \$71,225.00

Approved By:	Date:
Department Head: Mark Nietupski	
Finance Director: Mark Woodfill	
City Manager: Steve Norwood 	12/06/10 

Item Summary

This item is to award a construction services contract to WCC, LLC., to modify a thirty four (34) foot section of concrete retaining wall along Iron Springs Road west of Vyne Street in order improve visibility for motorists a this intersection.

Background

The City retained TranSystems Corporation (TSC) in 2006 to provide professional engineering services to complete the design of the Iron Springs Road Improvement project. A concrete retaining wall was constructed adjacent to Iron Springs Road and west of Vyne Street in 2007 as part of the project. Motorist sight visibility at this location is impeded by a portion of the constructed retaining wall which must be modified to comply with recognized design standards.

TranSystems has acknowledged the design error and provided the City with biddable plans and specifications for the necessary wall modification and paid the City \$100,000.00 for construction costs.

Bid Results

The project was publicly advertised and bids were opened on December 2, 2010, with the following results:

Bidder	Location	Total
WCC, LLC	Prescott, AZ	\$ 71,225.00
Koyuk Contracting	Paulden, AZ	\$ 76,000.00
Asphalt Paving & Supply	Prescott, AZ	\$ 77,450.00
Caymus Corp.	Tempe, AZ	\$ 77,879.00
Headwaters Constructio	Chino Valley, AZ	\$ 77,950.00
Woodruff Construction	Flagstaff, AZ	\$ 89,445.00
Fann Contracting	Prescott, AZ	\$ 92,220.00
Aloha Grading	Gilbert, AZ.	\$ 109,415.19

AGENDA ITEM: Award of a construction services contract to WCC, LLC, to modify a thirty four (34) foot section of concrete retaining wall along Iron Springs Road west of Vyne Street in an amount not to exceed \$71,225.00

Written confirmation of bid has been received from the low responsive bidder, WWC, LLC. Staff has verified the contractor's license and completed reference checks.

Project Schedule

Commence Construction – January 10, 2011

Complete Construction – March 11, 2011

Budget

Funding for this project is from monies received from TranSystems in 2009 (FY 11 Budget Account No. 2157810)

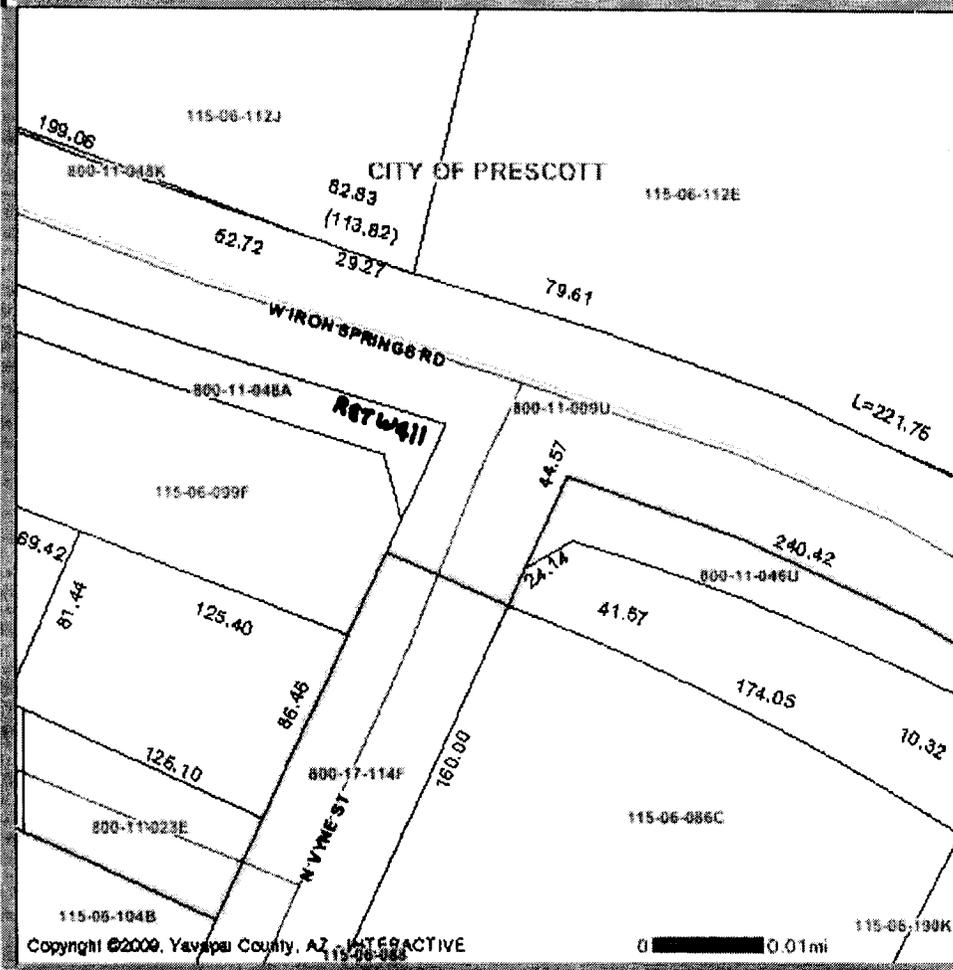
Attachments - Location Map

Recommended Action: **MOVE** to award a construction services contract to WCC, LLC, to modify a section of the existing concrete retaining wall along Iron Springs Road west of Vyne Street in an amount not to exceed \$71,225.00.

YAVAPAI COUNTY GOVERNMENT

Interactive Mapping Application

Search By Property Search By Location HELP TUTORIAL



Overview Map

Map Status
MAP IS READY

Map Scale
1:1000

Identify Layer
Parcels

Map Layer

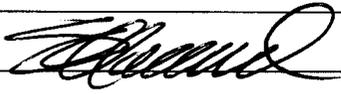
- Property Fees
- Roads/Streets
- Land Features
- Districts/Precincts
- Zoning
- Map Themes
- Satellite/Aerial

Refresh

Map Data Last Updated: Monday, December 7, 2009 2:49:07 AM
Feedback Welcome: Comments to GIS

Take Survey

COUNCIL AGENDA MEMO – December 14, 2010
DEPARTMENT: Public Works
AGENDA ITEM: Adoption of Ordinance No. 4775-1126 to accept a Map of Dedication for public rights-of-way and streets within Enchanted Canyon subdivision.

Approved By:	Date:
Department Head: Mark Nietupski	
Finance Director: Mark Woodfill	
City Manager: Steve Norwood 	

Item Summary

This item is a request from the CFLE1, LLC, a Utah Limited Liability Company (CFLE), owner of the Enchanted Canyon subdivision, for City acceptance of a Map of Dedication for the streets and right-of-ways within the Enchanted Canyon subdivision. The Map of Dedication pertains to the streets and right-of-ways only and does not change the configuration of any lots.

Background

The Enchanted Canyon subdivision was recorded on May 29, 2007, (Bk. 59, Pg. 92) and included 72 lots in two phases, common areas, private streets and gated entry to be owned and maintained by the Homeowners Association (HOA). Due to the economic downturn the original developer, Enchanted Canyon LLC encountered financial problems during construction of infrastructure. Foreclosure was initiated by the bank and CFLE acquired the project in August of 2008. The public infrastructure was completed earlier this year and Public Works released the subdivision for issuance of Building Permits on August 23, 2010.

The recorded plat for Enchanted Canyon established fifty (50) feet wide roadway easements for public infrastructure which is the same width required for dedication of right-of-way for local public streets. The infrastructure, water, (sewer is a private low pressure system and will remain so), drainage improvements, curb, gutter, sidewalk and street paving were all designed and constructed per City of Prescott Standards and inspected by Public Works inspectors. As a result, all infrastructure within the roadway easement was designed and constructed the same as if the Enchanted Canyon Subdivision Plat was approved with public streets. The gated entry was never constructed; therefore all streets within Enchanted Canyon have full and unrestricted access by the public.

CFLE is requesting the City to accept the streets as public. It is anticipated dedicating the streets to the public will make the lots more competitive for sale in the current recovering real estate market.

Agenda Item: Adoption of Ordinance No. 4775-1126 to accept a Map of Dedication for public rights-of-ways and streets within Enchanted Canyon subdivision.

The Map of Dedication will establish an easement for a temporary “turn-around” for solid waste trucks until such time as Ridgewood Drive is extended to provide connectivity to Donner Trail. Field Operations has reviewed and approved the “turn-around” design. The Map also clarifies the language from the original Map for the emergency access to Woods Trail and Dalke Drive in the Forest Trails subdivision from Enchanted Canyon Way.

Future operation and maintenance of the streets within Enchanted Canyon will become the responsibility with of the City with acceptance of the Map of Dedication.

All property owners have ratified the change from private to public streets. These documents will be recorded with the Map of Dedication.

The streets to be dedicated as a part of this Ordinance are:
Ridgewood Drive
Enchanted Canyon Way
Danalee Circle
Dalke Point

- Attachments**
- Area Map
 - Reduced copy of the Map of Dedication
 - Ordinance

Recommended Action: **MOVE** to adopt Ordinance No. 4775-1126.

ORDINANCE NO. 4775-1126

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, ACCEPTING THE DEDICATION OF STREETS AND RIGHTS-OF-WAY FROM CFLE1, LLC, A UTAH LIMITED LIABILITY COMPANY, IN THE ENCHANTED CANYON SUBDIVISION AND AUTHORIZING THE MAYOR AND CITY STAFF TO TAKE ALL NECESSARY STEPS TO EFFECTUATE SUCH DEDICATION

RECITALS:

WHEREAS, the CFLE1, LLC, a Utah limited liability company, (hereafter "CFLE1") owner of the Enchanted Canyon subdivision, wishes to dedicate the streets and rights-of-way in the Enchanted Canyon Subdivision described on Exhibit "A" and convey the same to the City of Prescott as public streets; and

WHEREAS, the City Council of the City of Prescott has determined that accepting a Map of Dedication from CFLE1 for the streets and rights-of-way within the Enchanted Canyon subdivision as shown in Exhibit "A" is in the best interest of the property owners and the City; and

WHEREAS, the five individual lot owners of the Enchanted Canyon Subdivision all agreed, pursuant to affidavits, to the dedication of the streets and rights-of-way to the City; and

WHEREAS, the streets and all infrastructure in Enchanted Canyon were designed, constructed and inspected to meet all City of Prescott standards; and

WHEREAS, the acceptance of the Map of Dedication is in compliance with ARS Section 28-7201 et seq.

WHEREAS, CFLE1, LLC, a Utah limited liability company, as the owner of 67 lots, are the property owners dedicating the property to the City pursuant to the Map of Dedication, along with five separate property owners in the subdivision.

ENACTMENTS:

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

SECTION 1. THAT the Map of Dedication for the rights-of-way and streets including water lines, drainage improvements, curbs, gutters, sidewalks and paving within the Enchanted Canyon subdivision as shown on the attached Exhibit "A" shall be accepted and maintained by the City of Prescott.

SECTION 2. THAT title to said property shall be conveyed to City of Prescott from CFLE1's and the individual lot owners' dedication of the property and shall be recorded thereafter.

SECTION 3. THAT the Mayor and staff are hereby authorized to execute, plat dedications and any other instruments in order to carry out the conveyances as set forth herein.

PASSED AND ADOPTED by the Mayor and Council of the City of Prescott this 14th day of December, 2010.

MARLIN D. KUYKENDALL, Mayor

ATTEST:

APPROVED AS TO FORM:

ELIZABETH A. BURKE, City Clerk

GARY D. KIDD, City Attorney

EXHIBIT "A"

MAP OF DEDICATION

OF THE ROADWAYS KNOWN AS
 "RIDGEWOOD DRIVE", "DALKE POINT",
 "ENCHANTED CANYON WAY" AND "DANA
 LEE CIRCLE", AS SHOWN ON THE FINAL
 PLAT OF "ENCHANTED CANYON" - A
 PLANNED AREA DEVELOPMENT" LOCATED
 IN A PORTION OF SEC. 30, T14N-R2W,
 G&SRB&M, YAVAPAI COUNTY, ARIZONA.

DEDICATION

BEFORE ALL AND IN THE PRESENCE OF THE
 CITY OF HERBERT, ARIZONA, I, _____, CLERK OF THE CITY OF HERBERT, ARIZONA, DO HEREBY CERTIFY THAT THE
 CITY OF HERBERT, ARIZONA, HAS ACCEPTED THE DEDICATION OF THE ROADWAYS KNOWN AS "RIDGEWOOD DRIVE", "DALKE POINT",
 "ENCHANTED CANYON WAY" AND "DANA LEE CIRCLE", AS SHOWN ON THE FINAL PLAT OF "ENCHANTED CANYON" - A
 PLANNED AREA DEVELOPMENT" LOCATED IN A PORTION OF SEC. 30, T14N-R2W, G&SRB&M, YAVAPAI COUNTY, ARIZONA.

IN WITNESS WHEREOF

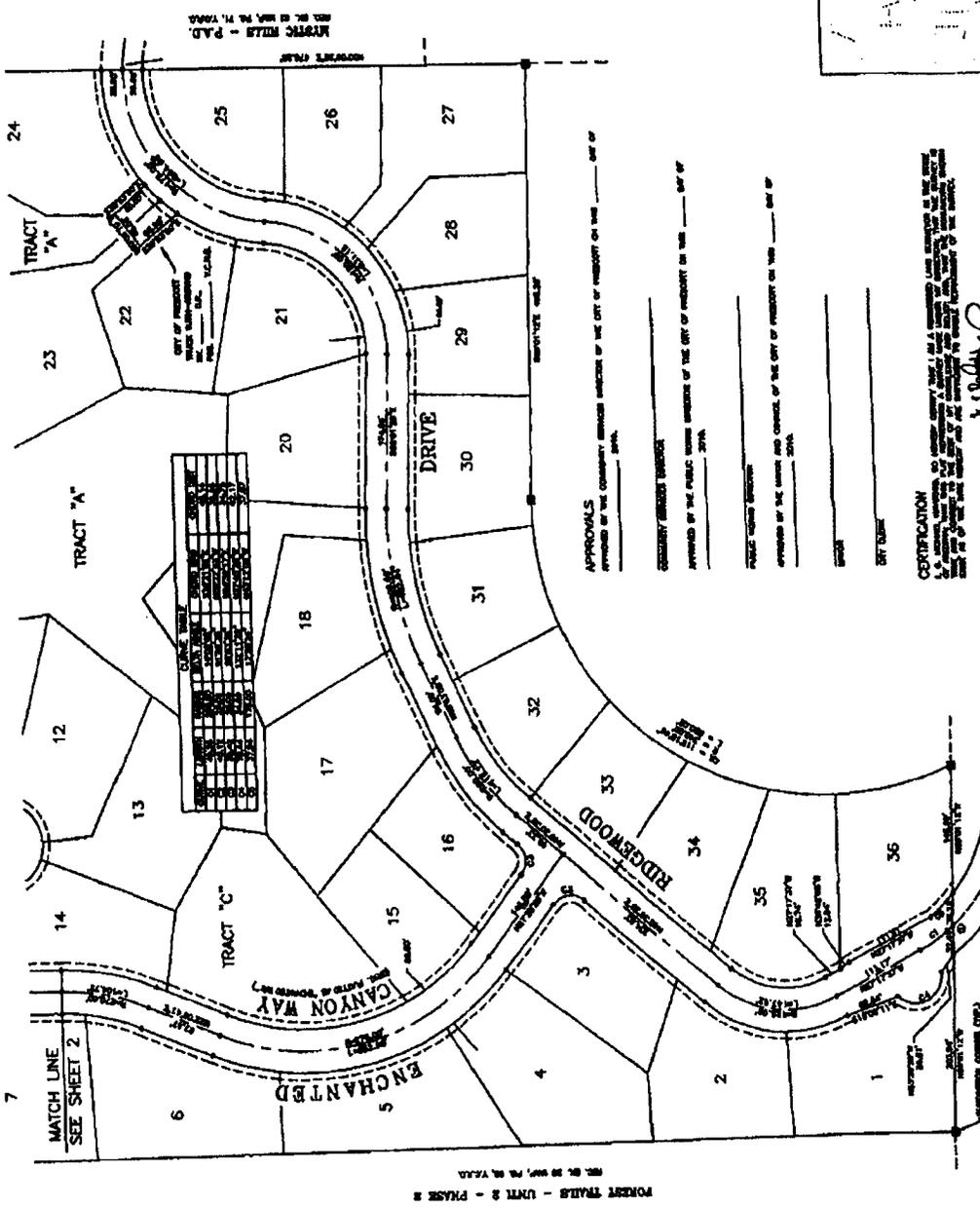
CITY OF HERBERT, ARIZONA, I, _____, CLERK OF THE CITY OF HERBERT, ARIZONA, DO HEREBY CERTIFY THAT THE
 CITY OF HERBERT, ARIZONA, HAS ACCEPTED THE DEDICATION OF THE ROADWAYS KNOWN AS "RIDGEWOOD DRIVE", "DALKE POINT",
 "ENCHANTED CANYON WAY" AND "DANA LEE CIRCLE", AS SHOWN ON THE FINAL PLAT OF "ENCHANTED CANYON" - A
 PLANNED AREA DEVELOPMENT" LOCATED IN A PORTION OF SEC. 30, T14N-R2W, G&SRB&M, YAVAPAI COUNTY, ARIZONA.

APPROVED TO BY

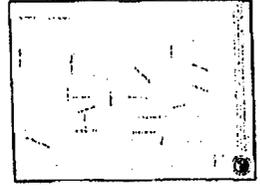
_____ CITY CLERK

ACKNOWLEDGMENT

_____ COUNTY OF _____ ARIZONA
 I, _____ COUNTY CLERK, DO HEREBY CERTIFY THAT THE CITY OF HERBERT, ARIZONA, HAS ACCEPTED THE DEDICATION OF THE ROADWAYS KNOWN AS "RIDGEWOOD DRIVE", "DALKE POINT", "ENCHANTED CANYON WAY" AND "DANA LEE CIRCLE", AS SHOWN ON THE FINAL PLAT OF "ENCHANTED CANYON" - A PLANNED AREA DEVELOPMENT" LOCATED IN A PORTION OF SEC. 30, T14N-R2W, G&SRB&M, YAVAPAI COUNTY, ARIZONA.



HERITAGE SUBDIVISION - UNIT III, PHASE 3
 SEC. 30, T14N, R2W, G&SRB&M, YAVAPAI COUNTY, ARIZONA
 © CITY OF HERBERT, ARIZONA
 HERITAGE SUBDIVISION - UNIT III, PHASE 3
 SEC. 30, T14N, R2W, G&SRB&M, YAVAPAI COUNTY, ARIZONA



VICINITY MAP - Y.C. 65

SHEET 1 OF 2

APPROVED BY	_____
CITY CLERK	_____
DATE	_____
CITY OF HERBERT	_____
APPROVED BY	_____
CITY CLERK	_____
DATE	_____
CITY OF HERBERT	_____
APPROVED BY	_____
CITY CLERK	_____
DATE	_____
CITY OF HERBERT	_____

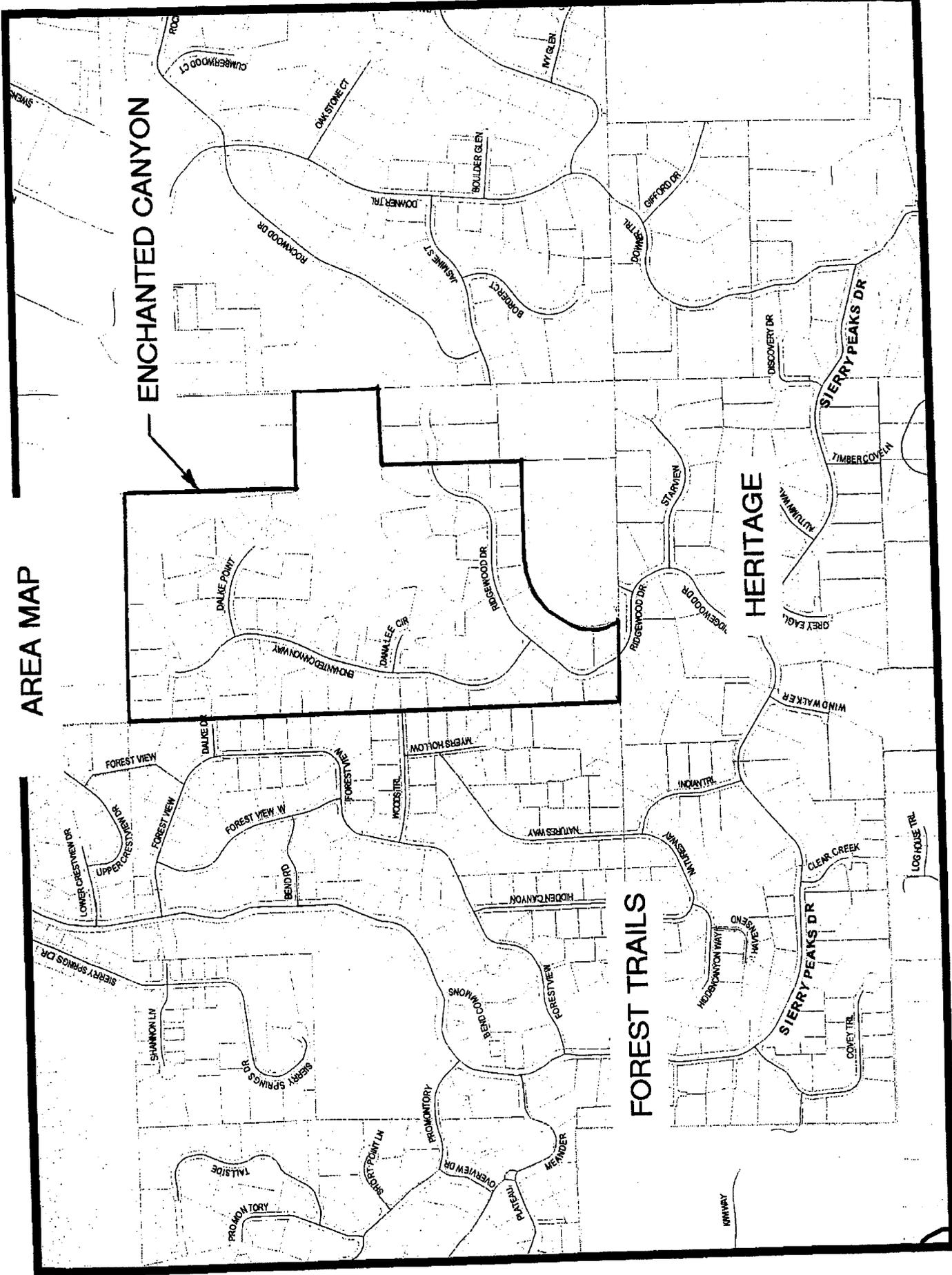
AREA MAP

ENCHANTED CANYON

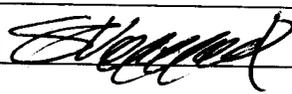
FOREST TRAILS

HERITAGE

SIERRY PEAKS DR



COUNCIL AGENDA MEMO – December 14, 2010
DEPARTMENT: Public Works
AGENDA ITEM: Approval of a professional services agreement with Shephard Wesnitzer, Inc. for engineering and construction support services for the Williamson Valley Road Reconstruction Project in an amount not to exceed \$64,690.00.

Approved By:	Date:
Department Head: Mark Nietupski	
Finance Director: Mark Woodfill	
City Manager: Steve Norwood 	12/06/10

Item Summary

This item is for approval of a contract for design and engineering support services for the Williamson Valley Road Reconstruction Project with Shephard Wesnitzer, Inc., (SWI).

Scope of work:

- Preparation of additional design drawings for drainage and intersection improvements at Shadow Valley Ranch Road.
- Preparation of Supplemental Details.
- Limited Construction Phase Services.
- Construction Phase As-Built Survey.
- Final Certification and Record Drawing Preparation.

Background

Engineering of Williamson Valley Road from Sidewinder Road to Pioneer Parkway was completed by Kimley-Horn and Associates in 2009 through a contract with Yavapai County. The City participated in the County's contract with KH through an intergovernmental agreement for the segment from Sidewinder Road to Shadow Valley Ranch Road. Due to the County proceeding with their project segment first, certain modifications were made at Shadow Valley Ranch Road to transition the County's road improvements to existing conditions. Shephard Wesnitzer, Inc. was requested to provide a proposal to engineer plans for meeting the County's completed improvements at Shadow Valley Ranch Road and provide supplemental details.

Agenda Item: Approval of a professional services agreement with Shephard Wesnitzer, Inc. for engineering and construction support services for the Williamson Valley Road Reconstruction Project in an amount not to exceed \$64,690.00.

Shephard Wesnitzer, Inc's scope of services for construction support will include attending select project meetings, responding to and documenting requests for information and material substitutions during construction, approving shop drawings for structural retaining walls, mechanical, and electrical equipment used in the construction, inspection of specialized work, and other services as required and directed by the City.

Schedule

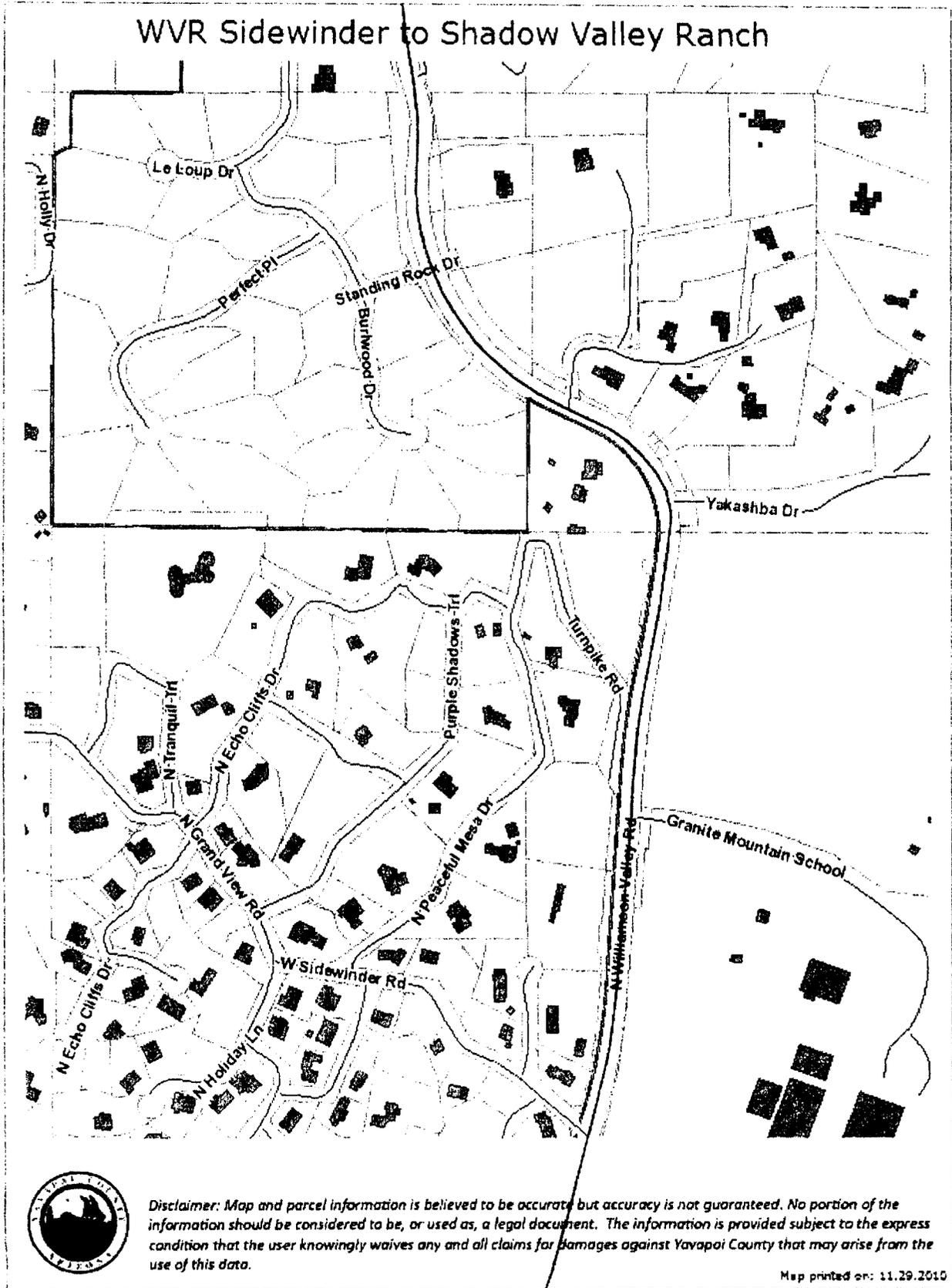
Additional design drawings for the Williamson Valley Road project are scheduled to be completed by February 2011. Construction is scheduled to commence in March / April 2011 pending final right-of-way acquisition and completion of utility relocation work.

Budget

The FY 11 Streets Capital Improvement Program includes \$6,008,215.00 for the Williamson Valley Road Project (Account No. 2155400-8925-09528 – One Cent Sales Tax for Streets and Open Space).

Attachments	Scope of Work and Fee Proposal Location Map	Exhibit A Exhibit B
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Recommended Action: MOVE to approve a professional services agreement with Shephard Wesnitzer, Inc. for engineering and construction support services for the Williamson Valley Road Reconstruction Project in an amount not to exceed \$64,690.00.





1990 - 2010

Shephard & Wesnitzer, Inc.

Celebrating 20 Years

221 N. Marina St. Ste 102
Prescott, AZ 86301

928.541.0443
928.541.1063 fax

www.swiaz.com

Engineering an environment of excellence.

October 27, 2010

SWI #10368

Scott Tkach, PE, City Engineer
City of Prescott Public Works Department
430 N. Virginia Street
Prescott, AZ 86301

Subject: **Pre-Construction and Construction Phase Services
Revised Scope and Estimated Fees
City of Prescott – Williamson Valley Road**

Dear Mr. Tkach:

Thank you and Craiger Taylor for meeting with me in regard to the captioned project and allowing SWI to propose our services for the tasks necessary to bring this project to bid, construction and final certification. We understand the work to include providing supplemental design sheets and details to the sealed (9-17-09) plans by Kimley-Horn & Associates, provision of limited construction administration services, incorporation of the final record drawings from the Contractor and preparation of engineering certifications for the project. Our estimate of construction phase services is based on a 180 calendar day construction period (26 weeks).

The major tasks include:

- Preparation of additional Design Drawings for Drainage and Intersection Improvements (up to two plan sheets are anticipated)
- Preparation of Supplemental Details (1 sheet)
- Limited Construction Phase Services (8 hours/week)
- Project Final Certification and Record Drawings

We propose to perform the following services associated with the project.

Phase 1 – Pre-Construction Activities

Task 1: Review Existing Sealed Plans and Specifications @ 100% Complete

This task includes reviewing the original and City redlined design and construction plans, project specifications and bid documents at the 100% level to ensure we understand the entire scope of the project and necessary changes. This time is included in Task 4 below. The final bid manual, specifications and the SWPPP notebook will be prepared by the City.

Task 2: Prepare Supplement to the Specifications

This task will be performed by City Staff.

Task 3: Survey for Design Supplement

This task includes topographic surveying of the following roadway locations:

- Shadow Valley Ranch Road/Williamson Valley Road intersection area for match up to the improvements being constructed by Yavapai City.
- Middle School Road driveway intersection with Williamson Valley Road for drainage and profile revisions.
- Other Misc sites

Task 4: Design for Roadway Improvements and Supplemental Details

This task includes preparation of SWI sealed design drawings for the following roadway locations and special details:

- Shadow Valley Ranch Road/Williamson Valley Road intersection area for drainage and match up improvements for the work being constructed by Yavapai City.
- Middle School Road driveway intersection with Williamson Valley Road for drainage and profile revisions.
- Other miscellaneous Details as identified in the City provided task list.

Task 5: ADEQ & Utility Submittals and Permits Coordination

This task will be performed by City Staff.

Task 6: Attend Pre-Bid & Prepare Addendum

This task will be performed by City Staff.

Phase 2 –Construction Phase Activities

Task 1: Construction Observation

SWI will attend the project weekly construction meetings and provide periodic construction observation services. Sufficient inspections regarding the water and sewer line installations will be provided to allow documentation for the ADEQ Approval of Construction. SWI will also attend the Pre-Construction meeting to be conducted by the City. The City will be responsible for conducting the meetings, preparation of agendas and the minutes of all meetings.

Inspections will be photo documented by SWI and inspection reports will be furnished to the City on a weekly basis. Fees for this task are based on 8 hours per week of on-site observation for 26 weeks. The inspections are assumed to be concurrent with the project weekly meetings.

Task 2: RFI Responses

Provide responses to Requests for Information on an as-needed basis for up to 10 RFI's.

Task 3: Shop Drawing Review

Provide responses to Shop Drawing submittals for up to 2 Shop Drawing submittals.

Task 4: Utility Meetings

This task will be performed by City Staff.



Shephard & Wesnitzer, Inc.

221 N. Marina St. Ste 102
Prescott, Arizona 86301

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928.541.1063 fx

info@swiaz.com
www.swiaz.com

Task 5: Progress Payments

This task will be performed by City Staff.

Task 6: Change Orders

This task will be performed by City Staff.

Task 7: Project Surveying for QA/QC

This task will be performed by City Staff.

Task 8: Special Observations

This task will be performed by City Staff.

Task 9: Additional Client Requested Services

Provide additional engineering or surveying services at the direction of the client. These services will be performed at our standard hourly rates or at a negotiated fee agreed to for the additional work.

Phase 3 – Post Construction Activities

Task 1: Observe Water Testing

Observe and record results of waterline pressure/leakage testing and chlorination testing by the contractor or City including observations of the initial, residual and post flushing results of chlorination testing. All testing apparatus, chlorination sampling, bacteriological testing, etc., will be provided and the testing performed by the Contractor or City. SWI will witness and record the results of the testing for our Engineers Certification of the waterline. Bacteriological testing will be performed by the City or their designee with the results provided to SWI for our certification.

Task 2: Water Line Certification

Provide water line certification based upon successful testing performed by the Contractor or City and witnessed by SWI. Prepare and submit the final documents to ADEQ for the "Approval to Operate" the constructed facilities.

Task 3: Observe Sewer Testing

Observe mandrel testing and low pressure air testing of sewer lines and vacuum testing of manholes by the Contractor or City.

Task 4: Sewer Line Certification

Provide sewer line certification based upon successful testing performed by the Contractor or City and witnessed by SWI. Prepare and submit the final documents to ADEQ for the "Approval to Operate" the constructed facilities.

Task 5: Final Project Walk-Through

This task will be performed by City Staff.

Task 6: Punch List

This task will be performed by City Staff.



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Page 3 of 5

SEDONA

COTTONWOOD

FLAGSTAFF

PRESCOTT

KINGMAN

Task 7: Project Certification

Provide project certification as it relates to engineering issues under our direction including ADEQ approvals of the construction. A walk through of the finished construction will be conducted by the SWI certifying engineer at final completion. Record drawings provided by the Contractor will be attached to and made a part of the SWI project certification.

Task 8: Contractor Supplied Sealed As-Built Drawings for SWI Certification

This task will be performed by the Contractors surveyor. The Contractor shall be required to provide the City with a complete, sealed as-built survey of the project construction overlain on the project construction plans on Mylar reproducibles in hard copy and also in digital format. Additional as-built information may be added by SWI based on our site visits. SWI information will be separately identified and sealed on the As-Built sealed Mylar's provided by the Contractor.

Reimbursable Expenses:

Reimbursable expenses include printing, reproduction, postage, expedited shipping and project related travel. An estimate of those costs has been included in the fee.

Contract Allowance:

A contract allowance has been included in the fee for additional work that may be necessary to complete the project. The allowance will only be used if the City deems the specific allowance task to be necessary to the project. SWI will prepare a scope of work for each allowance for approval by the City prior to beginning work.

Summary:

Our estimated hours and the associated fees for the services identified above are shown on the attached spreadsheet. Charges will be based upon time and material, not to exceed the total estimated fee limit amount without specific authority from you. The following assumptions are noted:

- QA/QC materials testing will be provided by the Contractor and/or City as appropriate.
- Construction staking will be a Contractor supplied item.
- SWI will attend the construction weekly meeting, including on-site inspection of the work in progress at that time. Agendas, minutes of the meetings, documentation of action items, etc., will be by others.
- The Contractor will provide complete, detailed as-built drawings for the constructed project in hard copy and digital format to be use by SWI for our project certifications. The plans will be sealed by an Arizona Registered Land Surveyor. SWI will review the Contractors as-built progress drawings immediately after the conclusion of each weekly meeting.



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SHEPHARD-WESNITZER, INC. - 2010 HOURLY RATES

STANDARD RATE SCHEDULE

E-5	PRINCIPAL ENGINEER.....	\$185/HOUR
E-4	ENGINEER 4.....	\$155/HOUR
E-3	ENGINEER 3.....	\$145/HOUR
E-2	ENGINEER 2.....	\$130/HOUR
E-1	ENGINEER 1.....	\$115/HOUR
EIT-4	ENGINEER IN TRAINING.....	\$100/HOUR
EIT-3	ENGINEER IN TRAINING.....	\$90/HOUR
EIT-2	ENGINEER IN TRAINING.....	\$85/HOUR
EIT-1	ENGINEER IN TRAINING.....	\$80/HOUR
CADD-4	CADD DESIGNER.....	\$105/HOUR
CADD-3	CADD DESIGNER.....	\$100/HOUR
CADD-2	CADD DESIGNER.....	\$95/HOUR
CADD-1	CADD DESIGNER.....	\$90/HOUR
CAD-4	CAD DRAFTER.....	\$90/HOUR
CAD-3	CAD DRAFTER.....	\$85/HOUR
CAD-2	CAD DRAFTER.....	\$80/HOUR
CAD-1	CAD DRAFTER.....	\$65/HOUR
A-1	CLERICAL.....	\$55/HOUR
RLS	REGISTERED LAND SURVEYOR, SURVEY MANAGER.....	\$120/HOUR
RLSPC	REGISTERED LAND SURVEYOR, PARTY CHIEF.....	\$105/HOUR
LSIT	LAND SURVEYOR IN TRAINING, PARTY CHIEF.....	\$100/HOUR
NRL	NON-REGISTERED LAND SURVEYOR, PARTY CHIEF.....	\$80/HOUR
T-4	CONSTRUCTION INSPECTION TECHNICIAN.....	\$105/HOUR
T-3	PROJECT COORDINATOR.....	\$90/HOUR
	MARKETING DIRECTOR.....	\$75/HOUR
	GIS COORDINATOR.....	\$95/HOUR
	INSTRUMENT PERSON.....	\$80/HOUR
	GPS RECEIVER.....	\$30/HOUR PER RECEIVER
	ROBOTIC TOTAL STATION.....	\$25/HOUR
	Archive File Research.....	\$55/HOUR, 1 HOUR MINIMUM

OUTSIDE SERVICES..... COST + 10%

PRINTS

BOND.....	\$2.75EACH
VELLUMS.....	\$5.00EACH
MYLAR.....	\$6.00EACH

PLOTS

BOND.....	\$5.00EACH
VELLUM.....	\$10.00EACH
MYLAR.....	\$10.00EACH
COLOR PLOTS/BOND.....	\$15.00EACH
XEROX.....	\$.09EACH
ZIP DISKS.....	\$15.00EACH
CD'S.....	\$5.00EACH
PERCOLATION TEST (Does not include backhoe).....	\$250.00 - \$300.00
AEROBIC INSPECTIONS FOR ADEQ.....	HOURLY RATE
MILEAGE.....	\$.65 PER MILE

FOR ANY AND ALL SERVICES RELATED TO LITIGATION OR OTHER LEGAL PROCEEDINGS
TWO TIMES OUR STANDARD RATES

WORK OUTSIDE NORMAL BUSINESS HOURS WILL BE CHARGED AT 1½ TIMES HOURLY RATE. PAYMENT IS DUE UPON RECEIPT OF MONTHLY BILLINGS AND INVOICES ARE DELINQUENT THIRTY (30) DAYS AFTER DATE OF INVOICE. WORK IN PROGRESS WILL BE BILLED MONTHLY FOR PORTIONS COMPLETED AND UPON JOB COMPLETION FOR FINAL BALANCE. IF PAYMENTS ARE NOT MADE IN FULL PRIOR TO DELINQUENCY, THE CLIENT AGREES TO PAY INTEREST ON THE UNPAID AMOUNT AT THE RATE OF 2% PER MONTH FROM DELINQUENCY DATE. ALL PAYMENTS RECEIVED SHALL FIRST BE CREDITED TO PAYMENT OF INTEREST, AND THEN TO THE PRINCIPAL BALANCE

Williamson Valley Road - City of Prescott - Shephard-Wesnitzer Inc. Scope and Fee Worksheet
 Attachment to SWJ Proposal #10368, October 27, 2010

TASK DESCRIPTION	M		U		S		T		M		U		S		EIT - INSPECTOR	CADD Drafter	Survey Manager	Surveyor	Clerical	Total Labor Hours	Total Cost	
	\$	185	\$	155	\$	145	\$	130	\$	90	\$	80	\$	120								\$
WVR Project Work Tasks																						
CITY STAFF TASKS HIGHLIGHTED IN GREEN																						
PHASE 1 - Pre-Construction Activities																						
1 Review existing Sealed plans and specifications @100% Complete																					0	\$
2 Prepare Supplement to the Specifications																					0	\$
3 Survey for Design Supplement															4	16	8	16			44	\$ 3,500
4 Design for Roadway Improvements & Supplemental Details				48											74						122	\$ 16,100
5 ADEC & Utility Submittals and Permits Coordination																					0	\$
6 Attend Pre-Bid & Prepare Addendum																					0	\$
SUBTOTAL																					166	\$ 17,500
PHASE 2 - Construction Phase Activities																						
1 Construction Observation (8 hrs/week @ 26 weeks = 208 total hours)				26											182						208	\$ 20,410
2 RFI responses				28											20						48	\$ 6,140
3 Shop Drawing Review				4											16						20	\$ 2,000
4 Utility Meetings																					0	\$
5 Progress Payments																					0	\$
6 Change Orders																					0	\$
7 Project Surveying for QA/QC																					0	\$
8 Special Observations																					0	\$
9 Additional Client Requested Services - Hourly as Requested																					0	\$
SUBTOTAL																					208	\$ 28,510
PHASE 3 - Post Construction Services																						
1 Observe Water Testing				4											32						36	\$ 3,500
2 Water Line Certifications				4																	4	\$ 500
3 Observe Sewer Testing				2											32						34	\$ 3,100
4 Sewer Line Certifications				4																	4	\$ 500
5 Final Project Walk-Through																					0	\$
6 Punch List																					0	\$
7 Project Certification				8											2						10	\$ 1,000
8 Contractor Supplied Sealed As-Built Drawings for SWI Certification				2											8						102	\$ 10,200
SUBTOTAL																					534	\$ 57,800
SWI GRAND TOTAL																						
CONTRACT CONTINGENCY																						
REIMBURSABLE EXPENSES ESTIMATE																						
Mileage, equipment, expedited shipping, copying																						
Total Reimbursable Expenses Estimate																						\$ 1,000
PROJECT TOTAL																					544	\$ 64,300

COUNCIL AGENDA MEMO – December 14, 2010

DEPARTMENT: Public Works

AGENDA ITEM: Approval of a professional services agreement with Dava & Associates Engineering to provide drainage engineering services for analysis, retrofit design and plan preparation for various locations within the City in an amount not to exceed \$36,600.00.

Approved By:		Date:
Department Head: Mark Nietupski		
Finance Director: Mark Woodfill		
City Manager: Steve Norwood		12/16/10

Item Summary

This item is to approve a professional services agreement with Dava & Associates to provide drainage engineering analysis, retrofit design, and plan preparation for the following locations: 1) Hornet Drive; 2) Cactus Drive; 3) Eagle Drive; and 4) Willow Creek Scour. These services shall include preliminary data collection, hydrology/hydraulics evaluation, public outreach and report development. The Cactus Drive project will also include development of construction drawings.

Background

On August 31, 2010 the City Council approved an Intergovernmental Agreement, (Resolution No. 4044-1114), with the Yavapai County Flood Control District for the acceptance of FY11 funding in the amount of \$728,796.00 to be used by the City for drainage improvement projects located in the Yavapai County portion of the City.

Each of the following identified project areas will be studied to develop resolutions to long standing drainage problems.

- 1) The Hornet Drive project will evaluate several existing and potential drainage crossings to determine if they adequately serve the Yavapai Hills neighborhood or if improvements are warranted prior to the City resurfacing Hornet Drive in the next fiscal year.
- 2) The Cactus Drive project involves a localized drainage nuisance in that a small culvert crossing Cactus Drive does not have available capacity during a storm event. The capacity of the culvert has been diminished by an artificial diversion of water in the upper watershed that directs runoff towards the undersized culvert. When the culvert overflows water tops the roadway and flows uncontrolled into downstream properties.
- 3) The Eagle Drive project will include a small area drainage study to determine the extent of the problem faced by the area residences. Stormwater runoff initially was captured by the roadway but is now unable to runoff past the low-lying properties on its path to Miller Creek. Eagle Drive terminates at Miller Creek and serves as the area's outfall for storm-water discharge at the creek.

Agenda Item: Approval of a professional services agreement with Dava & Associates to provide engineering services for analysis, retrofit design and plan preparation for various locations within the City in an amount not to exceed \$36,600.00.

4) The Willow Creek Scour project will involve studying the degradation of the Willow Creek stream bed along the water course upstream of the levees west of the Willow Creek Road bridge. In the stretch between Lorraine Drive and the low water crossing at Clearwater Drive the stream bed is showing noticeable scour at the low water crossing and at the utility crossing aligned with Reflection Drive. The scour presents a threat to City owned utilities crossing Willow Creek at Reflection Drive.

Specific engineering plans or recommendations for new or retrofit drainage systems will be accomplished as part of the engineering services. The Hornet Drive and Cactus Drive projects will be coordinated with the Master Plan project currently underway in the Yavapai Hills Subdivision. Prioritization of construction for the identified areas will be developed for inclusion in the current year funding or through future funding from the Yavapai County Flood Control District.

Procurement of Engineering Services

On September 30, 2010, the City received twelve (12) Statements of Qualification for this publicly advertised project. Pursuant to professional services selection procedures, staff ranked the individual firms based on their submittals. After staff review and ranking, Dava & Associates Engineering was selected as one of four local firms for the localized drainage contracts. Subsequently the scope of services and fee were successfully negotiated.

Project Schedule

Commence	December 15, 2010
Complete Submittal	July 1, 2011

Budget

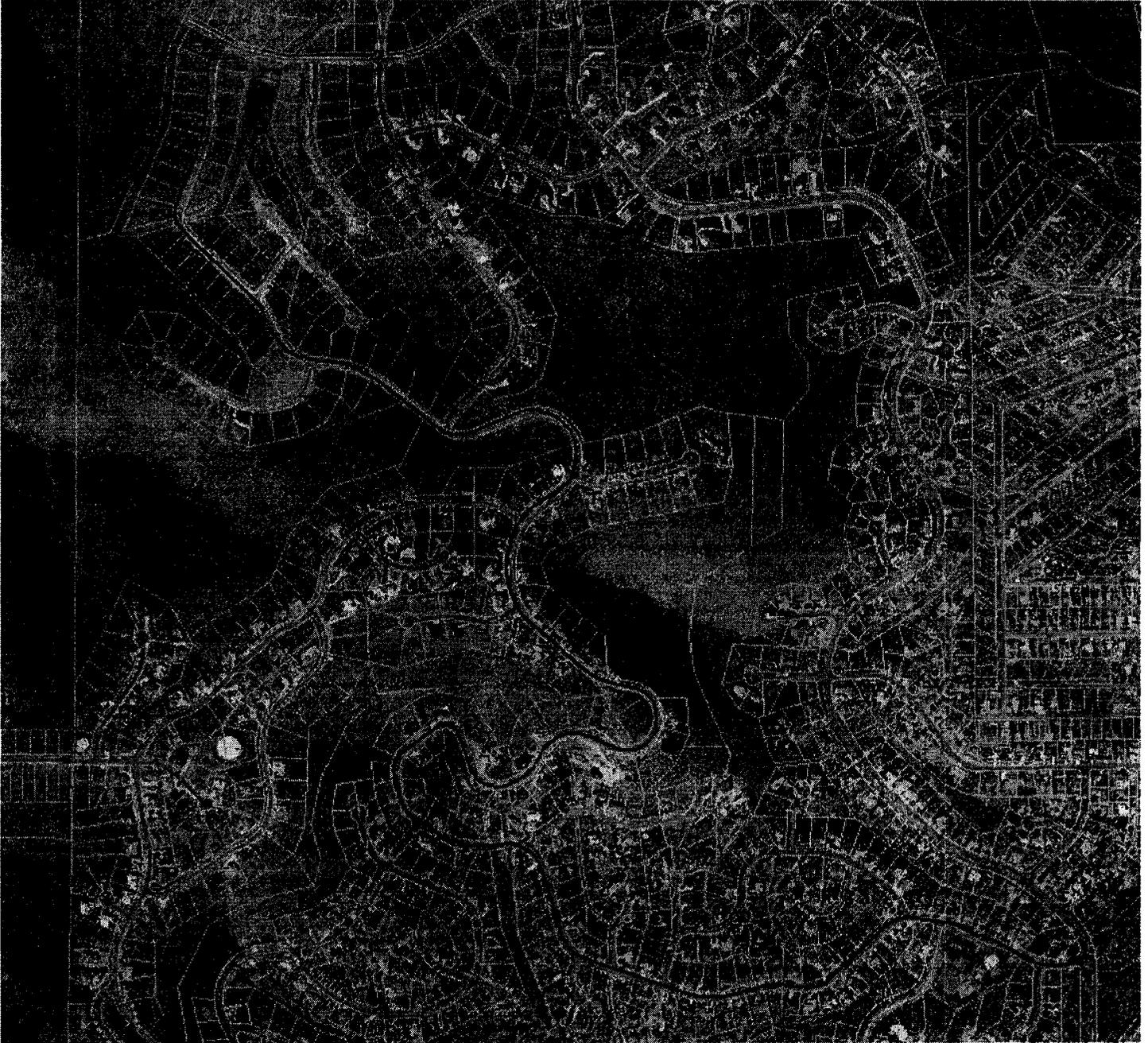
FY 11 funding is available for this project through the IGA with the Yavapai County Flood Control District. (Budget Account No. 2157810-11002)

Attachments

- Exhibit A - Location Maps
- Exhibit B – Scope of Services

Recommended Action: **MOVE** to approve a Professional Services Agreement with Dava & Associates to provide drainage engineering services for analysis, retrofit design and plan preparation for various locations within the City in an amount not to exceed \$36,600.00.

HORNET DRIVE IN YAVAPAI HILLS



CACTUS PLACE IN YAVAPAI HILLS SUBDIVISION



EAGLE DRIVE OFF OF FAIR STREET



DAVA

& ASSOCIATES, INC.

PLANNING
ENGINEERING
SURVEYING

310 East Union Street
Prescott AZ 86303

(928) 778-7587

FAX: (928) 778-1047
Mail@DavaCivil.com

November 23, 2010

554LDP

Mr. Greg Toth
City Drainage Engineer
City of Prescott Public Works
P.O. Box 2059
Prescott AZ 86302

Subject: FY10-11 YCFCD Localized Drainage Projects

Dear Mr. Toth:

The City of Prescott has identified a number of drainage related problems throughout the City in which a remedy is sought for implementation by capital improvement projects funded through the Yavapai County Flood Control District. Dava & Associates, Inc. is pleased to offer our professional services to participate and assist in the Localized Drainage Projects for Fiscal Year 2011 (FY11).

For the localized drainage projects identified and assigned to us by City personnel, Dava & Associates will provide professional services to evaluate and assess the identified problem; design and prepare construction drawings; provide construction management; and communicate and coordinate our activities with City Staff and affected property owners. We will evaluate the project criteria and constraints to develop a conceptual solution. Once the solution is accepted by property owners and the City, we will design and prepare construction drawings that communicate the design intent for purposes of bidding and installation. Depending on project complexity, submissions at the 30%, 60%, 90%, and final stages for review by City Staff are anticipated. We will be available to administer the construction contract and provide construction management as necessary throughout the construction phase of the project.

Dava & Associates has been assigned the following four Local Drainage Projects:

- Cactus Drive – CIP 10-032
- Hornet Drive – CIP 10-039
- Eagle Drive – CIP 10-040
- Willow Creek Scour – CIP 10-033

A brief description and project scope for each project is provided below.

Cactus Drive: CIP 10-032:

Project Description: Cactus Drive in the Yavapai Hills subdivision experiences a localized drainage nuisance in that a small culvert crossing the Cactus Drive cul-de-sac west of Sunrise Blvd. is overwhelmed by storm water runoff generated by frequent

storm events. The culvert's available capacity has been diminished by an artificial diversion in the upper watershed directing runoff towards the culvert not adequately sized to convey the additional storm-water. Once the runoff overtops the roadway, it escapes containment and spreads along the roadway and flows uncontrolled into downstream properties.

Project Scope: Dava & Associates will collect preliminary information by research and field survey to assess the nature and extent of the problems. We will discuss the situation with the affected property owners to better understand the nature of the nuisance. We will calculate the basin's discharge for design of a possible remedy, which most likely will be a new culvert to replace an undersized existing culvert. We will analyze the downstream receiving area for design of an outlet channel to convey runoff past the downstream homes and into the natural water course at the rear of the lots on Cactus Drive.

We will present our preliminary findings and probable estimation of construction costs to City Staff for their assessment and comments. If the concept is approved, representatives from Dava & Associates and the City will meet with property owners for their input and possible concurrence. Upon receiving owner and City acceptance of the solution, we will proceed to prepare construction drawings and specifications.

We anticipate this project will require two reviews before producing and providing final construction drawings, specifications and estimates. We will document our research, analysis, and conclusion into a design report. We will produce construction documents that can be included in a larger capital improvement project due to be bid in spring of 2011.

Hornet Drive; CIP-10-039:

Project Description: Hornet Drive in the Yavapai Hills subdivision is scheduled for resurfacing next year. Prior to the paving project, several existing and potential drainage crossings will need to be evaluated to determine if they adequately serve the neighborhood or if improvements are warranted.

Project Scope: Dava & Associates will work closely with the design consultant tasked with preparing the Master Drainage Study for Yavapai Hills, Shephard – Wesnitzer, Inc., who will provide design run-off discharge values for use in evaluation and possible design of roadway culverts and conveyance channels. We will evaluate the receiving water course along the rear of the Hornet Drive homes to determine conveyance capacity. We will analyze the downstream receiving areas for design of outlet channel to convey runoff past the downstream homes and into the natural water course at the rear of the lots on Hornet Drive. At the conclusion of our preliminary evaluations, we will present our findings and probable estimation of construction costs to City Staff for their assessment and direction. We can meet with property owners at this time to gather their perspectives on any problems the current infrastructure may be causing.

If, after consultation with the City, it is decided that improvements are warranted, we will proceed to prepare construction drawings and specifications. We will collect additional information by research and field survey to augment the topographical data provided by

the City and to further assess the nature and extent of the problems. We anticipate this project will require two reviews before producing and providing final construction drawings, specifications and estimates. We will document our research, analysis, and conclusion into a design report. We will produce construction documents that can be included in either a larger capital improvement project or the Hornet Drive, resurfacing project both due to be bid in spring of 2011.

Eagle Drive; CIP 10-040:

Project Description: Residences on the north side of Eagle Drive in West Central Prescott experience frequent overland flow inundation of storm-water runoff initially captured by the roadway. However, Eagle Drive is ultimately unable to adequately convey the runoff past the low-lying properties on its path to Miller Creek. Located west of Miller Creek's confluence with the North Fork of Miller Creek, the area receives storm-water runoff from terrain dominated by rock outcroppings at the western end of the neighborhood. Eagle Drive terminates at Miller Creek and serves as the area's outfall for storm-water discharge to the creek. A small area drainage study is necessary to determine the extent of the problem faced by the area residences.

Project Scope: Dava & Associates will collect preliminary information by research and analysis of the area's topographical mapping provided by the City of Prescott. We will determine the probable discharges generated by the 2, 25, and 100-year events and concentrate on the 25-year event as the target design storm. With assistance from City personnel, we will discuss the situation with the affected property owners to better understand the extents of the problem. We will calculate the contributing basin's discharge for analysis of possible remedies, which may include a closed storm drain system, open channels, or improved street conveyance using curb and gutter. Using discharges previously determined for Miller Creek and supplied by the City, we will compute the creek's water surface elevations at the terminus of Eagle Drive for the various events for use in analyzing the possible solutions of storm water conveyance through the neighborhood.

We will present our preliminary findings and probable estimation of construction costs to City Staff for their assessment and decisions on how best to proceed. It is not a part of this particular scope to proceed to final design or preparation of construction documents. If a concept is approved, Dava & Associates will be pleased to prepare an additional scope of work to conclude the design and prepare construction documents of the approved solution.

Willow Creek Scour; CIP10-033:

Project Description: Degradation of the Willow Creek stream bed occurs along the water course upstream of the levees west of the Willow Creek Road bridge. In the stretch between Lorrain Drive and the low water crossing at Clearwater Drive the stream bed is showing noticeable scour at the low water crossing and at the utility crossing aligned with Reflection Drive. The scour is becoming increasingly troublesome and presents a threat to City owned utilities crossing Willow Creek at Reflection Drive. An immediate concern is how to protect the utility from further scour.

Project Scope: Dava & Associates will research the speculation that an aggregate mining operation upstream of the Clearwater Drive low water crossing is contributing to the problem. There is some question as to whether this is a permitted activity and if it is, what are the operational stipulations regarding downstream impacts. If a regional approach to the degradation problem is discovered to be the better option, a further study will be recommended, but is not included in this scope of services due to the extensive effort that may require.

For a localized remedy, we will calculate depth of scour at the utility crossing using Willow Creek discharges previously determined by City consultants. The accepted 100-year discharge will be used to analyze scour depth and suggest possible localized solutions to protecting the utility crossings. Estimations of probable construction costs to implement the options to protect the utilities will be prepared.

We will present our preliminary findings and probable estimation of construction costs to City Staff for their assessment and determination on how best to proceed. We do not anticipate there will be a need for meetings with the public, but we do anticipate coordination with City staff and Shephard-Wesnitzer to determine the best course of action. The scope of this project does not anticipate that final construction documents will be prepared with this study.

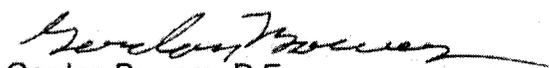
Project Fees:

The following estimated fees are anticipated to complete the tasks described above:

Cactus Drive	\$ 7,500
Hornet Drive	\$10,000
Eagle Drive	\$12,320
Willow Creek Scour	<u>\$ 6,780</u>
Total Fee	\$36,600

Dava & Associates will not exceed the total fee of \$36,600 without the expressed approval from the City of Prescott. The services described above and others that may be assigned will be provided to the City of Prescott on a Time and Materials basis in accordance with our enclosed fee schedule. For each of the described sub-projects, we have included the projected scope and fee worksheets based on the template provided by the City of Prescott. We are ready to proceed at your direction and thank you for this opportunity to provide professional services to the City of Prescott.

Sincerely,
Dava & Associates, Inc.


Gordon Bowers, P.E.
Civil Engineer

GMB;lkw
K:554/554LDP/PRO/LDP ScopingLtr.pro.doc

310 East Union Street
Prescott AZ 86303(928) 778-7587
FAX: (928) 778-1047
Mail@DavaCivil.com**SCHEDULE OF FEES****MAY 2008****PLANNING:****RATE/HOUR**

Representation/Special Studies	\$200.00
Principal Planner	\$130.00
Planner	\$ 70.00

ENGINEERING:

Principal Engineer (PE)	\$130.00
Senior Professional Engineer (PE)	\$120.00
Junior Professional Engineer (PE)	\$105.00
Junior Engineer (EIT)	\$ 95.00

CONSTRUCTION ADMINISTRATION:

Senior Project Manager	\$ 80.00
Junior Project Manager	\$ 70.00

DESIGN/DRAFTING:

Principal Designer	\$120.00
Senior Designer	\$100.00
Technical Designer	\$ 90.00
Junior Technical Designer	\$ 75.00
Technician	\$ 65.00

SURVEY:

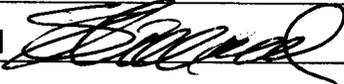
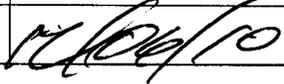
Principal Land Surveyor (LS)	\$130.00
Senior Land Surveyor (LS)	\$110.00
Junior Land Surveyor (LS)	\$ 85.00
Party Chief	\$ 75.00
Junior Party Chief	\$ 65.00
3 Person Survey Crew	\$165.00
2 Person Survey Crew	\$125.00
Global Positioning System (in addition to crew rate)	\$ 25.00

CLERICAL/SPECIAL STUDIES \$ 65.00**OUTSIDE CONSULTANT/EXPENSES**(Client Authorized) **COST PLUS 10%****PLANNING/ENGINEERING SPECIAL SERVICES**Expert Witness/Special Consultation **\$200.00**

**Cactus Drive - CIP 10-032
Scope and Fees**

Billing Rate per Hour	Project Principal	Project Manager	BILLING RATES (\$/HR)				Project Designer	Survey	Admin	\$60 TOTAL FEE
			Senior Engineer	Project Engineer	Project Engineer	Project Designer				
	\$130	\$120	\$100	\$90	\$75	\$150	\$150	\$60		
PHASE 1 PRELIMINARY DATA COLLECTION										
Task 1 Identification of Points of Interest				2	2					
Task 2 Reconnaissance		2			2					
Task 3 Survey & Topographic Data Verification					2	8				
Task 4 Data Collection Verification					2					
Sub-total hours for Phase 1	0	2	0	2	6	8		0		
	\$0	\$240	\$0	\$180	\$450	\$1,200		\$0	\$2,070	
PHASE 2 PROJECT DEVELOPMENT										
Task 1 Hydrology					6					
Task 2 Hydraulics		2		4	4					
Task 3 Proposed TCEs		2	2	4	12					
Task 4 Preliminary Design		4	2	8	22					
Sub-total hours for Phase 2	0	4	2	4	22	0		0		
	\$0	\$480	\$200	\$720	\$1,650	\$0		\$0	\$3,050	
PHASE 3 PUBLIC OUTREACH										
Task 1 Meetings & Workshops(HOA & Individuals)				2						
Task 2 Coordination (Mailing, comments cards)										
Sub-total hours for Phase 3	0	0	0	2	0	0		0		
	\$0	\$0	\$0	\$180	\$0	\$0		\$0	\$180	
PHASE 4 FINAL DELIVERABLES										
Task 1 Final Plans		2	2	4	12					
Task 2 Final Special Provisions										
Sub-total hours for Phase 4	2	2	2	4	12			4		
	\$260	\$240	\$200	\$360	\$900	\$0		\$240	\$2,200	
					Engineering and Surveying Services Sub-Total			\$7,500	\$7,500	
Total hours for Sub-Project	2	8	4	16	40	8		4	82	
					TOTAL FEE				\$7,500	

COUNCIL AGENDA MEMO – December 14, 2010
DEPARTMENT: Public Works
AGENDA ITEM: Approval of a professional services agreement with Dubroy Engineering to provide engineering services for drainage analysis, retrofit design and plan preparation for various locations within the City in an amount not to exceed \$24,440.00.

Approved By:	Date:
Department Head: Mark Nietupski	
Finance Director: Mark Woodfill	
City Manager: Steve Norwood 	

Item Summary

This item is to approve a professional services agreement with Dubroy Engineering to provide engineering drainage analysis, retrofit design, and plan preparation for the following locations: 1) Jovian Drive; 2) Acker Park Pond; and 3) The Crossings Subdivision bridge crossing. These services shall include preliminary data collection, hydrology/hydraulic evaluation and public outreach. The Jovian Drive and The Crossings Bridge projects will also include development of 100% construction drawings. The Acker Park Pond will result in the development of 50% construction drawings.

Background

On August 31, 2010 the City Council approved an Intergovernmental Agreement, (Resolution No. 4044-1114), with the Yavapai County Flood Control District for the acceptance of FY11 funding in the amount of \$728,796.00 to be used by the City for drainage improvement projects located in the Yavapai County portion of the City.

Each of the following identified project areas will be studied to develop resolutions to long standing drainage problems.

- 1) The Jovian Dr project will correct a drainage capacity problem in the north fork of Granite Creek at Jovian Dr. The improved channel will increase the conveyance capacity and reduce the potential for flooding to the neighboring property.
- 2) The Acker Park Pond Project will improve the existing sedimentation pond located at the end of the Virginia Street Wash so that it can serve as a detention basin to reduce the frequency and intensity of flooding downstream.
- 3) The Crossings Subdivision bridge crossing project will focus on designing measures upstream of the culvert crossing under Clearwater Drive to improve the performance of the existing culverts and reducing the overflow onto adjacent properties.

Agenda Item: Approval of a professional services agreement with Dubroy Engineering to provide engineering services for drainage analysis, retrofit design and plan preparation for various locations within the City in an amount not to exceed \$24,440.00..

Specific engineering plans and/or recommendations for new or retrofit drainage systems will be accomplished as part of the engineering services being provided. Prioritization of construction for the identified areas will be developed for inclusion in the current year funding or through future funding from the Yavapai County Flood Control District.

Procurement of Engineering Services

On September 30, 2010, the City received twelve (12) Statements of Qualification for this publicly advertised project. Pursuant to professional services selection procedures, staff ranked the individual firms based on their submittals. After staff review and ranking, Dubroy Engineering was selected as one of four local firms for the localized drainage contracts. Subsequently the scope of services and fee were successfully negotiated.

Project Schedule

Commence	December 15, 2010
Complete Submittal	July 1, 2011

Budget

FY 11 funding is available for this project through the IGA with the Yavapai County Flood Control District. (Budget Account No. 2157810-11002)

Attachments

- Exhibit A - Location Maps
- Exhibit B – Scope of Services

Recommended Action: **MOVE** to approve a Professional Services Agreement with Dubroy Engineering to provide engineering services for drainage analysis, retrofit design and plan preparation for various locations within the City in an amount not to exceed \$24,440.00.

JOVIAN DRIVE OFF WHIPPLE STREET



THE CROSSINGS SUBDIVISION BRIDGE
@ CLEARWATER DRIVE



ACKER PARK POND





SCOPE OF PROFESSIONAL SERVICES

PROJECT NAME: City of Prescott FY10-11 Localized Drainage Projects
PROJECT LOCATION: Jovian Drive (CIP10-041)
DE PROJECT NUMBER: 10017
DATE PREPARED: November 29, 2010

SCOPE OF SERVICES

This drainage project is located on the North Fork of Granite Creek at Jovian Drive, on the upstream side of Jovian. Stormwater from the tributary watershed concentrates at a point just upstream of parcel 116-20-083 and flows along the west side of that parcel to the existing culvert crossing under Jovian. The watercourse along the parcel is narrow, shallow, and heavily vegetated, causing a flow constriction that presents a drainage capacity problem. The intent of this project is to design an improved channel to increase the conveyance capacity and reduce the potential for flooding. It is anticipated that the culvert crossing under Jovian will remain as-is.

PHASE 1, PRELIMINARY DATA COLLECTION

TASK 1.1 – Reconnaissance & Data Collection

Consultant shall conduct a detailed field reconnaissance of the project area to gather data necessary for completing the analysis and design. Information available from the City that may affect the project will be obtained. This task includes meeting with affected property owners and City staff to gather preliminary project input.

TASK 1.2 – Field Topographic Survey

Consultant shall perform field topographic survey of existing features to supplement existing data as necessary to facilitate the design process. Boundary survey is not anticipated.

PHASE 2, PROJECT DEVELOPMENT

TASK 2.1 – Hydrology & Hydraulics

Consultant shall evaluate available hydrologic data from the City's master plan and, if necessary, interpolate flow values suitable for design at the project location.

Consultant will perform hydraulic analysis to identify a suitable channel configuration relative to the project constraints. The existing HEC-RAS model for the watercourse will be used as the starting point. Although improvements to the existing culvert crossing under Jovian are not contemplated, the capacity of that crossing will be considered to quantify its impact, if any, upon the problem. Evaluation of the watercourse downstream is not included.

TASK 2.2 – Preliminary Design

Consultant shall prepare drawings showing the preliminary configuration of the channel improvements. The preliminary plan will be discussed with City staff and affected property owners. Consultant will provide generalized cost information at this point.

TASK 2.3 – 50% Design Plans

Consultant shall develop construction plans to approximately the 50% completion stage and submit to the City for review and discussion. A preliminary construction quantity/cost estimate and draft special project specifications (if any) will be included.

PHASE 3, PUBLIC OUTREACH

TASK 3.1 – Meetings & Correspondence

Consultant shall meet and correspond with the public to present the design and gather public input. It is anticipated that one public meeting will be sufficient.

PHASE 4, FINAL DELIVERABLES

TASK 4.1 – Final Plans

Consultant shall prepare final construction plans, incorporating and resolving all previous review comments and discussions. Engineer will provide a list of the bid items and quantities along with an updated construction cost estimate. Construction cost estimates will be based upon unit cost data supplied by the City. Special project specifications will be prepared as necessary. Three sets of plans and specifications will be provided. The cost for additional copies shall be reimbursable to the Engineer at cost plus 15%. Digital data will be provided to the City per the contract.

The Scope does not include any work not specifically described above, such as: preparation of design reports; preparation of a FEMA LOMR; utility relocation design; geotechnical investigation or testing of any kind; boundary survey; or construction phase services. Such services can be added later by contract modification or by separate contract.

FEE AND EXPENSES

The Tasks described in the Scope of Services will be performed for the following fees:

PHASE 1: Fixed fee of \$ 2,070.00

PHASE 2: Fixed fee of \$ 5,320.00

PHASE 3: Fixed fee of \$ 290.00

PHASE 4: Fixed fee of \$ 2,280.00

(TOTAL \$9,960.00)



DUBROY ENGINEERING, L.L.C.

7660 E. Gato De Luna, Prescott Valley, AZ 86315
Ph: (928) 533-7062

SCOPE OF PROFESSIONAL SERVICES

PROJECT NAME: City of Prescott FY10-11 Localized Drainage Projects
PROJECT LOCATION: Acker Park Pond (CIP10-042)
DE PROJECT NUMBER: 10018
DATE PREPARED: November 29, 2010

SCOPE OF SERVICES

This drainage project will be located within the southern portion of Acker Park. There is an existing sedimentation pond online with the Virginia Street Wash that is just downstream of Summer Field Drive. The intent of this project is to improve the pond in conjunction with a trail project so that it can serve as a detention basin to reduce the frequency and intensity of flooding downstream. The project in this fiscal year consists of analysis and partial design only. Final design is not included at this time.

PHASE 1, PRELIMINARY DATA COLLECTION

TASK 1.1 – Reconnaissance & Data Collection

Consultant shall conduct a field reconnaissance of the project area to gather data necessary for completing the analysis. Information available from the City that may affect the project will be obtained.

TASK 1.2 – Field Topographic Survey

Consultant shall perform field topographic survey of existing features to supplement existing data as necessary to facilitate the design process. Boundary survey is not anticipated.

PHASE 2, PROJECT DEVELOPMENT

TASK 2.1 – Hydrology & Hydraulics

Consultant shall evaluate available hydrologic data from the City's master plan and interpolate flow values suitable for design at the project location.

Consultant will perform hydrologic analysis to determine a preliminary detention basin configuration that will achieve the project goal of reducing the peak discharges for the 2, 10, and 100 year rainfall events, with emphasis on greater reduction for the more common storms.

Consultant will perform preliminary hydraulic analysis to identify potential outlet configurations necessary for the hydrologic analysis.

TASK 2.2 – Preliminary Design

Consultant shall prepare drawings showing the preliminary design of the facility, for the purpose of presentation and discussion with stakeholders and City staff. Consultant will provide generalized cost information at this point.

TASK 2.3 – 50% Design Plans

Consultant shall develop construction plans to approximately the 50% completion stage and submit to the City for review and discussion. A preliminary construction quantity/cost estimate will be included. Construction cost estimates will be based upon unit cost data supplied by the City.

PHASE 3, PUBLIC OUTREACH

TASK 3.1 – Meetings & Correspondence

Consultant shall meet and correspond with the various stakeholder groups and City staff to gather project input and to discuss the project.

The Scope does not include any work not specifically described above, such as: preparation of design reports; preparation of a FEMA LOMR; utility relocation design; geotechnical investigation or testing of any kind; boundary survey; or construction phase services. Such services can be added later by contract modification or by separate contract.

FEE AND EXPENSES

The Tasks described in the Scope of Services will be performed for the following fees:

PHASE 1: Fixed fee of \$ 1,760.00

PHASE 2: Fixed fee of \$ 6,440.00

PHASE 3: Fixed fee of \$ 1,520.00

(TOTAL \$9,720.00)



DUBROY ENGINEERING, L.L.C.

7660 E. Gato De Luna, Prescott Valley, AZ 86315
Ph: (928) 533-7062

SCOPE OF PROFESSIONAL SERVICES

PROJECT NAME: City of Prescott FY10-11 Localized Drainage Projects
PROJECT LOCATION: The Crossings Bridge (CIP10-048)
DE PROJECT NUMBER: 10020
DATE PREPARED: November 29, 2010

SCOPE OF SERVICES

This drainage project is located at and upstream of the culvert crossing under Clearwater Drive, the one that has a metal roof to make it look like a covered bridge. Apparently, the design capacity of the culvert crossing is not being fully realized because stormwater is spreading out on the upstream side with the result that some portion of the flow is bypassing the culvert group. The intent of this project is to design measures upstream of the crossing to improve the performance of the existing culverts and thereby reduce the overflow.

PHASE 1, PRELIMINARY DATA COLLECTION

TASK 1.1 – Reconnaissance & Data Collection

Consultant shall conduct a field reconnaissance of the project area to gather data necessary for completing the analysis and design. Information available from the City that may affect the project will be obtained. This task includes meeting with affected property owners and City staff to gather preliminary project input.

TASK 1.2 – Field Topographic Survey

Consultant shall perform field topographic survey of existing features to supplement existing data as necessary to facilitate the design process. Boundary survey is not anticipated.

PHASE 2, PROJECT DEVELOPMENT

TASK 2.1 – Hydrology & Hydraulics

Consultant shall perform culvert hydraulic calculations as necessary to evaluate the proposed design solution. Channel hydraulic modeling is not anticipated. Hydrologic data will be supplied by the City based on previous subdivision development design calculations. Construction of additional culverts or alteration of the roadway is not anticipated.

TASK 2.2 – Preliminary Design

Based on discussions with City staff during the analysis, Consultant shall prepare preliminary drawings showing the proposed improvements for the purpose of discussion with affected property owners. Consultant will provide generalized cost information.

TASK 2.3 – 75% Design Plans

Consultant shall develop construction plans to approximately the 75% completion stage and submit to the City for review and discussion. A preliminary construction quantity/cost estimate and draft special project specifications (if any) will be included.

PHASE 3, PUBLIC OUTREACH

TASK 3.1 – Meetings & Correspondence

Consultant shall meet and correspond with the affected property owners to present the potential solution and gather public input. It is anticipated that one public meeting will be sufficient.

PHASE 4, FINAL DELIVERABLES

TASK 4.1 – Final Plans

Consultant shall prepare final construction plans, incorporating and resolving all previous review comments and discussions. Engineer will provide a list of the bid items and quantities along with an updated construction cost estimate. Construction cost estimates will be based upon unit cost data supplied by the City. Three sets of plans will be provided. The cost for additional copies shall be reimbursable to the Engineer at cost plus 15%. Digital data will be provided to the City per the contract.

The Scope does not include any work not specifically described above, such as: preparation of design reports; preparation of a FEMA LOMR; utility relocation design; geotechnical investigation or testing of any kind; boundary survey; or construction phase services. Such services can be added later by contract modification or by separate contract.

FEE AND EXPENSES

The Tasks described in the Scope of Services will be performed for the following fees:

PHASE 1: Fixed fee of \$ 1,190.00

PHASE 2: Fixed fee of \$ 2,280.00

PHASE 3: Fixed fee of \$ 290.00

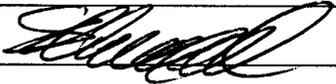
PHASE 4: Fixed fee of \$ 1,000.00

(TOTAL \$4,760.00)

Tasks and Fees for Professional Services
Acker Park Pond (CIP10-042)

Task Description	Billing Rate per Hour	ESTIMATED WORK TIMES AND FEES										TOTAL FEE	
		Principal \$130	Project Mgr \$110	Engineer \$95	Designer \$70	CADD Tech \$60	GIS Tech \$75	Clerical \$50	Survey \$125	0	0		
PHASE 1 PRELIMINARY DATA COLLECTION													
Task 1.1 Reconnaissance & Data Collection	8			8									
Task 1.2 Field Topographic Survey												8	
Sub-total hours for Phase 1		0	0	8	0	0	0	0	0	0	0	8	\$1,760
PHASE 2 PROJECT DEVELOPMENT													
Task 2.1 Hydrology & Hydraulics	32												
Task 2.2 Preliminary Design	10				4	3							
Task 2.3 50% Design Plans	10				8	8							
Sub-total hours for Phase 2		0	0	52	12	11						0	\$6,440
PHASE 3 PUBLIC OUTREACH													
Task 3.1 Meetings & Correspondence	16												
Sub-total hours for Phase 3		0	0	16	0	0						0	\$1,520
PHASE 4 FINAL DELIVERABLES													
Sub-total hours for Phase 4		0	0	0	0	0						0	\$0
TOTAL		0	0	76	12	11						8	\$9,720
Engineering and Surveying Services Sub-Total												\$9,720	
Direct Expenses												\$0	
TOTAL FEE												\$9,720	

COUNCIL AGENDA MEMO – December 14, 2010	
DEPARTMENT: Public Works	
AGENDA ITEM: Approval of a professional services agreement with JE Fuller/Hydrology & Geomorphology, Inc. for engineering services to update the FEMA floodplain determination of Willow Creek, Tributaries of Willow Creek, Bottleneck Wash, and the northern segment of Granite Creek in an amount not to exceed \$350,000.00.	

Approved By:	Date:
Department Head: Mark Nietupski	
Finance Director: Mark Woodfill	
City Manager: Steve Norwood 	12/14/10 

Item Summary

This item is to approve a professional services agreement with JE Fuller/Hydrology & Geomorphology, Inc., for the engineering analysis, preparation and submittal of an updated FEMA floodplain determination for Willow Creek upstream of Williamson Valley Road, Willow Creek Tributary, Willow Creek Reservoir Tributary, Bottleneck Wash from its confluence with Granite Creek upstream to Hwy 89, and Granite Creek from downstream of Watson Lake to the downstream of the confluence of Bottleneck Wash, (see attached Figure 1).

The detailed restudy will include performing hydraulic analyses and mapping of the 100 and 500 year floodplains in accordance with FEMA guidelines.

This professional services agreement is the product of and funded through a FEMA Cooperating Technical Partners, (CTP), grant previously accepted by City Council action on October 12, 2010, Resolution 4048-1118.

Background

In FY10 the City completed the second phase of the program to update area FEMA floodplain maps. Prior to this undertaking, the existing flood studies were developed in the late 1970's to early 1980's and are now outdated.

The U.S. Department of Homeland Security, Federal Emergency Management Agency (FEMA), as part of our Community Technical Partnership, approved a \$350,000.00 grant to fund the next project phase which includes updating respective FEMA flood studies for Willow Creek upstream of Williamson Valley Road, Willow Creek Tributary, Willow Creek Reservoir Tributary, Bottleneck Wash from its confluence with Granite Creek upstream to Hwy 89, and Granite Creek from downstream of Watson Lake to the downstream of the confluence of Bottleneck Wash. These studies and additional mapping represent the final areas of study consistent with the City's Master Drainage Plan to update all existing FEMA Flood Insurance studies within Prescott.

Agenda Item: : Approval of a professional services agreement with JE Fuller/Hydrology & Geomorphology, Inc. for engineering services to update the FEMA floodplain determination of Willow Creek, Tributaries of Willow Creek, Bottleneck Wash, and the northern segment of Granite Creek in an amount not to exceed of \$350,000.00.

Benefits of having accurate floodplain determinations include the assurance that structures built within the floodplain, but outside the floodway, are built at the correct elevation; and also provide an accurate stormwater design basis for adjacent street drainage/construction projects.

This study is an essential part of the City's Storm Water Management Program. The project includes updating all surface water hydraulics within City of Prescott and surrounding areas to use in the administration National Flood Insurance Program.

Procurement of Engineering Services

On November 19, 2009, the City received thirteen (13) Statements of Qualification for the first phase of this project. Pursuant to professional services selection procedures, staff ranked the individual firms based on their submittals. JE Fuller Hydrology & Geomorphology, Inc., of Phoenix, was the top ranked firm for this project. The firm has teamed for this second phase with the local firms of Kelly Wise Engineering and Lyon Engineering, along with Michael Baker Jr., Inc., to respectively perform engineering analysis, provide survey services, and FEMA report coordination.

Project Schedule

Commence	January 3, 2010
Complete Submittal	May 1, 2011

Budget

FY 11 funding is available for this project through the FEMA CTP Grant. (Budget Account No. 2157810-11014)

Attachments

- Study Limits Map
- Scope of Services

Recommended Action: MOVE to approve a professional services agreement with JE Fuller/Hydrology & Geomorphology, Inc. for engineering services to update the FEMA floodplain determination of Willow Creek, Tributaries of Willow Creek, Bottleneck Wash, and the northern segment of Granite Creek not to exceed of \$350,000.00.

JE Fuller/ Hydrology & Geomorphology, Inc.

December 1, 2010

To: City of Prescott
 c/o Jeff Low
 Capital Projects Manager
 430 N. Virginia St.
 Prescott, Az 86301

From: JE Fuller/Hydrology & Geomorphology, Inc.
 c/o Jon Ahern, P.E., CFM
 1 W. Deer Valley Rd., Ste. 101
 Phoenix, AZ 85027

RE: **Proposal for the Completion of the City of Prescott Mapping Activity Statement No. AZ-
 Prescott-10-01**

Dear Mr. Low:

Thank you for requesting professional engineering services from JE Fuller/Hydrology & Geomorphology, Inc. (JEF). It is understood that the City of Prescott (City) would like JEF to complete a Floodplain Delineation Study (FDS) for the portions of Willow Creek, Willow Creek Tributaries, Granite Creek, and Granite Creek Tributaries as identified below in **Table 1**. The objective is to update the FEMA Flood Insurance Study (FIS) associated with the identified watercourses. In addition, JEF understands that work associated with this project is to be in accordance with the Mapping Activity Statement (MAS) agreement between the City and FEMA (MAS No. AZ-PreScott-10-01). The Project Team assembled to complete the project includes JEF, Kelley/Wise Engineering, Inc. (KWE), Lyon Engineering, Inc. (Lyon), and Baker Engineering (Baker). This letter outlines our proposed scope of services, fee, assumptions and schedule.

Table 1: Study Reaches (Detailed Studies).

Flooding Source	Reach Limits	Reach Length (mi)	Existing FEMA Designation	Proposed FEMA Designation	Hydraulics	Floodplain Mapping
Willow Creek (Reach 1)	From Willow Creek Reservoir upstream to Willow Creek Road Bridge	0.92	AE/A/X	AE/X	X	X
Willow Creek (Reach 2)	From Williamson Valley Road Bridge to the upstream limits of the existing FEMA floodplain limits	2.78	AE/A/X	AE/A/X	X	X
Willow Creek Tributary (Reach 3)	From the confluence with Willow Creek to the upstream limits of the existing FEMA floodplain limits	1.7	AE/A	AE	X	X
Willow Creek Reservoir Tributary (Reach 4)	From the confluence with Willow Creek Reservoir to the upstream limits of the existing FEMA floodplain limits	2.71	AE/A/X	AE/X	X	X
Willow Creek (Reach 5)	From the confluence with Granite Creek upstream to Willow Creek Reservoir outlet	1.41	None	AE	X	X
Granite Creek (Reach 6)	From the confluence with Bottleneck Wash upstream to City of Prescott Airport/WWT Plant	1.88	A	AE	X	X
Granite Creek (Reach 7)	From the City of Prescott Airport/ WWT Plant upstream to Watson Lake	5.14	AE/A/X/None	AE	X	X
Bottleneck Wash (Reach 8)	From the Confluence with Granite Creek upstream to State Route 89	3.08	A	AE	X	X

8400 S. Kyrene Rd., Ste 201
 Tempe, Arizona 85284
 480-752-2124 (voice)
 480-839-2193 (fax)

1 West Deer Valley Rd., Ste 101
 Phoenix, AZ 85027
 623-889-0166 (voice)
 480-839-2193 (fax)

523 N. Beaver St., 2nd Floor
 Flagstaff, AZ 86001
 928-214-0887 (voice)
 928-214-0887 (fax)

40 E. Helen Street
 Tucson, Arizona 85705
 520-623-3112 (voice)
 520-623-3130 (fax)

1. Proposed Scope of Services

FDS tasks to be completed by the Project Team are provided below. Scope of services for KWE, Lyon and Baker Engineering are attached as Exhibits 2, 3 and 4, respectively.

Task 1. Field Reconnaissance and Data Collection

The Project Team will perform a detailed field reconnaissance of the specific study area to determine conditions along floodplains; type, number, and condition of hydraulic and/or flood-control structures; locations of cross-sections to be surveyed; and other parameters necessary for hydraulic analyses. Field work will be performed in accordance with FEMA standards. Field study data and information will be summarized and included in the Technical Support Data Notebook (TSDN).

The Project Team shall collect and review readily available data, reports, as-built and supplemental information. Documentation will be included in the TSDN.

Task 2. Field Surveys and Mapping Verification

The Project Team shall perform the following survey services:

- Survey of roadway crossings (culverts, dip sections, etc.)
- Survey of miscellaneous features identified through field reconnaissance and data collection.
- Survey of select cross-sections for verification of project mapping and hydraulic modeling development support.

Supporting mapping and mapping documentation will be provided by the City. It is assumed that the City-provided project mapping conforms to FEMA standards, and has been verified as such by the City's Aerial Survey and Mapping Contractor. The Project Team shall provide ground surveyed cross-sections and check points to aid in verification of project mapping and for hydraulic analyses. Documentation will be included in the TSDN.

Task 3. Hydraulic Analyses

The Project Team shall use field reconnaissance information (see Task 1), City-provided topographic mapping (see Task 2), and survey-collected data (see Task 2) to perform the necessary hydraulic analyses.

Hydraulic Analyses for FIS Revision

The Project Team shall perform HEC-RAS hydraulic analyses for reaches identified above in **Table 1**. Detailed hydraulic modeling will be based on the 10-, 50-, 100- and 500-peak discharge(s). All hydraulic modeling will be based on revised hydrology prepared by Arroyo Engineering and obtained from City. HEC-RAS hydraulic analyses shall be in accordance with FEMA standards. HEC-RAS hydraulic model results shall be used for revision of the effective FEMA FIS.

Task 4. Floodplain Mapping

The Project Team shall prepare floodplain mapping in support of the detailed floodplain delineations for reaches identified in **Table 1**. The below deliverables will be documented in the TSDN.

New and/or Revised Floodplain and Floodway Delineations

The Project Team shall perform a delineation of the floodplain and floodway boundaries consistent with the effective FEMA floodplains identified in **Table 1**. The delineations shall be based on the HEC-RAS hydraulic modeling results (see Task 3). The Project Team shall incorporate all new and revised hydraulic modeling results and topographic information provided or acquired under Tasks 1 through 3 to delineate the floodplains and regulatory floodway

boundaries on a digital work map. The mapping shall be consistent with FEMA standards. Floodplain and/or floodway mapping shall not be performed for the 10- and 50-year events.

New and/or Revised Water Surface Elevation Profiles

The Project Team shall provide water surface elevation profiles for the 10-, 50-, 100-, and 500-year events. Profiles shall be based on HEC-RAS hydraulic modeling results (see Task 3). The Project Team shall incorporate all new and revised hydraulic modeling results and topographic information provided or acquired under Tasks 1 through 3. Computation and documentation of profiles shall be consistent with FEMA standards.

Task 5. Preparation and Submittal of Deliverables

The Project Team shall prepare and submit to the City and FEMA a TSDN that documents field reconnaissance and data collection (see Task 1), field surveys and topographic information (see Task 2), hydraulic analyses (see Task 3), and new and/or revised floodplain delineations and flood profiles (see Task 4). In addition, the TSDN will include the following:

- Hydraulic modeling input and output files.
- Work maps consistent with the effective FEMA floodplains and showing the 100- and 500-year floodplain and floodway delineations, cross-sections, BFEs, flood insurance risk zone labels, and applicable base map features.
- The 10-, 50-, 100-, and 500-year water surface elevations reflecting existing conditions.
- Plots of annotated effective FIRM panels showing detailed flood hazard information at a suitable scale.
- GIS-based models, work maps, input data, output data, and GIS data layers.

TSDN submittals shall include three (3) drafts and five (5) finals. The TSDN will be prepared for FEMA submittal in accordance with the requirements set forth in *Guidelines and Specification for Flood Hazard Mapping Partners*.

JEF will also prepare and submit to the City agendas and notes for scheduled Progress Update Meetings and required Intermediate Meetings. The Project Team will upload study documentation into the MIP as required by FEMA.

Task 6. Coordination and Project Management

JEF will coordinate with the City as necessary throughout the Project's duration. Planned meetings include the following:

- Project kickoff meeting.
- Up to eight (8) coordination meetings. Meetings shall be conducted via telephone conference call, at JEF office location and/or WebEx web conferencing.

Throughout the duration of the Project, JEF will coordinate with FEMA, as necessary, to ensure the tasks, activities and products meet the technical and format specifications required. Coordination activities with FEMA will include:

- Meetings, teleconferences, and video conferences with FEMA and other Project Team members.
- Telephone conversations with FEMA and other Project Team members on a scheduled basis and an ad hoc basis, as required.
- Updates to the MIP and other FEMA status information systems in accordance with FEMA requirements.

- E-mail, facsimile transmissions, and letters, as required.

2. Engineering Services Fee

Fee for the engineering services outlined above shall be based on a lump sum contract fee. **Table 2** below summarizes the lump sum fees for the professional services associated with Tasks 1 through 6. **The total engineering services fee for the project is \$350,000.**

Table 2: Fee Summary

Tasks	JEF	Kelley/Wise Engineering	Lyon Engineering	Baker Engineering	Total
Task 1. Field Reconnaissance and Data Collection	\$23,231		\$8,330		\$31,561
Task 2. Field Surveys and Mapping Verification		\$62,500			\$62,500
Task 3. Hydraulic Analyses	\$77,550		\$51,410		\$128,960
Task 4. Floodplain Mapping	\$30,180		\$15,165		\$45,345
Task 5. Deliverables	\$34,050		\$2,936	\$11,963	\$48,949
Task 6. Coordination and Project Management	\$30,525		\$2,160		\$32,685

Total Fee \$350,000

3. Project Assumptions

1. Study hydrology provided by the City shall be in compliance with FEMA standards. The City shall provide JEF with all hydrologic modeling documentation required for FEMA submittals. The Project Team shall not revise and/or modify hydrology provided by the City. The Project Team shall not perform new hydrologic modeling.
2. Study topography provided by the City shall be in compliance with FEMA standards. The Project Team shall not revise and/or modify topography. The City shall provide the Project Team with all topographic documentation required for FEMA submittals. The City shall provide the Project Team digitally formatted point and breakline files necessary for developing GIS surfaces and hydraulic models.
3. Water surface elevation profiles shall be determined and plotted for the 10-, 50-, 100-, and 500-year events.
4. The Project Team shall not be responsible for fees associated with data collection and/or FEMA submittals.
5. This proposal does not include public notification and/or public meetings.
6. This proposal does not include establishing Elevations Reference Marks (ERMs).

4. Project Schedule

The Project Team will complete the tasks outlined above within 14 months of receipt of written authorization of notice to proceed (NTP). A Summary Schedule is included in the MAS prepared by the City and FEMA. A detailed project schedule shall be provided to the City within 14 days from NTP. If we do not receive NTP within one month of the date of this letter, we request the opportunity to revise our project schedule.

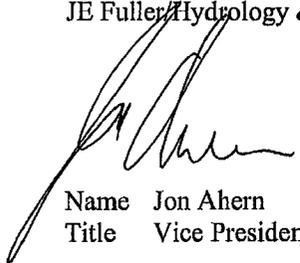
5. Project Authorization

Authorization of NTP and acceptance of the proposed scope of services, engineering services fee, study assumptions, and schedule may be indicated by signing where designated below.

Please notify me if this letter is not in accordance with your instructions. If we do not receive notice to proceed within six months of the date of this letter, we request the opportunity to update our fee at that time.

Sincerely,

JE Fuller Hydrology & Geomorphology, Inc.



Name Jon Ahern
Title Vice President/Project Manager

Authorization of Notice to Proceed &
Acceptance of Letter Contract Terms:

Client Name

Date

Client Title

Attachments:

- Exhibit 1 – KWE Survey Scope of Services
- Exhibit 2 – Lyon Engineering Scope of Services
- Exhibit 3 – Baker Engineering Scope of Services

Exhibit 1

Exhibit 1 - KWE Survey Scope of Services



KELLEY/WISE ENGINEERING, INC.
Civil Engineering, Surveying, Land Planning

November 29, 2010

Mr. Jon Ahern P.E., CFM
JE Fuller Hydrology & Geomorphology, Inc.
1 West Deer Valley Road, Ste 101
Phoenix AZ 85027

jon.ahern@jefuller.com

Subject: Revised Proposal for Survey of Willow Creek, Willow Creek Tributary, and Bottleneck Wash/Granite Creek Floodplain Delineation Study (Reaches 1-8)

Dear Jon:

Kelley/Wise Engineering, Inc. (KWE) is pleased to prepare this proposal to provide survey services for the project referenced above. We anticipate the following work scope:

KWE understands that the City of Prescott will provide you with 2' interval (or better) contour mapping over the study area. KWE will provide mapping check cross-sections to aid in your analysis and verification of the supplied mapping. The mapping check cross-sections will consist of a ground-surveyed section that crosses the 100-year flood plain. The terminal ends of the sections will be anchored with GPS survey measurements. The number of proposed mapping check cross-sections has been listed by reach in the base services below.

We will provide supplemental survey data at hydraulic structures to include the following:

- Roadway profile (centerline, left edge, and right edge)
- Culvert invert elevations at each opening (inlet and outlet)
- Culvert dimensions
- Upstream and downstream cross-sections of natural channel
- Top of headwall and wing walls

Two of the ERM's that appear on the effective FIRM panels (provided they still exist) will be tied into this project survey, both vertically and horizontally. At a minimum, two section corners and two existing City of Prescott published bench marks (provided they still exist) will also be surveyed.

The supplemental survey points and all connecting line work provided by KWE will be furnished to JE Fuller in an AutoCAD .dwg format. The survey points will also be provided in an ASCII file.

BASE SERVICE

Reach 1: Approximately 0.9 miles of Willow Creek from the Willow Creek Road Bridge downstream to the Willow Creek Reservoir:

- Mapping check cross-sections - 1

Reach 2: Approximately 2.8 miles of Willow Creek from Williamson Valley Road upstream to the existing FEMA floodplain limits of detailed study

- Mapping check cross-sections: 4

Reach 3: Approximately 1.7 miles of the Willow Creek Tributary from Willow Creek upstream to the existing FEMA floodplain limits of detailed study

- Mapping check cross-sections: 3

Reach 4: Approximately 2.7 miles of Willow Creek Reservoir tributary and Zone A Floodplain from the Willow Creek Reservoir upstream to Rosser Street

- Mapping check cross-sections: 3

Reach 5: Approximately 1.4 miles of Willow Creek from the Willow Creek Reservoir downstream to State Route 89

- Mapping check cross-sections – 1

Reach 6: Approximately 1.9 miles of Granite Creek from the confluence with Bottleneck Wash upstream to City of Prescott Airport/WWT Plant

- Mapping check cross-sections: 2

Reach 7: Approximately 5.2 miles of Granite Creek from the City of Prescott Airport/WWT Plant upstream to Watson Lake

- Mapping check cross-sections: 5

Reach 8: Approximately 3.1 miles of Bottleneck Wash from the confluence with Granite Creek upstream to State Route 89

- Mapping check cross-sections: 3

Project Schedule: KWE will coordinate this work with your schedule.

Payment Agreement: We propose providing the work described above on a lump sum basis for a fee of \$62,500 with a task breakdown as follows:

Base Service	
Reach 1	\$ 2,000
Reach 2	9,800
Reach 3	13,200
Reach 4	10,700
Reach 5	4,000
Reach 6	3,000
Reach 7	10,400
Reach 8	<u>9,400</u>
Total	\$62,500

Should we encounter conditions that require additional surveying, engineering or evaluation, such conditions will be reviewed with the client prior to proceeding. Direct expenses associated with the project, including plan copies, shall be reimbursed at cost plus 15 percent. Fees are payable with monthly billing based upon the percent complete amount accomplished within that billing period. Additional services authorized by the client will be billed separately following the month in which the services are performed. All billings are due and payable within 30 days of dated invoice. (We understand we will be paid within 30 days of your payment from the City of Prescott.)

Mr. Jon Ahern, P.E., CFM
November 29, 2010
Page 3 of 3

Conditions: The following items are not included in this proposal. Should any of the following items become necessary, services can be provided by separate agreement:

1. Agency review fees, permits and recording fees are to be paid by the owner/client.
2. Printing of plans (blueprinting, vellums or Mylars) and other direct expenses will be itemized separately as additional charges.
3. Items not identified in the Scope of Services.

AUTHORIZATION TO PROCEED

If you are in agreement with the Scope of Work, the lump sum fee of \$62,500 for the Base Service (Reaches 1-8) and the conditions as stated in the Standard Provisions (enclosed), please sign both copies of this Agreement and return the original to indicate your understanding of and concurrence with the conditions set forth herein.

Sincerely,

KELLEY/WISE ENGINEERING, INC.



Gary R. Kelley, P.E.
Principal

Enclosure: Standard Provisions

c: P10-048.5 (KWE 09-077)

ACCEPTED AND APPROVED

Signature _____ Date _____

Printed Name _____ Title _____

Exhibit 2

Exhibit 2 – Lyon Engineering Scope of Services

November 29, 2010

Jon Ahern, P.E., CFM
JE Fuller Hydrology & Geomorphology, Inc.
1 West Deer Valley Rd., Suite 101
Phoenix, AZ 85027

Subject: Granite Creek Floodplain Delineation Study from Watson Lake Dam
to the City of Prescott Airport Wastewater Treatment Plant

Please accept this letter as our proposal/agreement to provide engineering services for the aforementioned project. The scope of services (attached) has been detailed with the corresponding task number shown in Exhibit 'A'. Exhibit 'A' details the scope of work for this project, with the hours required to complete the scope of services. The scope of services includes a detailed delineation study to update the effective various-zone floodplain to an accurate Zone AE 100-year floodplain with floodway for Granite Creek. The detailed study will include performing hydraulic analyses and mapping of the 100-year floodplain and floodway in accordance with FEMA guidelines.

We hope you concur with our scope of services and associated fees, and we look forward to working with the City of Prescott.

We are available to meet with the City at their request to review and discuss our scope of services. Please contact us if you have any questions.

Sincerely,



Scott A. Lyon, P.E., R.L.S.
Vice President



Richard G. Poynor, P.E.
Vice President

EXHIBIT 'A'
Scope of Work
Granite Creek Floodplain Delineation Study
City of Prescott, Arizona
November 2010

Project Overview:

The purpose of the project is to perform a detailed delineation study to update the effective various-zone floodplains to an accurate Zone AE 100-year floodplain with floodway for Granite Creek from the Watson Lake Dam to the confluence with Bottleneck Wash. The detailed study will include performing hydraulic analyses and mapping of the 100-year floodplain and floodway in accordance with FEMA guidelines.

The City of Prescott will provide 2-foot interval (or better) contour mapping over the entire study area.

Task 1 – Field Reconnaissance and Data Collection

Lyon Engineering (LE) will obtain existing engineering documents from the City of Prescott (COP), Yavapai County Flood Control District (YCFCD), and the Federal Emergency Management Agency (FEMA).

The COP has retained Arroyo Engineering to update the regional hydrologic model for the city. The HEC-1 values for the latest report revision will be utilized by LE for the hydraulic modeling in FLO-2D, Boss RiverCAD, or HEC-GeoRAS.

LE will perform field reconnaissance to document Mannings "n" coefficients, ineffective flow areas, structure sizes, obstructions, etc. within the study area.

Task 3 – Hydraulic Analysis

LE will perform hydraulic analyses required to develop floodplain/floodway delineations for Granite Creek. The limits of the detailed study begin at the Watson Lake Dam and will terminate at the confluence with Bottleneck Wash (approx. 6.6 miles total). This northern terminus is the limits of the detailed aerial mapping available from the COP.

LE will perform the floodplain and floodway analyses in FLO-2D, BOSS RiverCAD, or HEC-GeoRAS software and provide JE Fuller Hydrology & Geomorphology, Inc. a hardcopy and digital copy of the results.

Task 4 – Floodplain Mapping

LE will delineate the 100-year floodplain boundaries and the regulatory floodway boundaries for the subject watercourse. The delineations will be delivered in both hard copy and digital formats as required by FEMA and the COP. This data will be provided to JE Fuller Inc. for submittal.

Task 5 – Deliverables

LE will prepare and provide data for Technical Data Notebook (TDN) for the specified project limits in accordance with FEMA and COP criteria. LE will also provide all floodplain data in shape file format.

Task 6 –Coordination and Project Management

LE will provide schedule updates to JE Fuller, attend project meetings with the City of Prescott, and coordinate with KWE for all survey requirements.

The current FEMA review fee schedule states that a "LOMR Based Solely on Submission of More Detailed Data" is free. It is anticipated that the FEMA review may take six to eight months. LE and City staff will work with FEMA to expedite the review process. LE will prepare all responses to all FEMA and COP review comments to obtain final approval of the hydraulic analyses for Granite Creek.

Items not included in LE's Scope of Services:

- Regional Hydrologic Models (to be provided by Arroyo/COP)
- Topographic Mapping
- Scour Analysis on Existing Structures
- Dam Break Analyses
- Submittals to FEMA/COP
- Field Survey
- Printing and Shipping fees

Authorization of NTP and acceptance of the proposed scope of services, engineering services fee, study assumptions, and schedule may be indicated by signing where designated below.

Please notify me if this letter is not in accordance with your instructions. If we do not receive notice to proceed within six months of the date of this letter, we request the opportunity to update our fee at that time.

Authorization of Notice to Proceed &
Acceptance of Letter Contract Terms:

Client Name

Client Title

Date

TASK DESCRIPTION		LABOR CODE/STAFF HOURS							TOTALS	
Task No.	Task Description	GPS	STCH	SMGR	PRJENG	PRNENG	ADMIN	HOURS	FEE	
1	Field Reconnaissance and Data Collection									
1A	Manning's "n" Calibration				8	8		16	\$2,160	
1B	Develop Initial Model Parameters				8	4		12	\$1,580	
1C	Verify Final Model Parameters				4	2		6	\$790	
1D	Verify City's Topographic Mapping			4	2	2		8	\$1,080	
1E	Survey Coordination/ERM/Cross Sections			6	6	8		20	\$2,720	
	Subtotal							62	\$8,330	
3	Hydraulic Analysis									
3A	Granite Creek (approx. 6.6 miles)				270	120	4	394	\$51,410	
	Subtotal							394	\$51,410	
4	Floodplain Mapping and FEMA Submittal									
4A	Mapping Granite Creek (approx. 6.6 miles)				65	17		82	\$10,590	
4B	LOMR and Digital Submittal				25	10		35	\$4,575	
	Subtotal							117	\$15,165	
5	Deliverables									
5A	Technical Data Notebook & digital files				3	16	3.7	22.7	\$2,936	
	Subtotal							22.7	\$2,936	
6	Coordination and Project Management									
6A	Mapping Granite Creek (approx. 6.6 miles)				8	8		16	\$2,160	
	Subtotal							16	\$2,160	
TOTAL- PAGE 1		0	0	10	399	195	7.7	611.7	\$80,001	
HOURLY RATES		\$150	\$85	\$135	\$125	\$145	\$65			

GPS: Survey Crew
STCH: Survey Technician
SMGR: Survey Manager

PRJENG: Project Engineer
PRNENG: Principle Engineer
ADMIN: Administrative

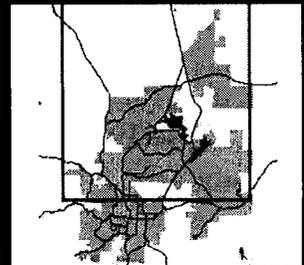
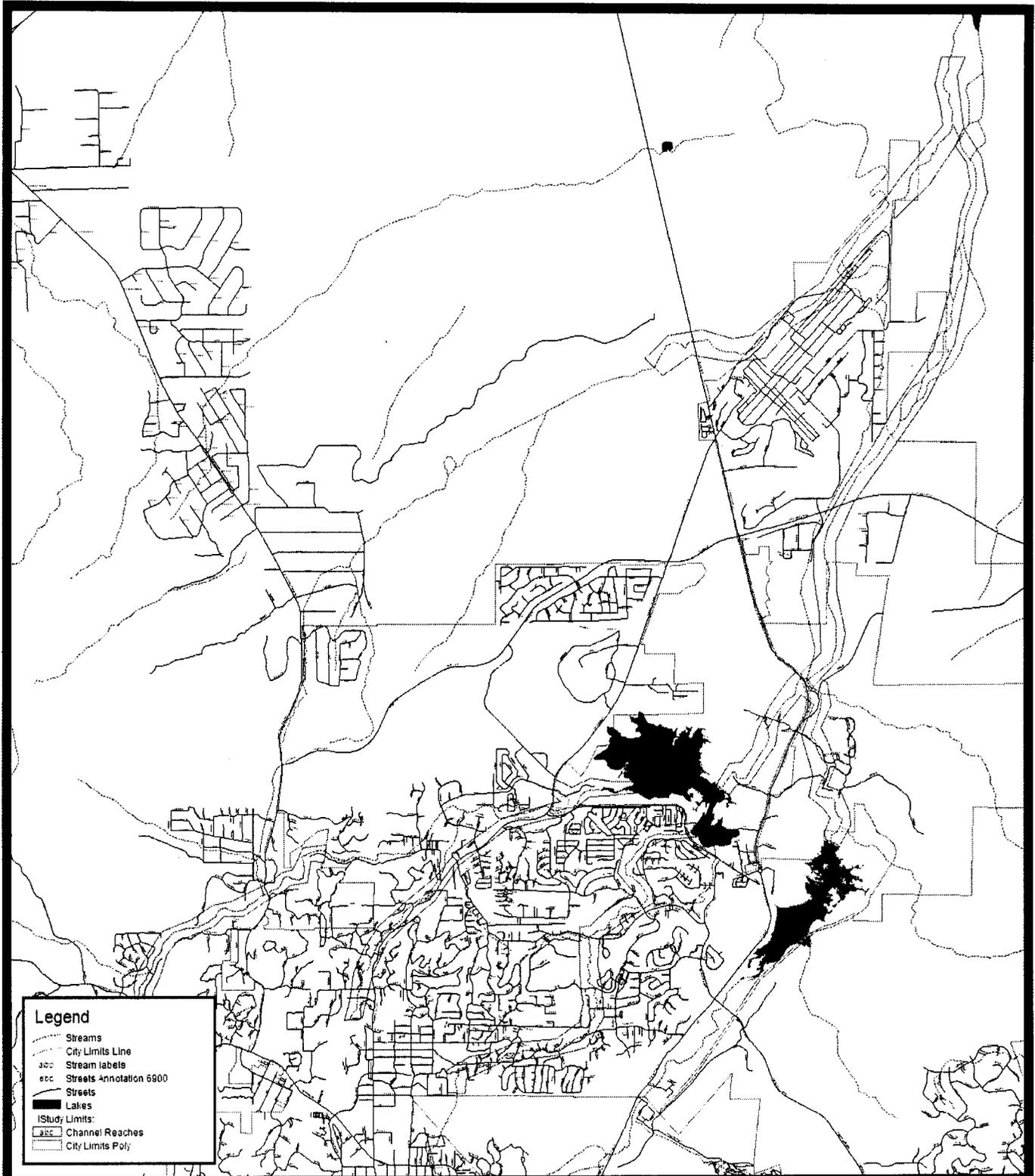
Exhibit 3

Exhibit 3 - Baker Survey Scope of Services

City of Prescott MAS & MIP Support

Sub Task	Description	Project Engineer	Project Coordinator	GIS Analyst	
TASK 1 - Administration					
1.1	Set up project scope & budget	6			
1.2	Prepare Monthly Progress Reports (12 m	12			
	Total Hours	18	0	0	
	Labor Cost	\$3,033.00	\$0.00	\$0.00	\$3,033 Sub-Total
TASK 2 - Upload Metadata to MIP					
2.1	Create geodatabase			15	
2.2	Obtain & upload Base Map			6	
2.3	Obtain & upload topo			6	
2.4	Obtain & upload field survey			6	
2.5	Obtain & upload hydrology			6	
2.6	Obtain & upload hydraulics			6	
2.7	Obtain & upload floodplain mapping			6	
	Total Hours	0	0	51	
	Labor Cost	\$0.00	\$0.00	\$6,074.10	\$6,074 Sub-Total
TASK 3 - Update MAS					
3.1	Monthly update (13 months)		13		
3.2	Prepare various reports		10		
	Total Hours	0	23	0	
	Labor Cost	\$0.00	\$2,856.37	\$0.00	\$2,856 Sub-Total
	Labor Rates	\$168.50	\$124.19	\$119.10	\$11,963 Total Estimate

Scope: Baker will provide services to update the Mapping Activity Statement (MAS) for the Prescott Flood Study expected to begin December 2010 and conclude December 2011. The MAS updates will update the project progress on a monthly basis. Baker will also prepare various reports requested from City of Prescott which can be generated from the Mapping Information Platform (MIP). Baker will also create the study area geodatabase and perform metadata uploads (up to three times) at the completion of preparation of Basemap Datasets, Terrain Development, Field Survey, and Engineering (Hydrology and Hydraulics), and Mapping/DFIRM production. Baker will not be involved in the preparation of the metadata files, only their upload and the communication of approval or error documentation. No Other Direct costs (ODC's) are expected as part of this contract and; therefore, have not be included.



**WILLOW CREEK &
WILLOW CREEK
TRIBUTARIES &
NORTH GRANITE CRK.**

This map is a product of the
The City of Prescott GIS

