

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

**PRESCOTT CITY COUNCIL  
REGULAR VOTING MEETING  
TUESDAY, APRIL 24, 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**

◆ **INVOCATION** Rabbi William Berkowitz, Temple B'rith Shalom

◆ **PLEDGE OF ALLEGIANCE:** Councilman Lamerson

◆ **ROLL CALL:**

Mayor Kuykendall  
Councilman Arnold  
Councilman Blair  
Councilman Carlow

Councilman Kuknyo  
Councilman Lamerson  
Councilman Scamardo

◆ **SUMMARY OF CURRENT OR RECENT EVENTS**

**I. CONSENT AGENDA**

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

A. [Purchase of a traffic signal controller cabinet from Econolite Control Products, Inc., in the amount of \\$12,465.90.](#)

B. Approval of the Minutes of the Prescott City Council Workshop of April 3, 2012, and the Regular Voting Meeting of April 10, 2012.

## II. REGULAR AGENDA

- A. Appointment of member to the Prescott Planning and Zoning Commission and Unified Development Code Committee, and appointment of Chairman of the Unified Development Code Committee.
- B. Public Hearing and consideration of a liquor license application from Bryan Mark Nowicki, applicant for Chef Bryan Catering LLC, for a Series 12, *Restaurant*, license for Chef Bryan's Bistro located at 436 Goodwin Street.
- C. Public Hearing and consideration of a liquor license application from Lyndon Dean Edmonson, applicant for Prescott Four, LLC, for a Series 12, *Restaurant*, license for Mama Edda's Gourmet Pizza located at 221 North Cortez Street.
- D. Public Hearing and consideration of the Amendment to the 2011 CDBG Annual Action Plan transferring \$45,000 of funding allocation to Project Aware from Adult Care Services.
- E. Approval to purchase one (1) each crisis negotiator phone in the amount of \$31,199.44 from Enforcement Technology Group, Inc.
- F. Approval of submission of an Arizona Department of Homeland Security grant application in the amount of \$50,300.00 for the enhancement of State radio frequency interoperability.
- G. Approval of submission of a U.S. Department of Justice, Bureau of Justice Assistance (BJA), grant application seeking funding in the amount of \$11,571.00 for the purchase of law enforcement equipment.
- H. Adoption of Ordinance No. 4831-1231 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona to supplement the Lease Agreement between the City of Prescott, as Successor, to the Lease between Yavapai County, as Lessor, and Prescott Frontier Days, Inc.
- I. Adoption of Resolution No. 4121-1231 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, adopting the Yavapai County Multi-Jurisdictional Hazard Mitigation Plan 2011.
- J.\* Recess into Executive Session.**

**III.\* EXECUTIVE SESSION**

**A. Discussion or consultation for legal advice with the attorney or attorneys of the public body, pursuant to ARS §38-431.03(a)(3).**

**1. Employee Benefits.**

**IV.\* POST EXECUTIVE SESSION**

**1. Additional discussion / direction re employee benefits.**

**##V\*. ADJOURNMENT**

CERTIFICATION OF POSTING OF NOTICE

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

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

**COUNCIL AGENDA MEMO – April 24, 2012**  
PROCUREMENT ITEM FOR CONSENT AGENDA (\$10,000 - \$20,000)

**DEPARTMENT:** Pubic Works

**AGENDA ITEM CAPTION:** Purchase of a traffic signal controller cabinet from Econolite Control Products, Inc.

**Approved By:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Department Director:** Mark Nietupski

**City Manager:** Craig McConnell *Craig McConnell* 4-17-12

Good(s) or Service(s) to be Purchased	
<b>Description of Item(s)</b> Check if Prof. Services ___	Cabinet TS2 Type 1 Plug-N-Go w/ASC3 Controller (traffic signal controller cabinet)
<b>Quantity</b>	1
<b>Necessity/Use</b>	Purchase of a spare traffic signal controller to replace damaged, malfunctioning or obsolete units at an intersection as needed.

**Summary of Written Quotes (exclusive of tax) or Professional Services Proposals**

** See Note (1) below for professional services **			
x	Vendor (Name and Location)	Price	Delivery/Schedule
	1. Econolite Control Products, Inc.	\$12,465.90	8 weeks

x = recommended award

**Notes:** (1) Professional services may not be selected by price; indicate the price & delivery only for the vendor selected on the basis of qualifications, after which the final price and schedule were negotiated.

(2) Provide justification for sole source purchases in "Additional Comments" below.

<b>Budget Information</b>	<b>Fund Name:</b> Highway User Revenue Fund (HURF) (2155410-8910-09631)
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**Additional Comments:** It is standard practice to maintain a spare traffic signal controller cabinet ready to be installed as needed when one in service becomes inoperable through damage by traffic collisions or lighting strikes and malfunctioning or obsolete equipment. By maintaining a cabinet, replacement can be done quickly, minimizing impacts to traffic flow and increasing safety.

**Sole Source Comments:** Due to the complexity of signal controllers and to avoid compatibility issues, simplify troubleshooting, reduce costly spare part inventory, and minimize downtime these devices are required to maintain traffic flow and safety; 53 Econolite cabinets are installed throughout the City.

**Attachments** | 1.Econolite Control Products, Inc., proposal dated 3-9-12



As the leader in what follows the World™

SALES QUOTATION

Subject: Cabinet
Quote #: WSQ-030912
Date: March 9, 2012
To: Ken Sarvis - City of Prescott
Fax No.: 928-771-5840

We are offering the following products at the prices and conditions set forth on this form.

Table with 4 columns: Item, Quantity, Description, Unit Price, Extended Price. Row 1: 1, 1, Cabinet TS2 Type 1 Plug-N-Go w/ASC3 Controller, \$11,400.00, \$11,400.00

TAX 1,065.90
\$ 12,465.90

2155410-8910-09631

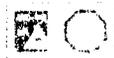
All orders are subject to credit approval and the terms noted below.

Taxes: Not Included
F.O.B.: Anaheim, California
Terms: Net 30 Days
Delivery: 7 to 9 weeks
Valid For: 60 days
Freight: Included

Lori MacIntyre
Lori MacIntyre - Account Manager

This communication contains information from Econolite, Inc. that may be confidential. Except for personal use by the intended recipient, or as expressly authorized by the sender, any person who receives this information is prohibited from disclosing, copying, distributing, and/or using it. If you have received this communication in error, please immediately delete it and all copies, and promptly notify the sender.

3360 E. La Palma Ave • Anaheim, CA 92806-2856 • TEL: (714) 630-3700 • FAX: (714) 630-5120
P.O. Box 6150 • Anaheim, CA 92816-0150 • www.econolite.com



Y-171

Ref # 1120393
3/2/12

**COUNCIL AGENDA MEMO – April 24, 2012**

**DEPARTMENT:** City Council

**AGENDA ITEM:** Appointment of Member to the Prescott Planning and Zoning Commission and Unified Development Code Committee, and appointment of Chairman of the Unified Development Code Committee

**Approved By:**

**Date:**

<b>Council Appointment Committee:</b> Chairman Lamerson; Councilmen Blair and Carlow	
<b>Finance Director:</b> Mark Woodfill	
<b>City Manager:</b> Craig McConnell <i>Craig McConnell</i>	4-17-12

**Background**

With the appointment of Len Scamardo to the City Council to serve the unexpired term of John Hanna, a vacancy now exists on both the Planning and Zoning Commission and Unified Development Code Committee.

On April 17, 2012, the Council Appointment Committee met and is recommending that Terry Marshall be appointed to the Planning and Zoning Commission, term to expire March 2016, and also to the Unified Development Code Committee, as one of two representatives of the Planning and Zoning Commission on that committee.

Additionally, the Council Appointment Committee is recommending that Tom Menser be appointed Chairman of the Unified Development Code Committee since Mr. Scamardo previously served in that capacity.

**Recommended Action:** **MOVE** to accept the Council Appointment Committee's recommendation and appoint Terry Marshall to the Planning and Zoning Commission, term to expire March 2016, and also the Unified Development Code Committee; and appoint Tom Menser Chairman of the Unified Development Code Committee.

II-B

<b>COUNCIL AGENDA MEMO – April 24, 2012</b>	
<b>DEPARTMENT:</b> City Clerk	
<b>AGENDA ITEM:</b> Public Hearing and consideration of a liquor license application from Bryan Mark Nowicki, applicant for Chef Bryan Catering LLC, for a Series 12, <i>Restaurant</i> , license for Chef Bryan's Bistro located at 436 Goodwin Street	

<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 <i>Craig McConnell</i>	<i>4.17.12</i>

A Liquor License Application, City No. 12-196, State No.12133519, has been received from Bryan Mark Nowicki, applicant for Chef Bryan Catering LLC, for a Series 12 Restaurant license, for **Chef Bryan's Bistro** located at 436 Goodwin Street.

The public hearing will be held at the Regular Council Meeting of Tuesday, April 24, 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 Liquor License Application No.12133519, for a Series 12, <i>Restaurant</i> , license, for Chef Bryan's Bistro located at 436 Goodwin Street.
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**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.

### **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).

<b>COUNCIL AGENDA MEMO – April 24, 2012</b>
<b>DEPARTMENT:</b> City Clerk
<b>AGENDA ITEM:</b> Public Hearing and consideration of a liquor license application from Lyndon Dean Edmonson, applicant for Prescott Four, LLC, for a Series 12, <i>Restaurant</i> , license for Mama Edda’s Gourmet Pizza located at 221 North Cortez Street

<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 <i>Craig McConnell</i>	4-17-12

A Liquor License Application, City No. 12-195, State No.12133518, has been received from Lyndon Dean Edmonson, applicant for Prescott Four, LLC, for a Series 12 Restaurant license, for **Mama Edda’s Gourmet Pizza** located at 221 North Cortez Street.

The public hearing will be held at the Regular Council Meeting of Tuesday, April 24, 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 Liquor License Application No.12133518, for a Series 12, <i>Restaurant</i> , license, for Mama Edda’s Gourmet Pizza located at 221 North Cortez Street.
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<b>COUNCIL AGENDA MEMO – April 24, 2012</b>
<b>DEPARTMENT:</b> Community Development - CDBG
<b>AGENDA ITEM:</b> Public Hearing - Amendment to the 2011 CDBG Annual Action Plan transferring \$45,000 of funding allocation to Project Aware from Adult Care Services

<b>Approved By:</b>	<b>Date:</b>
<b>Department Head:</b> Tom Guice, Community Development Director	
<b>Finance Director:</b> Mark Woodfill	
<b>City Manager:</b> Craig McConnell <i>Craig McConnell</i>	<i>4-17-12</i>

**BACKGROUND**

The CDBG Consolidated Plan requires that any change in funding constituting more than 10% of the annual allocation requires a substantial amendment.

The roof and ceiling replacement project slated for the Adult Care Services (*aka* the Susan J. Rheem Day Care Center) located at 844 Sunset Avenue, did not meet HUD / CDBG guidelines; therefore, the \$45,000 exceeds 10% of the \$265,421.00 funding for 2011 and an amendment is required to reallocate the funds. (*Please note: this project is not related to the Adult Center of Prescott, located in the Rowle P. Simmons Adult Center, 1280 E. Rosser Street*).

The Citizens Advisory Committee (CAC) met on February 29, 2012, and is recommending that the \$45,000 be reallocated to Project Aware for demolition and related costs to secure the property located at 502 S. Montezuma Street. This property will be rebuilt with six affordable-housing apartment units for formerly homeless, low- to moderate-income women and children.

Requirements of the proposed amendment include a 30-day public comment period which began on March 24, 2012, and ended on April 23, 2012. The amendment was published in *The Courier* on March 23, 2012. Copies of the draft amendment were available for public viewing on the City’s website, at the Prescott Downtown Library and at City Hall.

This project meets the following two CDBG national objectives, hence, is eligible for funding:

- the project will benefit low- to moderate-income persons or clientele
- the project will eliminate slums or blight on an “area” or “spot” basis

<b>Recommended Action:</b> 1) <b>MOVE</b> to close the public hearing; and 2) <b>MOVE</b> to approve the Amendment to the CDBG 2011 Action Plan.
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**COUNCIL AGENDA MEMO – April 24, 2012**

**DEPARTMENT:** Police

**AGENDA ITEM:** Approval to purchase one (1) ea. crisis negotiator phone in the amount of \$31,199.44 from Enforcement Technology Group, Inc.

**Approved By:**

**Date:**

**Department Head:** Michael Kabbel, Chief of Police

**Finance Director:** Mark Woodfill

**City Manager:** Craig McConnell



4-17-12

**Item Summary**

In response to the City’s purchasing solicitation, Enforcement Technology Group, Inc., submitted a bid of \$31,199.44 for a crisis negotiator phone. Their bid represents the lowest of three received, and meets all specifications and requirements set by the Department.

**Background**

The Prescott Police Department’s crisis hostage negotiators utilize this piece of equipment on virtually every callout. The Department’s current phone is twenty-five years old and currently inoperable.

To facilitate the purchase, solicitation was made by the City during March 2012. Bids were received from Enforcement Technology Group, Inc., Frontier Group Holdings, Inc., and Specialty Wireless Advanced. The bid received from Enforcement Technology Group, Inc., was the lowest.

<b>Vendor Name</b>	<b>Price</b>	<b>Delivery/Schedule</b>
Enforcement Technology Group, Inc.	\$31,199.44	30 Days
Specialty Wireless Advanced	\$32,912.29	30 Days
Frontier Group Holdings, Inc.	\$33,799.96	30 Days

**Budget**

The total cost of the crisis negotiator phone is \$31,199.44. Funding is available from anti-racketeering funds through seized assets by the narcotics taskforce, hence, there will be no financial impact to the General Fund.

**Recommended Action:** MOVE to approve purchase of a crisis negotiator phone in the amount of \$31,199.44 from Enforcement Technology Group, Inc.

**COUNCIL AGENDA MEMO – April 24, 2012**

**DEPARTMENT:** Police

**AGENDA ITEM:** Approval of submission of an Arizona Department of Homeland Security grant application in the amount of \$50,300.00 for the enhancement of State radio frequency interoperability

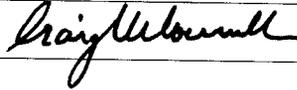
**Approved By:**

**Date:**

**Department Head:** Michael Kabbel, Chief of Police

**Finance Director:** Mark Woodfill

**City Manager:** Craig McConnell



4-17-12

**Item Summary**

The Prescott Police Department requests approval to submit a grant application to the Arizona Department of Homeland Security seeking grant funds in the amount of \$50,300.00. If approved, funds will be utilized to enhance the Arizona Interagency Radio System (AIRS) frequency, providing sufficient reception and transmission functionality within the Prescott basin. In summary, this enhancement will enable Prescott to communicate with the Arizona Department of Public Safety throughout our area.

**Background**

The Arizona Interagency Radio System (AIRS), which is hosted and maintained by the Arizona Department of Public Safety (DPS), was developed to provide a means of interoperability communication among public safety entities within designated regions in the State while actively working critical incidents or as designated.

The current AIRS system for our region does not provide reliable coverage in the Prescott basin or outlining areas. In consulting with the Arizona Public Safety Communications Advisory Commission and Arizona Department of Public Safety, they do not have the funds available to enhance AIRS coverage in our area.

The requested grant funding will provide the radio system hardware necessary to enhance the AIRS frequency, providing coverage in our area to work multi-jurisdictional critical incidents. The equipment will be operationally placed at one of our current radio infrastructure sites and will be maintained and operated by the City of Prescott.

**Budget**

There are no requirements for local matching funds associated with this grant award. Department radio communication personnel will install, test, and maintain the equipment during the course of their normal duties.

**Recommended Action:** MOVE to approve submission of a grant application to the Arizona Department of Homeland Security seeking State Homeland Security Grant Program funds in the amount of \$50,300.00.

**COUNCIL AGENDA MEMO – April 24, 2012**

**DEPARTMENT:** Police

**AGENDA ITEM:** Recommendation to approve submission of a U.S. Department of Justice, Bureau of Justice Assistance (BJA), grant application seeking funding in the amount of \$11,571.00 for the purchase of law enforcement equipment

**Approved By:**

**Date:**

**Department Head:** Michael Kabbel, Chief of Police

**Finance Director:** Mark Woodfill

**City Manager:** Craig McConnell



4-17-12

**Item Summary**

The Prescott Police Department requests approval to submit an application for grant funding provided by the U.S. Department of Justice, Bureau of Justice Assistance, in the amount of \$11,571.00.

**Background**

On April 2, 2012, the Prescott Police Department received notification that the U.S. Department of Justice has allocated Edward Byrne Memorial Justice Assistance Grant (JAG) funds in the amount of \$11,571.00 for the Prescott Police Department. In order to be awarded these funds, a grant application must be submitted by May 13, 2012.

The awarded funds will be used to purchase ballistic vests and helmets and firearms training equipment.

**Budget**

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

**Recommended Action:** MOVE to approve submission of a U.S. Department of Justice, Bureau of Justice Assistance (BJA), grant application for grant funds in the amount of \$11,571.00.

II-H

**COUNCIL AGENDA MEMO –April 24, 2012**

**DEPARTMENT:** Field and Facilities Services

**AGENDA ITEM:** Adoption of Ordinance No. 4831-1231 approving a one year supplemental agreement to the existing Lease and Management Agreement between the City of Prescott and Prescott Frontier Days, Inc., for use of various facilities at the Rodeo Grounds

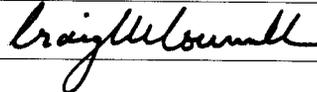
**Approved By:**

**Date:**

**Department Head:** Stephanie Miller, Field & Facilities Services Director

**Finance Director:** Mark Woodfill

**City Manager:** Craig McConnell



4-17-12

**Summary**

This item is a proposed supplemental agreement with Prescott Frontier Days (PFD), Inc., pertaining to the Mackin Building activity room and restrooms, and Barn B. The agreement will allow PFD the unencumbered use of these facilities in exchange for scheduling use of the Mackin Building activity room, and cleaning, maintaining, and repairing the premises. PFD will also be responsible for paying all associated utilities during the term of the agreement (through June 30, 2013).

**Background**

On July 1, 2012, the City of Prescott will take possession of the Mackin Building, Barn A, and Barn B from Yavapai County upon expiration of their lease. No City departments have immediate needs for these spaces.

Prescott Frontier Days, Inc., has expressed an interest in utilizing the Mackin Building's activity room and restrooms along with certain portions of Barn B. Field and Facilities Services will secure, and not immediately utilize, the remaining spaces, which include the Mackin Building's upper and lower administrative levels, and Barn A, while the best utilization of these spaces is determined.

Yavapai County made available to other governmental agencies and the public, and scheduled use of the Mackin activity room and restrooms; and also scheduled 4-H and others to utilize portions of Barn B for their respective purposes.

**Financial Impact**

None.

**Attachments** Supplemental agreement and ordinance  
Area map of facilities

**Recommended Action:** MOVE to adopt Ordinance No. 4831-1231.

**ORDINANCE NO. 4831-1231**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA TO SUPPLEMENT THE LEASE AGREEMENT BETWEEN THE CITY OF PRESCOTT, AS SUCCESSOR, TO THE LEASE BETWEEN YAVAPAI COUNTY, AS LESSOR, AND PRESCOTT FRONTIER DAYS, INC.**

**RECITALS**

WHEREAS, CITY owns and controls certain real property located in Prescott, Arizona, known as the Prescott Rodeo Grounds (hereinafter the "Rodeo Grounds"); and

WHEREAS, a portion of the property (hereinafter "the Premises") is subject to a lease with PRESCOTT FRONTIER DAYS, INC. ("PFD"), which operates the Prescott Frontier Days Rodeo (hereinafter "the Rodeo"), in order to allow PFD to continue to operate the Rodeo in its current location, and which lease includes PFD's right to periodic use of adjacent property; and

WHEREAS, CITY is authorized to lease lands and buildings pursuant to City Charter, Art. VIII, Sec. 11; and

WHEREAS, CITY and PFD desire to supplement the lease with PFD to allow the continued use and management by PFD of the premises.

**ENACTMENTS:**

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

SECTION 1. THAT the SUPPLEMENT TO LEASE AND MANAGMENT AGREEMENT, attached hereto as Exhibit A to the lease of the Rodeo Grounds, to PFD is hereby approved and accepted.

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

PASSED AND ADOPTED by the Mayor and Council of the City of Prescott, Arizona on this 24th day of April, 2012.

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MARLIN D. KUYKENDALL, Mayor

ATTEST:

APPROVED AS TO FORM:

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ELIZABETH A. BURKE, City Clerk

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GARY D. KIDD, City Attorney

**EXHIBIT 'A'**

**SUPPLEMENT TO LEASE AND MANAGEMENT AGREEMENT**

THIS SUPPLEMENT TO THE LEASE AGREEMENT BETWEEN THE CITY OF PRESCOTT, AS SUCCESSOR TO THE LEASE BETWEEN YAVAPAI COUNTY, AS LESSOR, AND PRESCOTT FRONTIER DAYS, INC. ("PFD" herein), AS LESSEE, is made and entered into this \_\_\_\_ day of \_\_\_\_\_ 2012, by and between the CITY OF PRESCOTT, an Arizona Municipality with its principal place of business located at 201 S. Cortez, Prescott, Arizona 86303 hereinafter called "CITY" and Prescott Frontier Days Inc., an Arizona non-profit corporation, hereinafter called "PFD."

**RECITALS**

WHEREAS, CITY owns and controls certain real property located in Prescott, Arizona; known as the Prescott Rodeo Grounds (hereinafter the "Rodeo Grounds"); and

WHEREAS, a portion of the property (hereinafter "the Premises") is subject to a lease with PFD, which operates the Prescott Frontier Days Rodeo (hereinafter "the Rodeo"), in order to allow PFD to continue to operate the Rodeo in its current location, and which lease includes PFD's right to periodic use of Adjacent property; and

WHEREAS, CITY is authorized to lease lands and buildings pursuant to City Charter, Art. VIII, Sec. 11; and

WHEREAS, CITY desires to allow the continued use and management by PFD of the premises.

NOW, THEREFORE, THE PARTIES AGREE TO MODIFY THE LEASE AND ATTACHMENT B BY ADDENDUM AS FOLLOWS:

That for a period of 1 (one) year, BEGINNING July 1<sup>st</sup>, 2012, and ending June 30, 2013, PFD

1. Shall:

- a. have the unencumbered use for any and all lawful purposes during the aforementioned time period of the Mackin Building Activity Room, Public Restrooms, and Barn B areas as described in provisions numbered 1 through 4 outlined and stipulated in ATTACHMENT B (attached) of the lease with YAVAPAI COUNTY;
- b. manage and schedule the use of the Mackin Activity Room, Public Restrooms, and Barn B with the exception of that portion of Barn B which has a facilities use agreement in effect with Yavapai County, now its successor the City of Prescott, and is occupied by the Prescott Chamber of Commerce;
- c. maintain and repair the premises identified in paragraph a. above, and clean and pay all utilities associated with said facilities during this use period;
- d. deliver to the City possession, use, and management of the premises identified in paragraph a. on June 30, 2013.

2. Shall not:

- a. Schedule activities or allow the use of the premises identified in paragraph 1a. on any dates on and after June 30, 2013.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2012.

LESSOR:

by: \_\_\_\_\_  
City of Prescott  
CRAIG McCONNELL  
City Manager

ATTEST:

APPROVED AS TO FORM:

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

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

LESSEE:

\_\_\_\_\_  
Prescott Frontier Days, Inc.

By: \_\_\_\_\_  
(Printed Name)

Its: \_\_\_\_\_  
(Title)

## ATTACHMENT B

## Description and Conditions of Use of the Premises

## 1. Mackin Building Activity Room.

The period of use shall commence on June 15 and shall terminate on July 10 of each year during the initial term of this Agreement or renewals thereof. This facility is to be used for *event* support activities only, not for events or other activities open to the general public. PFD to coordinate with County staff to minimize interference of PDF uses with County activities during the use period.

## 2. Mackin Building Public Rest Rooms.

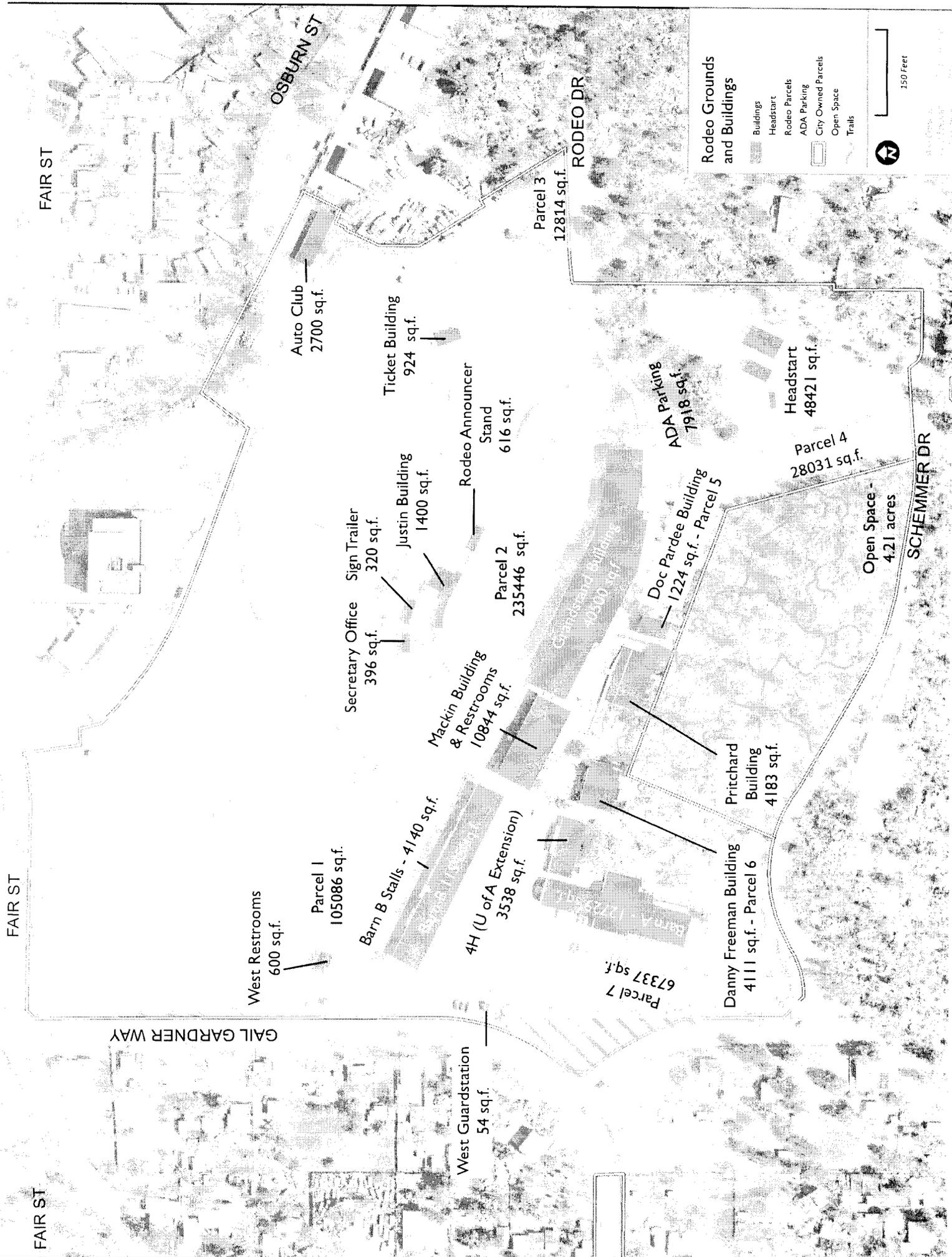
The period of use shall commence on June 15 and shall terminate on July 10 of each year during the initial term of this Agreement or renewals thereof. County may permit additional uses on request for other scheduled PFD events. PFD to coordinate with County staff to minimize interference of PDF uses with County activities during the use period or for other scheduled events.

## 3. Barn B -East Half

The period of use shall commence on June 1 and shall terminate on July 10 of each year during the term of this Supplement to Lease and Management Agreement or renewals thereof. PFD to coordinate with CITY staff to minimize interference of PDF uses with City activities and uses during the use period.

## 4. Stalls Adjacent to and Remainder of Barn B

PFD to be allowed year-round use of existing stalls located along the North wall of Barn B and the remainder of Barn B for activities and events authorized pursuant to the terms and conditions of this Supplement to Lease and Management Agreement.



FAIR ST

OSBURN ST

RODEO DR

**Rodeo Grounds and Buildings**

- Buildings
- Headstart
- Rodeo Parcels
- ADA Parking
- City Owned Parcels
- Open Space
- Trails



150 Feet

FAIR ST

GAIL GARDNER WAY

SCHEMMER DR

Auto Club — 2700 sq.f.

Ticket Building 924 sq.f.

Parcel 3 12814 sq.f.

Secretary Office 396 sq.f.

Sign Trailer 320 sq.f.

Justin Building 1400 sq.f.

Rodeo Announcer Stand 616 sq.f.

Parcel 2 235446 sq.f.

ADA Parking 7918 sq.f.

Headstart 48421 sq.f.

Parcel 4 28031 sq.f.

Open Space - 421 acres

Mackin Building & Restrooms 10844 sq.f.

Grandstand Building 10400 sq.f.

Doc Pardee Building 1224 sq.f. - Parcel 5

Pritchard Building 4183 sq.f.

West Restrooms 600 sq.f.

Parcel 1 105086 sq.f.

Barn B Stalls - 4140 sq.f.

4H (U of A Extension) 3538 sq.f.

Parcel 7 67337 sq.f.

Danny Freeman Building 4111 sq.f. - Parcel 6

West Guardstation 54 sq.f.

<b>COUNCIL AGENDA MEMO – April 24, 2012</b>	
<b>DEPARTMENT:</b>	Fire
<b>AGENDA ITEM:</b> Resolution No. 4121-1231 adopting the Yavapai County Multi-Jurisdictional Hazard Mitigation Plan 2011	

<b>Approved By:</b>		<b>Date:</b>
<b>Department Head:</b>	Bruce Martinez, Fire Chief	
<b>Finance Director:</b>	Mark Woodfill	
<b>City Manager:</b>	Craig McConnell <i>Craig McConnell</i>	4-6-12

**Background**

The Disaster Mitigation Act of 2000 (DMA2K) passed by Congress established a national program for pre-disaster mitigation, streamlined administration of disaster relief at both the federal and state levels, and set objectives for controlling disaster assistance costs. DMA2K requires all local, county, and tribal governments to develop hazard mitigation plans to be eligible to receive federal disaster funds, with particular emphasis on the following:

- Reduction of the loss of life and property, human suffering, economic disruption and disaster costs
- Prioritization of hazard mitigation with increased local planning and involvement, assessing risks, implementing loss reduction measures and ensuring critical services and facilities survive a disaster

In March 2006 the Fire Department produced the first multi-hazard mitigation plan for Prescott, and it was adopted by resolution of the City Council. Subsequently in 2011 Yavapai County was tasked by the Arizona Division of Emergency Management to move away from individual community plans to a county-wide plan, funded by a federal grant passed through to the State of Arizona.

During the last year, the Fire Department, GIS Division, and Public Works Department have been working on updating the City's emergency management plan, which is now complete. This document includes a detailed risk assessment profiling hazard events, as well as a capability assessment accompanied by goals, objectives, mitigation actions and an implementation strategy. Twenty one hazards were identified by researching and mapping historic hazard events and ranking them. Of these, five were determined to be critical for the City:

- Wildfire
- Flooding/Flash flooding
- Winter Storm
- Severe Winds
- Landslide/Mudslide

**AGENDA ITEM:** Resolution No. 4121-1231 adopting the Yavapai County Multi-jurisdictional Hazard Mitigation Plan 2011

A detailed mitigation strategy and fifteen projects were also developed addressing the following (see attached table):

- Public Safety Communications Infrastructure
- Wildfire Fuel Reduction
- Wildfire Code Enforcement
- Improve Hazardous Materials response capability.
- Improved Emergency Operations Center
- Improved First Responder Training and Equipment
- Improve Low Water Crossings
- Improve City Hall Building Security
- Improve Urban Search and Rescue capabilities
- Enforcement of Current Building Codes
- Improve Uninterrupted Power Systems at critical traffic signals
- Improve Drainage Infrastructure a various channel crossings
- Replacement and protecting existing sewer and water mains within Floodplains
- Enforcement of floodplain management requirements

The priority of each project has been ranked as “high”, “medium”, or “low”. The strategy identifies timelines and funding mechanisms for implementation as well as the primary agency or jurisdiction responsible for mitigation.

**Financial Impact**

The plan was funded by the Federal Emergency Management Agency passed through the Arizona Division of Emergency Management. Funding sources for specific projects are as indicated in the attached table. Completion and approval of this plan assures City eligibility for federally-funded mitigation projects and disaster reimbursements.

- Attachments**
- Resolution No. 4121-1231
  - Executive Summary of the Yavapai County Multi-Jurisdictional Hazard Mitigation Plan (complete copy available at the Fire Department)
  - Mitigation Actions, Projects, Implementation Strategies (Table 6-8-8)

**RECOMMENDED ACTION:** MOVE to adopt Resolution No. 4121-1231.

## RESOLUTION NO. 4121-1231

### A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, ADOPTING THE YAVAPAI COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN 2011

#### RECITALS:

WHEREAS, the City of Prescott, Arizona, recognizes the public benefit of adopting the 2011 update of the Yavapai County Multi-Jurisdictional Mitigation Plan ("Plan") to meet the requirements of the Disaster Mitigation Act of 2000 ("DMA2K"); and

WHEREAS, the City of Prescott, Arizona, has experienced damage from natural and human caused hazards such as flooding, land/mudslides, severe wind, wildfire, and winter storms, resulting in damage and/or loss of property and life, economic hardship and threats to public health and safety; and

WHEREAS, the Plan has been drafted pursuant to federal requirements, having been developed through research and other work done by the City of Prescott, Arizona, in association with the Yavapai Multi-Jurisdictional Planning Team, for the reduction of hazard risk to the community; and

WHEREAS, the primary purpose of the Plan is to identify hazards that affect the City of Prescott, Arizona, assess the vulnerability and risk posed by those hazards to community-wide human and structural assets, develop strategies for mitigation of the identified hazards, present future maintenance procedures for the Plan, and document the planning process; and

WHEREAS, the Plan recommends several hazard mitigation actions or projects that will provide mitigation for specific hazards that affect the City of Prescott, Arizona, in order to protect people and property from loss associated with those hazards; and

WHEREAS, upon approval of the Plan and approval from the Arizona Division of Emergency Management and the Federal Emergency Management Agency, the City of Prescott, Arizona will be eligible to apply for federal mitigation grant funding.

#### ENACTMENTS:

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Prescott, Yavapai County, Arizona, that the City of Prescott hereby adopts the 2011 update of the Yavapai County Multi-Jurisdictional Mitigation Plan.

PASSED AND ADOPTED by the Prescott City Council this 24th day of April, 2012.

\_\_\_\_\_  
MARLIN D. KUYKENDALL, Mayor

ATTEST:

APPROVED AS TO FORM:

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

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

## EXECUTIVE SUMMARY

Across the United States, natural and human-caused disasters have led to increasing levels of death, injury, property damage, and interruption of business and government services. The toll on families and individuals can be immense and damaged businesses cannot contribute to the economy. The time, money and effort to respond to and recover from these emergencies or disasters divert public resources and attention from other important programs and problems. With 35 federal or state declarations, 370 other significant events, and a combined total of 405 disaster events recorded, the ten jurisdictions within Yavapai County, Arizona participating in this planning effort recognize the consequences of disasters and the need to reduce the impacts of natural and human-caused hazards. The county and jurisdictions also know that with careful selection, mitigation actions in the form of projects and programs can become long-term, cost effective means for reducing the impact of natural and human-caused hazards.

The elected and appointed officials of Yavapai County, Camp Verde, Chino Valley, Clarkdale, Cottonwood, Dewey-Humboldt, Jerome, Prescott, Prescott Valley and Sedona demonstrated their commitment to hazard mitigation in 2005-2006 (2009 for Dewey-Humboldt) by preparing the first set of Single Jurisdiction Multi-Hazard Mitigation Plans (2006 Plans). The 2006 Plans were developed through a planning effort that resulted in an unincorporated county plan and nine city/town plans. The 2006 Plans were approved by FEMA during a period between March and September 2006 (April 2010 for Dewey-Humboldt), and require full, FEMA approved, updates prior to the subsequent five year expiration. The Yavapai-Prescott Indian Tribe also participated in the 2005-2006 planning effort, but never completed the necessary steps needed to receive approval of their tribal plan from FEMA.

In response, the Arizona Division of Emergency Management (ADEM) secured a federal planning grant and hired JE Fuller/ Hydrology & Geomorphology, Inc. to assist the county and participating jurisdictions with the update process. Yavapai County reconvened a multi-jurisdictional planning team comprised of veteran and first-time representatives from each participating jurisdiction, various county departments and organizations, ADEM, local fire and flood control districts, and Indian tribes. The Planning Team met three times during the period of October 2010 to January 2011 in a collaborative effort to review, evaluate, and update the 2006 Plans. In addition, the Yavapai-Prescott Indian Tribe also met to develop the tribe-specific planning elements required for a Tribal Plan approval. The resulting Yavapai County Multi-Jurisdictional Hazard Mitigation Plan (Plan) will continue to guide the county, tribe and participating jurisdictions toward greater disaster resistance in full harmony with the character and needs of the community and region.

The Plan and accompanying Tribal Annex has been prepared in compliance with Section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act or the Act), 42 U.S. C. 5165, enacted under Sec. 104 the Disaster Mitigation Act of 2000, (DMA 2000) Public Law 106-390 of October 30, 2000, as implemented at CFR 201.6 and 201.7 dated October, 2007. The Plan identifies hazard mitigation measures intended to eliminate or reduce the effects of future disasters throughout the county, and was developed in a joint and cooperative venture by members of the Yavapai County Planning Team.

Mitigation Action/Project		Implementation Strategy							
ID No.	Description	Hazard(s) Mitigated	Community Assets Mitigated (Ex/New)	Estimated Cost	Priority Ranking	Planning Mechanism(s) for Implementation	Anticipated Completion Date (1)	Primary Agency / Job Title Responsible for Implementation	Funding Source(s) (1)
1	Improve Communications Infrastructure. Finalize construction of seven communication sites to improve emergency response communication capabilities.	All	Both	\$500,000	High	CIP and Engineers Est. Project is 95% complete as of 4/1/12	7/1/12	Police Department	General Fund (GF)/Grants
2	Wildfire Fuel Reduction. Continue wildfire fuel reduction on private/public property to protect existing and future buildings and infrastructure. 5 year cost.	Wildfire	Both	\$600,000 Annually	High	Community Wildfire Protection Plan Project is 25% complete as of 4/1/12	Long term program will require sustained annual funding	Fire Department	GF/Grants
3	Improve Response Capability. Purchase additional hazardous materials mitigation equipment.	HAZMAT	Both	\$300,000	Medium	CIP Project is 50% complete as of 4/1/12. future equipment replacement required and subject to funding availability	7/1/16	Fire Department	Grants
4	Improve Emergency Operations Center. Purchase and install computer, audio/visual, communications, and reverse 911 equipment.	All	Both	\$200,000	Medium	CIP Project is 0% complete	7/1/16	Fire Department	Grants
5	First Responder Training and Equipment. Through advanced training and use of equipment first responders are better able to identify hazards and protect the public.	All	Both	\$75,000	Low	CIP Project is 50% complete. additional equipment is needed.	7/1/16	Fire Department	Grants
6	Improve Low Water Crossings. Install gates/signs, gages to prevent vehicle travel in 28 low water crossings during flooding events.	Flood	Both	\$383,731	High	CIP and Engineers Est. Project is 0% complete.	7/1/16 All crossings may not be improved due to physical circumstances, cost, and liability considerations	Public Works Department	Streets Fund/Grants

7	City Hall Building Security Project. Provide security to City Hall against civil disturbance and terrorism. To include badging-entry system, and hardening glass around front office employees.	Civil Disturbance, Terrorism	Existing	\$100,000	Medium	CIP and Engineers Est. Project is 50% complete. hardening and badge system needed.	7/1/16	Field and Facilities Services Department	Grants
8	Urban Search and Rescue Team Project. Improve urban search and technical rescue capability in the City through training and procurement of specialized equipment.	All	Both	\$200,000	Low	CIP 0% complete	7/1/16	Fire Department	Grants
9	Enforce Current Building Codes. Continue to enforce building codes to protect existing and future buildings and infrastructure from severe wind damage and other natural and human caused disasters. 5 year cost.	All	Both	\$75,000 Annually	Medium	On-going need	City enforces its Building Code: On-going	Community Development Department	GF
10	Uninterrupted Power System for Traffic Signals. Install battery backup power systems at major traffic intersections to mitigate potential accidents due to power outages associated with severe weather.	Traffic Accident, Severe Wind, Winter Storm	Both	\$300,000 prelim. est. (actual cost may be much higher)	Low	CIP/Engineers Est. Project is 0% complete.	7/1/16	Public Works Department	Streets Fund/Grants
11	Wildfire Code Enforcement. Continue enforcement of wildland urban interface code. 5 year cost.	Wildfire	Both	\$75,000 annually	High	Community Wildfire Protection Plan. Project is on going.	City enforces its Fire Codes: On-going	Fire Department	GF/Grants
12	Improve drainage infrastructure at various channel crossings and off-channel site locations.	Flooding	New	\$2,757,000	High	Engineers Est. Projects are 0% complete.	7/1/16 See comment for Item 6 above	Public Works Department	Streets Fund/Grants
13	Replacement and protecting of existing sewer and water mains within FEMA Floodplains which are subject to runoff.	Flooding	New	\$9,772,611	High	Engineers Est. Projects are <5% complete.	14" Willow Creek water main under construction 3/12. remainder 7/1/16	Public Works Department	Utilities Funds/Grants
14	Enforcement of floodplain management requirements in accordance with the NFIP, including regulating all and substantially improved construction in floodplains to reduce the losses to property and people.	Flooding	New	\$75,000	High	COP is actively managing NFIP regulations.	On-going	Public Works Department	GF/Grants

(1) Completion dates and funding are tentative due to reliance upon external grants as primary sources.