



# PRESCOTT CITY COUNCIL REGULAR VOTING MEETING A G E N D A

**PRESCOTT CITY COUNCIL  
REGULAR VOTING MEETING  
TUESDAY, JANUARY 10, 2012  
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**

◆ **PLEDGE OF ALLEGIANCE:** Mayor Kuykendall

◆ **ROLL CALL:**

Mayor Kuykendall  
Councilman Arnold  
Councilman Blair  
Councilman Carlow

Councilman Hanna  
Councilman Kuknyo  
Councilman Lamerson

◆ **SUMMARY OF CURRENT OR RECENT EVENTS**

**I. CONSENT AGENDA**

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

A. Approval of the minutes of the December 6, 2011, Workshop; the December 13, 2011, Regular Voting Meeting; the December 20, 2011, Workshop; and the December 22, 2011, Special Meeting.

**II. REGULAR AGENDA**

A. Public Hearing and consideration of a liquor license application from H.J. Lewkowitz, applicant for Trader Joe's Company, for a Series 10, *Beer & Wine Store*, license and a Series 10S, *Sampling*, license for Trader Joe's #283 located at 252 Lee Boulevard.

- B. Public Hearing and consideration of a liquor license application from Danny Roy Thomas, applicant for Yavapai College Performance Hall, for a Series 5, *Government*, license for Yavapai College Performance Hall located at 1100 East Sheldon.
- C. Approval to purchase five (5) ea. 2012 Chevrolet Tahoe Police Pursuit Vehicles and two (2) ea. 2012 Chevrolet Tahoe Special Service Vehicles from Sands Chevrolet; and one (1) ea. 2012 Honda enforcement motorcycle from Coyote Honda.
- D. Adoption of Resolution No. 4115-1225 – A resolution the Mayor and Council of the City of Prescott, Yavapai County, Arizona, accepting an additional \$27,209 in grant funds from the Arizona Department of Homeland Security for the continuation of regional interoperability enhancement projects previously administered by the Prescott Valley Police Department and authorizing the execution of any and all documents to implement same.
- E. Award of bid and unit price contract to Polydyne, Inc., for the purchase of emulsion polymer and dry polymer at the unit prices bid for wastewater treatment in an amount not to exceed \$145,000.00.
- F. Adoption of Resolution No. 4116-1226 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, repealing Resolution No. 4079-1149 cancelling Intergovernmental Agreement IGA 10-127 with the State of Arizona, through its Department of Transportation (ADOT), to provide funding in FY12 for the SR89 Widening and Related Street Network and Intersection Configuration Project Assessment.
- G. Adoption of Resolution No. 4117-1227 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, adopting a Council Policy regarding contracts with the City by public officers and employees of the City.
- H. Recess into Executive Session.

### **III. EXECUTIVE SESSION**

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

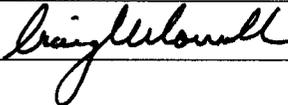
**IV. ADJOURNMENT**

CERTIFICATION OF POSTING OF NOTICE

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

\_\_\_\_\_  
Elizabeth A. Burke, MMC, City Clerk

<b>COUNCIL AGENDA MEMO – January 10, 2012</b>
<b>DEPARTMENT:</b> City Clerk
<b>AGENDA ITEM:</b> Public Hearing and consideration of a liquor license application from H. J. Lewkowitz applicant for Trader Joe's Company, for a Series 10, Beer & Wine Store, license and a Series 10S, Sampling, license for Trader Joes #283 located at 252 Lee Boulevard

<b>Approved By:</b>		<b>Date:</b>
<b>Department Head:</b>	Elizabeth A. Burke, City Clerk	
<b>Finance Director:</b>	Mark Woodfill	
<b>Acting City Manager:</b>	Craig McConnell 	12-12-11

A Liquor License Application, City No. 12-190, State No. 10133238 and 10133238S, has been received from H. J. Lewkowitz, applicant for Trader Joe's Company, for a Series 10 and 10S, Beer and Wine Store and Sampling, license for **Trader Joe's #283** located at 252 Lee Boulevard.

The public hearing will be held at the Regular Council Meeting of Tuesday, January 10, 2012. The applicant has been requested to attend the Regular Meeting to answer any questions Council may have.

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

<p><b>Recommended Action:</b> (1) <b>MOVE</b> to close the Public Hearing; and (2) <b>MOVE</b> to approve/deny State Liquor License Applications Nos. 10133238 and 10133238S, for new Series 10 and 10S, Beer and Wine Store and Sampling, licenses for H. J. Lewkowitz, applicant for Trader Joe's #283 located at 252 Lee Boulevard.</p>
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## **R19-1-102. Granting a License for a Certain Location**

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

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

### **Historical Note**

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

**ARIZONA STATE LIQUOR LICENSES  
TYPES / PURPOSES  
AS OF 09/10**

**SERIES 01 -- *In-State Producer's License***

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

**SERIES 02 -- *Out-of-State Producer's License***

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

**SERIES 02L -- *Limited Out-of-State Winery Application License***

Allows an out-of-state winery to sell 50 cases of wine or less per calendar year and ship the wine into the state to an Arizona licensed wholesaler.

**SERIES 02L -- *Limited Out-of-State Domestic Farm Winery Application License***

Allows an out-of-state domestic winery within or outside of the U.S. to produce less than 20,000 gallons of wine annually and ship the wine into the state to a licensed wholesaler.

**SERIES 02L -- *Limited Out-of-State Domestic Microbrewery Application License***

Allows an out-of-state domestic microbrewery within or outside of the U.S. to ship beer into the state to a licensed Arizona wholesaler.

**SERIES 03 -- *Domestic Microbrewery License***

Allows the licensee of a microbrewery to manufacture or produce at least 5,000 gallons but less than 310,000 gallons of beer annually.

**SERIES 04 -- *Wholesaler's License***

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

**SERIES 05 -- *Government License***

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

**SERIES 06 -- *Bar License – TRANSFERABLE***

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

**SERIES 07 -- *Beer and Wine Bar License - TRANSFERABLE***

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

**SERIES 08 -- *Conveyance License (Airplanes, Trains, and Boats)***

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

**SERIES 09 -- Liquor Store License (All spirituous liquors) - TRANSFERABLE**

Allows a spirituous liquor store retailer to sell all spirituous liquors, only in the original unbroken package, to be taken away from the premises of the retailer and consumed off the premises. (Also available a Series 09S – Sampling Privileges)

**SERIES 10 -- Beer and Wine Store License (Beer and wine only)**

Allows a retail store to sell beer and wine (no other spirituous liquors), only in the original unbroken package, to be taken away from the premises of the retailer and consumed off the premises. (Also available a Series 10S – Sampling Privileges)

**SERIES 11 -- Hotel/Motel License (with Restaurant)**

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

**SERIES 12 -- Restaurant License**

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

**SERIES 13 -- Domestic Farm Winery License**

Allows a domestic farm winery licensee to manufacture or produce more than 200 gallons, but less than 40,000 gallons on wine annually.

**SERIES 14 -- Club License**

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

**SERIES 15 -- Special Event License**

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

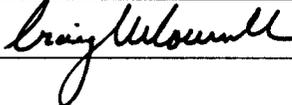
**SERIES 16 -- Wine Festival/Wine Fair License (Temporary)**

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

**SERIES 17 -- Direct Shipment License**

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

<b>COUNCIL AGENDA MEMO – January 10, 2012</b>	
<b>DEPARTMENT:</b> City Clerk	
<b>AGENDA ITEM:</b> Public Hearing and consideration of a liquor license application from Danny Roy Thomas applicant for Yavapai College Performance Hall, for a Series 05, Government, license for Yavapai College Performance Hall located at 1100 East Sheldon	

<b>Approved By:</b>		<b>Date:</b>
<b>Department Head:</b>	Elizabeth A. Burke, City Clerk	
<b>Finance Director:</b>	Mark Woodfill	
<b>Acting City Manager:</b>	Craig McConnell 	12-12-11

A Liquor License Application, City No. 12-189, State No. 05133001, has been received from Danny Roy Thomas applicant for Yavapai College Performance Hall, for a Series 05, Government, license for **Yavapai College Performance Hall** located at 1100 East Sheldon.

The public hearing will be held at the Regular Council Meeting of Tuesday, January 10, 2012. The applicant has been requested to attend the Regular Meeting to answer any questions Council may have.

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

<b>Recommended Action:</b> (1) <b>MOVE</b> to close the Public Hearing, and (2) <b>MOVE</b> to approve/deny State Liquor License Application No. 05133001, for a new Series 05 Government, license for Danny Roy Thomas applicant for Yavapai College Performance Hall located at 1100 East Sheldon.
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<b>COUNCIL AGENDA MEMO – January 10, 2012</b>
<b>DEPARTMENT:</b> Police
<b>AGENDA ITEM:</b> Purchase of five (5) ea. 2012 Chevrolet Tahoe Police Pursuit Vehicles and two (2) ea. 2012 Chevrolet Tahoe Special Service Vehicles from Sands Chevrolet, Glendale, AZ; and one (1) ea. 2011 Honda enforcement motorcycle from Coyote Honda, Mesa, AZ

<b>Approved By:</b>	<b>Date:</b>
<b>Department Head:</b> Michael Kabbel, Chief of Police	
<b>Finance Director:</b> Mark Woodfill	
<b>City Manager:</b> Craig McConnell <i>Craig McConnell</i>	12-28-11

**Item Summary**

In response to the City's purchasing solicitation, Sands Chevrolet, Glendale, AZ, submitted a bid of \$130,358.75 for five (5) ea. Tahoe 2x4 Police Pursuit Vehicles (PPV). This bid represents the lowest of the three received, and meets all specifications and requirements. It should be noted that the Ford Crown Victoria model widely used for police units is no longer manufactured with the result that many jurisdictions are now using the SUV body style.

Also in response to this solicitation, Sands Chevrolet, Glendale, AZ, submitted a bid of \$57,420 for two (2) ea. Tahoe 4x4 Special Service Vehicles (SSV). This bid represents the lowest of the three received, and also meets all specifications and requirements.

The Police Department also seeks approval to purchase a fully equipped enforcement motorcycle from Coyote Honda, Mesa, AZ. Purchase of this motorcycle will be made in compliance with all provisions and terms contained in the Pima County Sheriff's Department Bid #1101413.

**Background**

The current FY12 budget includes funding for purchase of the aforementioned vehicles to replace aging units currently used for patrol operations which are at or approaching 100,000 miles, and becoming unreliable for emergency operations. The bid received from Sands Chevrolet, as detailed below, was the lowest per unit for the two types of vehicles.

	<u>Price Per Vehicle</u>
2012 Chevrolet Tahoe 2x4 Police Pursuit Vehicle	\$ 26,071.75
TOTAL (WITH TAX):	\$ 28,548.57
TOTAL PURCHASE:	\$142,742.85
 2012 Chevrolet Tahoe 4x4 Special Service Vehicle	 \$ 28,710.00
TOTAL (WITH TAX):	\$ 31,437.45
TOTAL PURCHASE:	\$ 62,874.90



<b>COUNCIL AGENDA MEMO – January 10, 2012</b>
<b>DEPARTMENT:</b> Police
<b>AGENDA ITEM:</b> Adoption of Resolution No. 4115-1225 allowing acceptance of \$27,209 in grant funds provided by the Arizona Department of Homeland Security

<b>Approved By:</b>	<b>Date:</b>
<b>Department Head:</b> Michael Kappel, Chief of Police	
<b>Finance Director:</b> Mark Woodfill	
<b>City Manager:</b> Craig McConnell <i>Craig McConnell</i>	<i>12-30-11</i>

**Item Summary**

The Prescott Police Department requests approval of a resolution to accept \$27,209 in additional grant funding provided by the Arizona Department of Homeland Security. Awarded funds will continue regional interoperability enhancement projects administered by the Prescott Police Department.

**Background**

In November 2011, Council adopted a resolution accepting \$86,452 in grant funding from the Arizona Department of Homeland Security (AZDOHS) to continue regional interoperability enhancement projects with the goal of improving public safety communications and regional collaboration.

On December 13, 2011, we received notification that AZDOHS had awarded an additional \$27,209 to our Department, pending formal acceptance. This supplemental grant award will fund additional purchases of needed P-25 compliant narrowband mobile and portable radios, as well as components required for vehicle installation.

**Budget**

There are no requirements for local matching funds associated with this grant award. Consequently, there will be no fiscal impact to the City.

<b>Recommended Action:</b> MOVE to adopt Resolution No. 4115-1225.
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## RESOLUTION NO. 4115-1225

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, ACCEPTING AN ADDITIONAL \$27,209 IN GRANT FUNDS FROM THE ARIZONA DEPARTMENT OF HOMELAND SECURITY FOR THE CONTINUATION OF REGIONAL INTEROPERABILITY ENHANCEMENT PROJECTS PREVIOUSLY ADMINISTERED BY THE PRESCOTT VALLEY POLICE DEPARTMENT AND AUTHORIZING THE EXECUTION OF ANY AND ALL DOCUMENTS TO IMPLEMENT SAME**

### **RECITALS:**

WHEREAS, in November, 2011, the Prescott City Council adopted a resolution accepting \$86,452 in grant funding from the Arizona Department of Homeland Security (AZDOHS) to continue regional interoperability enhancement projects with the goal of improving public safety communications and regional collaboration; and

WHEREAS, on December 13, 2011, the Prescott Police Department received notification that AZDOHS had awarded an additional \$27,209 to their department pending formal acceptance; and

WHEREAS, this supplemental grant award will fund additional purchases of needed P-25 compliant narrowband mobile and portable radios for the Prescott Police, as well as components required for vehicle installation; and

WHEREAS, there are no requirements for local matching funds associated with this grant award; consequently, there will be no fiscal impact to the City.

### **ENACTMENTS:**

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

Section 1. THAT the City of Prescott hereby authorizes the acceptance of additional grant funding from the Arizona Department of Homeland Security in the amount of \$27,209 to fund additional purchases of needed P-25 compliant narrowband mobile and portable radios for the Prescott Police, as well as components required for vehicle installation.

Section 2. THAT the Mayor and staff are hereby authorized to execute any and all documents to effectuate the foregoing.

PASSED AND ADOPTED by the Mayor and Council of the City of Prescott this 10<sup>th</sup> day of January, 2012.

\_\_\_\_\_  
MARLIN KUYKENDALL, Mayor

ATTEST:

APPROVED AS TO FORM:

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

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

**COUNCIL AGENDA MEMO – January 10, 2012**

**DEPARTMENT:** Public Works

**AGENDA ITEM:** Award of bid and unit price contract to Polydyne, Inc., for the purchase of emulsion polymer and dry polymer for wastewater treatment in amount not to exceed \$145,000

**Approved By:**

**Date:**

<b>Department Head:</b> Mark Nietupski, Public Works Director	
<b>Finance Director:</b> Mark Woodfill	
<b>City Manager:</b> Craig McConnell <i>Craig McConnell</i>	12-30-11

**Item Summary**

This item is to award a bid and unit price contract to Polydyne, Inc., to provide emulsion polymer and dry polymer for use in the solids dewatering process at the Sundog and Airport Wastewater Treatment Facilities.

**Background**

City Wastewater Treatment Facilities currently use an average of 43,200 pounds of emulsion polymer and 11,000 pounds of dry polymer per year to dewater roughly 36 million gallons of waste sludge annually. The polymer is used as a flocculant in the treatment process to separate water from waste sludge during the dewatering process. Removal of water from the waste reduces the weight of disposed material and subsequent hauling fees.

Performance testing has been completed using emulsion polymer at the Airport Facility for the centrifuge and dry polymer at the Sundog Facility for the belt filter press and gravity belt thickener to establish the best performance results at the lowest price per ton as required by a solicitation for bids which was issued November 6, 2011.

Polydyne, Inc., of Riceboro, Georgia was the only firm to respond to the solicitation and submit bids.

The initial contract term is for a two-year period, subject to annual adoption of the City budget. The contract also provides an option for renewal of the agreement for two one-year periods. At the time of future renewal, subject to Council approval, an annual adjustment to unit pricing will be calculated in accordance with the United States Producer Price Index, not to exceed an increase of five percent (5%) per year.



Form A – Solicitation Response Cover Sheet



City of Prescott  
Solicitation Response

Solicitation Number: Bid 12WWT0020

Description:..... Polymer

Please note all that apply:

- Addenda Number(s) Received (If any)  
.....
- Original Forms A through G plus one (1) photocopy

Business Name: Polydyne Inc.

Business Address: 1 Chemical Plant Road  
Riceboro, GA 31323

Business Phone: (912) 880-2035

Business Contact: Lawrence D. Grizzle, Business Manager

Contractor Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Form B – Price Sheet**

**Delivery:** Materials shall be delivered as follows (Delivery hours are between the hours of 7:00 A.M. and 3:30 P.M):

**F.O.B.** City of Prescott  
Wastewater Treatment Facilities  
1500 Sundog Ranch Road  
Prescott, Arizona 86301

**Item:** Supply the following items:

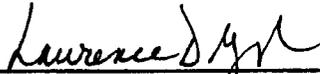
Dry Polymer (Belt Press)	\$ <u>1.85/Lb.</u>	<u>Clarifloc WE-875</u>
	Price per Pound	Type
Dry Polymer (Gravity Belt)	\$ <u>1.85/Lb.</u>	<u>Clarifloc WE-875</u>
	Price per Pound	Type
Emulsion Polymer (Centrifuge)	\$ <u>1.19/Lb.</u>	<u>Clarifloc WE-1212</u>
	Price per Pound	Type

Delivery of Units (FOB Prescott) Shall Occur Within 3-5 Days A.R.O. Days Following Supplier Receipt of Order

**Payment Terms:** Net 30 Days - No Discounts

(The City's payment terms are N30 but discounts will be taken as offered when practical - i.e. 2% 10 N30)

Dated this 5th day of December 2011.

  
\_\_\_\_\_  
**Signature** Lawrence D. Grizzle

Business Manager  
\_\_\_\_\_  
**Title**

**COUNCIL AGENDA MEMO – January 10, 2012**

**DEPARTMENT:** Public Works

**AGENDA ITEM:** Adoption of Resolution No. 4116-1226 repealing Resolution 4079-1149, cancelling an intergovernmental agreement with the State of Arizona for contribution of City funding to the SR89 widening project in the Airport area

<b>Approved By:</b>		<b>Date:</b>
<b>Department Head:</b> Mark Nietupski, Director of Public Works		
<b>Finance Director:</b> Mark Woodfill		
<b>City Manager:</b> Craig McConnell <i>Craig McConnell</i>		12-28-11

**Item Summary**

Resolution No. 4116-1226 (attached) will repeal Resolution No. 4079-1149 and cancel an intergovernmental agreement IGA 10-127 with the State of Arizona, through its Department of Transportation (ADOT) removing the City obligation to pay \$50,000 for ADOT to perform a detailed study of certain City streets intersecting with and extending beyond their project to widen SR89 in the Airport area. Other funding being made available through the Central Yavapai Metropolitan Planning Organization (CYMPO) has rendered this City contribution unnecessary.

**Background**

At its May 24, 2011, meeting, the City Council approved an intergovernmental agreement with ADOT to provide \$50,000 in City funding for the SR89 Widening and Related Street Network and Intersection Configuration Project Assessment. This agreement assured that the City would be a direct participant in the early project design, and expanded the scope of ADOT's engineering contract to include planning of proposed roadway conceptual alignments, right-of-ways and lane configurations related to the ADOT SR 89 design. Specifically the project was to provide a 15% design document for two roadways: (1) the realignment of Willow Creek Road to a planned intersection at Perkins Drive at SR 89; and (2) a new roadway segment, to be known as Deep Well Ranch Road, located north of existing Ruger Road providing future access to Prescott Municipal Airport. This project assessment would have been used by the City as a planning document to prepare construction plans for these two new roadway segments.

Since that time efforts have been underway through CYMPO to secure funding that could pay for the complete design of both roadways. This funding is available and ADOT, the City, and CYMPO are currently working to designate approximately \$633,000 of Federal Surface Transportation Program (STP) grant funds for this purpose. These STP funds are sufficient to complete all aspects of the 100% design and obtain required clearances for both Willow Creek Road Realigned and new Deep

**Agenda Item:** Adoption of Resolution No. 4116-1226 repealing Resolution No. 4079-1149, cancelling an intergovernmental agreement with the State of Arizona for contribution of City funding to the SR89 widening project in the Airport area

Well Ranch Road. The City contribution of \$50,000 for a Project Assessment is therefore unnecessary.

A new Intergovernmental Agreement between ADOT and CYMPO will designate the purpose and intended use of the STP funds for both roadways connecting to SR 89. The City as a participating member agency of CYMPO will be able to review and have input during the IGA drafting and project design.

- Attachments**
- ADOT Letter requesting cancellation of IGA 10-127.
  - Resolution No. 4079-1149 Exhibit
  - Resolution No. 4116-1226
  - Location Map

**Recommended Action:** MOVE to adopt Resolution No. 4116-1226.



**Arizona Department of Transportation**  
**Intermodal Transportation Division**

206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janice K. Brewer  
Governor

John S. Halikowski  
Director

Jennifer Toth  
State Engineer

December 21, 2011

Ian Mattingly  
City of Prescott, Traffic Engineer

Subject: Cancelling IGA/JPA 10-027-I

Mr. Mattingly:

Since the CYMPO has funded 100 percent of the design for the realigned Willow Creek Road, there is no need for the IGA from the city to pay for a 15 percent design in amount of \$50,000. The City would still be a member of the design team and be able to make comments during the design. The CYMPO's funding contribution for 100 percent of the design of Willow Creek Road should save the city the \$50k plus the cost of finalizing the design. So the IGA 10-027 is not needed. Please send ADOT a request to cancel the IGA 10-027.

There still could be issues on the project that need to be resolved in a new IGA, such as maintenance and facility transfer to the City of the new Deep Well Ranch Road, etc... Should these issues require another IGA a new IGA number would be needed.

A handwritten signature in cursive script that reads "Randy Blake".

Randy Blake, Project Development Coordinator  
1109 Commerce Drive  
Prescott, AZ 86305

C Robert LaJeunesse  
Roxanne Turner

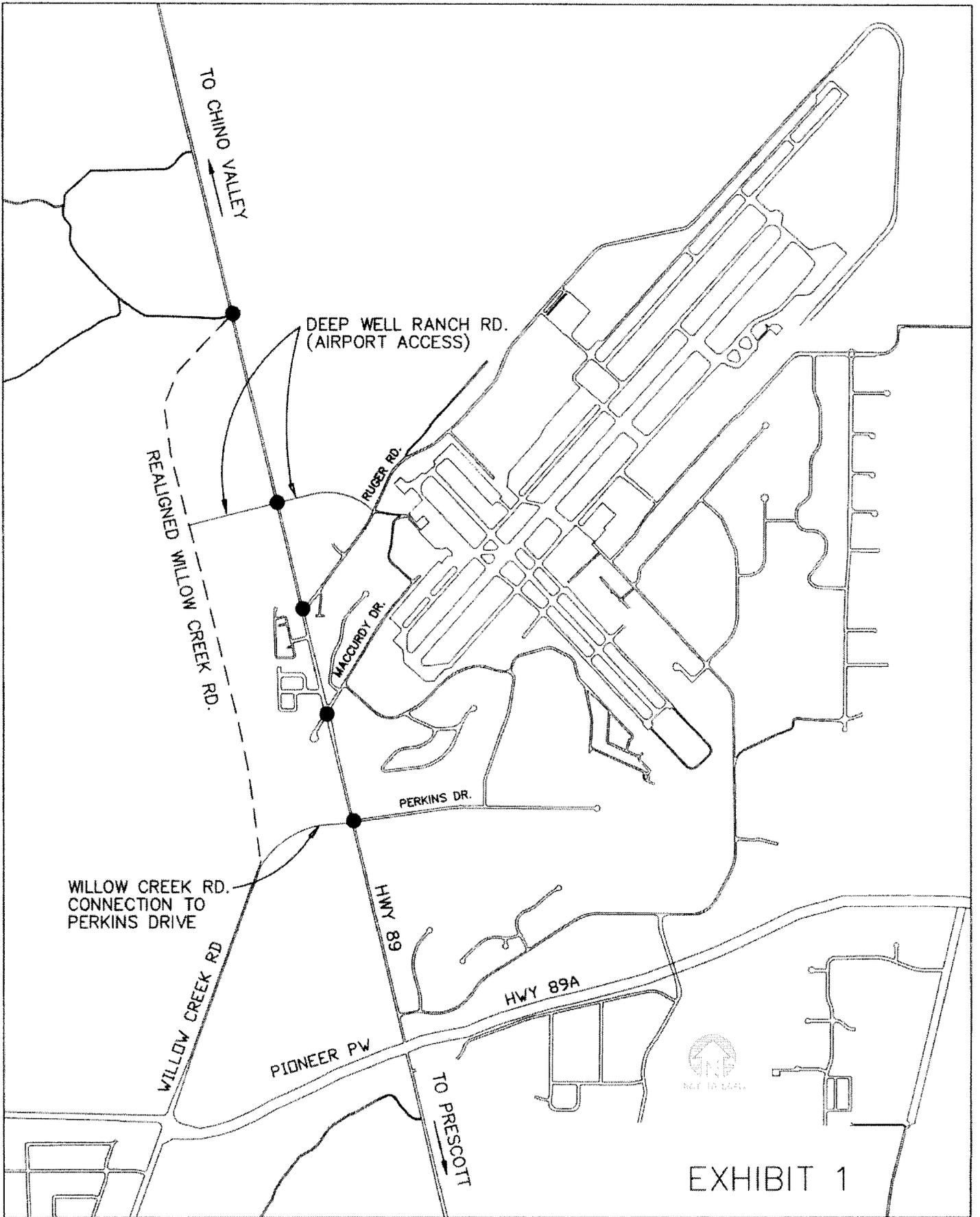


EXHIBIT 1

**RESOLUTION NO. 4116-1226**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, REPEALING RESOLUTION NO. 4079-1149 CANCELLING INTERGOVERNMENTAL AGREEMENT IGA 10-127 WITH THE STATE OF ARIZONA, THROUGH ITS DEPARTMENT OF TRANSPORTATION (ADOT) TO PROVIDE FUNDING IN FY12 FOR THE SR89 WIDENING AND RELATED STREET NETWORK AND INTERSECTION CONFIGURATION PROJECT ASSESSMENT**

**RECITALS:**

WHEREAS, the City of Prescott and Arizona Department of Transportation had previously entered into a certain Intergovernmental Agreement (IGA 10-127) for the City to provide funds to ADOT in FY12 for a jointly accomplished study of the related street network and intersection configurations, incident to the State's design effort for its widening project on SR89 from south Chino Valley limits to SR89A; and

WHEREAS, the Arizona Department of Transportation, the City and Central Yavapai Metropolitan Planning Organization (CYMPO) all recognize the importance of this study and its expansion to provide complete design of the Willow Creek Realignment to Perkins Drive at State Route 89 and the new Deep Well Ranch Road north of existing Ruger Road; and

WHEREAS, new federal Surface Transportation Program grant funds have become available through CYMPO which will fully fund these studies; and

WHEREAS, the result of this increased design effort will benefit each agency by allowing these critical planned roadways to move to construction at an accelerated schedule compatible with planned improvements to State Route 89 resulting in an efficient transportation network in this vital transportation and growth corridor.

**ENACTMENTS:**

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Prescott, Arizona that Resolution No. 4079-1149, establishing Intergovernmental Agreement, IGA 10-127, with the State of Arizona, through its Department of Transportation (ADOT) be repealed.

PASSED AND ADOPTED by the Mayor and Council of the City of Prescott this 10th day of January, 2012.

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MARLIN KUYKENDALL, Mayor

ATTEST:

APPROVED AS TO FORM:

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ELIZABETH A. BURKE, City Clerk

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

<b>COUNCIL AGENDA MEMO – January 10, 2012</b>
<b>DEPARTMENT:</b> Legal
<b>AGENDA ITEM:</b> Annual Conflict of Interest Resolution

<b>Approved By:</b>	<b>Date:</b>
<b>Department Head:</b> Gary Kidd, City Attorney	
<b>Finance Director:</b> Mark Woodfill	
<b>City Manager:</b> Craig McConnell <i>Craig McConnell</i>	12-30-11

BACKGROUND

State law prohibits the purchase of any service or merchandise from a Council member, appointee or employee unless a policy allowing such is adopted by the Council annually. {The Council has been adopting this Resolution for the past fifteen years} The attached Resolution is in accordance with ARS Section 38-503, and would:

- ▶ Allow the City to enter into a contract with a public officer or employee of the City to provide items or services to the City, in an amount not to exceed \$300 per transaction, or in an amount not to exceed \$1,000 in any one year.
- ▶ Provide that no public officer or employee of the City may enter into a contract to provide any item or service to the City in excess of \$300 per transaction, or in excess of \$1,000 in any one year, unless said contract is awarded pursuant to a public and sealed bidding process.

FINANCIAL IMPACT

None

**Recommended Action: MOVE to adopt Resolution No. 4117-1227.**

**RESOLUTION NO. 4117-1227**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, ADOPTING A COUNCIL POLICY REGARDING CONTRACTS WITH THE CITY BY PUBLIC OFFICERS AND EMPLOYEES OF THE CITY**

**RECITALS:**

WHEREAS, ARS Section 38-503 requires the City Council to annually approve a policy regarding contracts with the City by public officers and employees of the City.

**ENACTMENTS:**

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

Section 1. THAT the City may enter into a contract with a public officer or employee of the City to provide any item or service to the City, in an amount not to exceed \$300.00 per transaction, or in an amount not to exceed \$1,000.00 in any one year.

Section 2. THAT no public officer or employee of the City may enter into a contract to provide any item or service to the City in excess of \$300.00 per transaction or in excess of \$1,000.00 in any one year unless said contract is awarded pursuant to a public and sealed bidding process.

PASSED AND ADOPTED by the Mayor and Council of the City of Prescott this 10<sup>th</sup> day of January, 2012.

\_\_\_\_\_  
MARLIN KUYKENDALL, Mayor

ATTEST:

APPROVED AS TO FORM:

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

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