

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

**PRESCOTT CITY COUNCIL  
REGULAR VOTING MEETING  
TUESDAY, JULY 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**

Reverend Julie McKennaJohnson, Each One Reach One Ministries

◆ **PLEDGE OF ALLEGIANCE:**

Councilman Carlow

◆ **ROLL CALL:**

Mayor Kuykendall  
Councilman Arnold  
Councilman Blair  
Councilman Carlow

Councilman Kuknyo  
Councilman Lamerson  
Councilman Scamardo

◆ **SUMMARY OF CURRENT OR RECENT EVENTS**

**I. PROCLAMATION**

A. 29<sup>th</sup> Annual Night Out – Traces Gordon, Prescott Police Department

**II. PRESENTATION**

A. Prescott Film Festival

**III. CONSENT AGENDA**

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

- A. Approval of payment to OCLC, Inc., in the amount of \$17,500.00 for annual shared bibliographic records subscription deposit account for the Prescott Public Library.

**RECOMMENDED ACTION: MOVE to approve Consent Agenda Items III-A.**

#### IV. REGULAR AGENDA

- A. Continuation of Public Hearing and consideration of a liquor license application from Jana Lynn Harris, applicant for The Big Easy, for a Series 07, *Beer & Wine Bar*, license for The Big Easy located at 125 North McCormick Street. (item continues from Regular Voting Meeting of July 10, 2012)

**RECOMMENDED ACTION: (1) MOVE to close the Public Hearing, and (2) MOVE to approve/deny Liquor License Application No. 07133001, for a series 07, *Beer & Wine Bar* license, for The Big Easy located at 125 North McCormick Street.**

- B. Award of contract for the Cliff Rose Sewer Lift Station Upgrade Project to Fann Environmental, LLC, in the amount of \$867,802.75.

**RECOMMENDED ACTION: MOVE to award a contract for the Cliff Rose Sewer Lift Station Upgrade Project to Fann Environmental, LLC, in the amount of \$867,802.75.**

- C. Award of bid and contract for the FY 2013 Chip Seal, Seal Coat, and Various Repairs Project to Cactus Asphalt, a Division of Cactus Transport Inc., in the amount of \$1,127,692.00.

**RECOMMENDED ACTION: MOVE to award the bid and contract for the FY 2013 Chip Seal, Seal Coat, and Various Repairs Project to Cactus Asphalt, a Division of Cactus Transport Inc., in the amount of \$1,127,692.00.**

- D. Adoption of Resolution No.4142-1302, Minor General Plan Land Use Map Amendment – Airport Area totaling 586 acres. Owner: Deep Well Ranches, Inc. (File No. GP12-0001)

**RECOMMENDED ACTION; MOVE to adopt Resolution No. 4142-1302.**

- E. Action to ratify the adoption of Resolution No. 4141-1301 and Ordinance No. 4839-1302 establishing Campaign Sign Free Zones.

**RECOMMENDED ACTIONS: 1) MOVE to ratify adoption of Resolution No. 4141-1301 with the emergency clause;**

*(and, as a separate motion)*

**2) MOVE to ratify adoption of Ordinance No. 4839-1302, with the emergency clause.**

- F. Discussion and direction regarding HB 2643 requiring a Supplemental Benefit Plan for Public Safety Personnel Retirement System Employees.

**RECOMMENDED ACTION: Action is not required; however, Council may wish to provide direction regarding the length of the benefit plan, injury eligibility criteria, communication with the legislative delegation, and/or other related items. A final policy will be drafted and implemented reflecting input received during this meeting.**

**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.

\_\_\_\_\_  
Kim Webb, CMC, Interim City Clerk

III-A

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

**DEPARTMENT:** Library

**AGENDA ITEM CAPTION:** Approval of payment to OCLC, Inc., in the amount of \$17,500.00 for annual shared bibliographic records subscription deposit account

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

**Department Director:** Roger Saft

**City Manager:** Craig McConnell *Craig McConnell* 7-12-12

Good(s) or Service(s) to be Purchased	
<b>Description of Item(s)</b> Check if Prof. Services X	Deposit account for access to shared bibliographic records
<b>Quantity</b>	Subscription Period 7/1/2012 – 6/30/2013
<b>Necessity/Use</b>	OCLC services are used to locate, acquire, catalog and lend materials

Summary of Written Quotes (exclusive of tax) or Professional Services Proposals			
		** See Note (1) below for professional services **	
	Vendor (Name and Location)	Price	Delivery/Schedule
X	1. OCLC, Inc.	\$17,500.00	license for daily use
	2.		
	3.		

x = recommended award

<b>Budget Information</b>	General Fund (Library): 1004405-8400 Computer Services
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**Additional Comments:** OCLC services are used to create records in the online catalog enabling patrons of the Prescott Public Library to locate items within the library, to allow all libraries in the Yavapai Library Network to loan and borrow items among one another, and the Prescott Public Library to borrow items from libraries outside the Yavapai Library Network. This is a sole source procurement, without which the Prescott Public Library could not communicate with other libraries for access to and sharing of library materials.

<b>Attachments</b>	1. OCLA, Inc., Invoice #ZPT 120709SRCU
	2.
	3.



OCLC, Inc.

Invoice: ZPT120709SRCU

**INVOICE FOR SERVICES RENDERED**

Invoice Date: July 9, 2012

Invoice for Services R  
800 848-5878 WATS  
614 764-6000 OCLC, Inc  
Federal tax ID: 31-0734115

Account No: 01OCLC00001242  
Division: 2500  
Symbol: ZPT  
Payment Terms: NET45

Prescott Pub Libr  
215 E Goodwin St  
Prescott AZ 86303-3911

Please Remit to:  
OCLC  
PO Box 203254  
Dallas TX 75320-3254

PRODUCT	DESCRIPTION	QUANTITY	Unit Price	AMOUNT
OCLC Services		1.00	17,500.000	17,500.00
	Subtotal			17,500.00
	<b>TOTAL AMOUNT DUE</b>			<b>17,500.00</b>

We appreciate your business. If you have any questions about your account, please contact Marcia Lehar at 800.848.5878 ext 5343.  
Or, you can send an email to [leharm@oclc.org](mailto:leharm@oclc.org)

IV-A

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

**DEPARTMENT:** City Clerk

**AGENDA ITEM:** Continuation of Public Hearing and consideration of a liquor license application from Jana Lynn Harris, applicant for The Big Easy, for a Series 7, *Beer & Wine*, license for The Big Easy, located at 125 North McCormick Street.

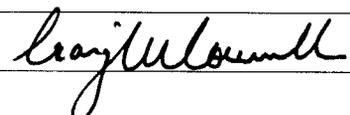
**Approved By:**

**Date:**

**Department Head:** Kim Webb, Interim City Clerk

**Finance Director:** Mark Woodfill

**Acting City Manager:** Craig McConnell



7-19-12

A Liquor License Application, City No. 12-203, State No.07133001, has been received from Jana Lynn Harris, applicant for The Big Easy, for a Series 07 Beer & Wine Bar license, for **The Big Easy** located at 125 North McCormick Street.

The public hearing was opened at the Regular Council Meeting of Tuesday, July 10, 2012, and subsequently continued to the Regular Council Meeting of July 24, 2012. Questions regarding the application, land use, and zoning have been satisfactorily resolved, therefore, the public hearing can be concluded and action taken on the application.

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

**Recommended Action:** (1) **MOVE** to close the Public Hearing, and (2) **MOVE** to approve/deny Liquor License Application No.07133001, for a Series 07, *Beer & Wine Bar* license, for The Big Easy located at 125 North McCormick Street.

## **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 – July 24, 2012</b>
<b>DEPARTMENT:</b> Public Works
<b>AGENDA ITEM:</b> Award of a contract for the Cliff Rose Sewer Lift Station Upgrade Project to Fann Environmental, LLC, in the amount of \$867,802.75

<b>Approved By:</b>	<b>Date:</b>
<b>Department Head:</b> Mark Nietupski	July 12, 2012
<b>Finance Director:</b> Mark Woodfill	
<b>City Manager:</b> Craig McConnell 	7-18-12

**Item Summary**

This item is to approve a construction contract with Fann Environmental, LLC, for the installation of a 380 gpm (gallons per minute) sanitary sewer lift station east of the SR89 / Rosser Street intersection near the Watson Woods Preserve (see attached map). The new lift station will replace an aged and undersized facility at this location and augment service capability in the area. The project includes the installation of a new wet well and pumps, connections for the installation of Supervisory Control and Data Acquisition (SCADA) equipment, an emergency backup generator, and replacement of the force main across Granite Creek.

**Background**

The City wastewater collection system for Cliff Rose and Blooming Hills Estates subdivisions is served by a small lift (pump) station located at the northeast corner of the Rosser Street and SR 89 intersection. The current lift station is operating near its maximum capacity of 125 gpm, without backup power, adequate wet well capacity, or SCADA capability. These conditions create an undesirable situation which could result in a discharge of raw sewage into Granite Creek and downstream Watson Lake in the event of a component failure. Upon completion of the new lift station, the existing wet well will provide increased storage in an emergency and redundancy for flexibility in operations and maintenance reducing the risk of overflow. City crews will refurbish the existing facility for this purpose.

**Bid Results**

A mandatory pre-bid meeting was held on March 1, 2012. Eleven potential contracting firms were represented at that meeting. On March 29, 2012, one bid was received from Fann Environmental, LLC, in the amount of \$1,034,763.60 which exceeded the City's budget of \$875,000.00 for this project and the Engineer's estimate of \$787,926.00.

The Engineer's estimate was updated upon completion of the plans in February 2012, just prior to bidding, using best available information at the time. However, shoring wall, retaining wall, and dewatering bid prices received were significantly higher than

**Agenda Item:** Award of contract for the Cliff Rose Sewer Lift Station Upgrade Project to Fann Environmental, LLC, in the amount of \$867,802.75

anticipated. The challenges of the project as designed and its near proximity to SR 89 may have influenced response to the invitation for bids.

As bid, the project required the new lift station to be constructed within the embankment of adjacent SR 89 in order to minimize the new facility impact on a parking area on City property under lease to the Prescott Creeks Preservation Association near Watson Woods Riparian Preserve. The design approach required installation of a temporary sheet pile shoring wall, to maintain the integrity of SR 89 during excavation for construction of a retaining wall and wet well associated with the new facility. The original design also called for utilizing an open cut trench across Granite Creek to install the new force main. Additionally, an open cut of the lift station wet well would necessitate extensive dewatering and floodplain mitigation due to groundwater in the area.

Under authority of the City Procurement Code, the sole bidder was engaged in a dialogue to identify methods of construction that could be utilized to accomplish the construction of the lift station without a major redesign of the structure or an extensive delay in construction, while remaining within the project budget.

Major cost savings were identified by a horizontal adjustment of the footprint of the lift station away from SR 89 which allowed for deletion of the retaining wall and the temporary shoring wall. This adjustment in location does not alter the engineering design of the lift station nor encroach into the floodplain. The horizontal adjustment will affect the Watson Woods parking area, reducing the area available, approximately 16,000 square feet, by the equivalent of approximately six spaces. According to the lease with Prescott Creeks, the City has the right to improve its real property. The need to revise the project approach and associated details were communicated to Prescott Creeks, which provided their input regarding the redesign. The project will be implemented with Best Management Practices to minimize impact on the natural habitat and ensure water quality is protected. Measures are in place to restore areas disturbed by the construction.

Other major cost savings were identified by boring beneath, in lieu of open cut, the low flow channel of Granite Creek. Beyond the low flow area of the creek the new pipe is to be installed 6' deep instead of 10' deep, which depth exceeds calculated scour limits. This change in depth will significantly decrease dewatering, expedite the work, and reduce costs.

The foregoing items, along with other minor changes in the work, will result in an overall cost reduction of \$166,960.85, allowing the City to build the new lift station without redesign and to do so within the budget for the project.

Fann Environmental, LLC, has provided written confirmation of their revised bid. Verification of the company's license, bonding, references, and successful performance of similar projects in the past has been completed by the Public Works Department.

**Agenda Item:** Award of contract for the Cliff Rose Sewer Lift Station Upgrade Project to Fann Environmental, LLC, in the amount of \$867,802.75

**Procurement**

This procurement is in accordance with the City Procurement Code, applicable provisions of which are recited below:

Section 1-27-1.18

(H) If only one responsive bid, quotation or offer is received from a competitive solicitation,

1. An authorized award may be made to the single bidder if the price is determined to be fair and reasonable; or
2. The bid may be rejected; or
3. New competitive solicitation may be made; or
4. The need for the procurement continues and the acceptance of one bid is not advantageous to the City, the procurement may be made under provision for sole source or emergency as defined in Sections 9(E) or 10 of this Code.

Section 1-27-1.18

(J) If all bids received exceed available monies as certified by the City Manager or his designee, and the lowest and most qualified bid exceeds such monies, the Purchasing Agent may negotiate an adjustment of the bid price, including changes in the bid requirements and specifications, with the lowest responsive and responsible bidder, to bring the bid within the amount of available monies. (Ord. 2453, eff. 9/20/02)

**Project Schedule**

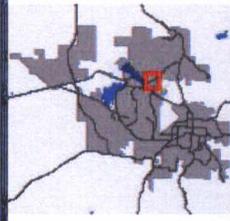
Commence Construction	August 2012
Completion	January 2013

**Budget**

FY 2013 funding for the Cliff Rose Lift Station Upgrade Project has been budgeted and is available in the Wastewater Fund.

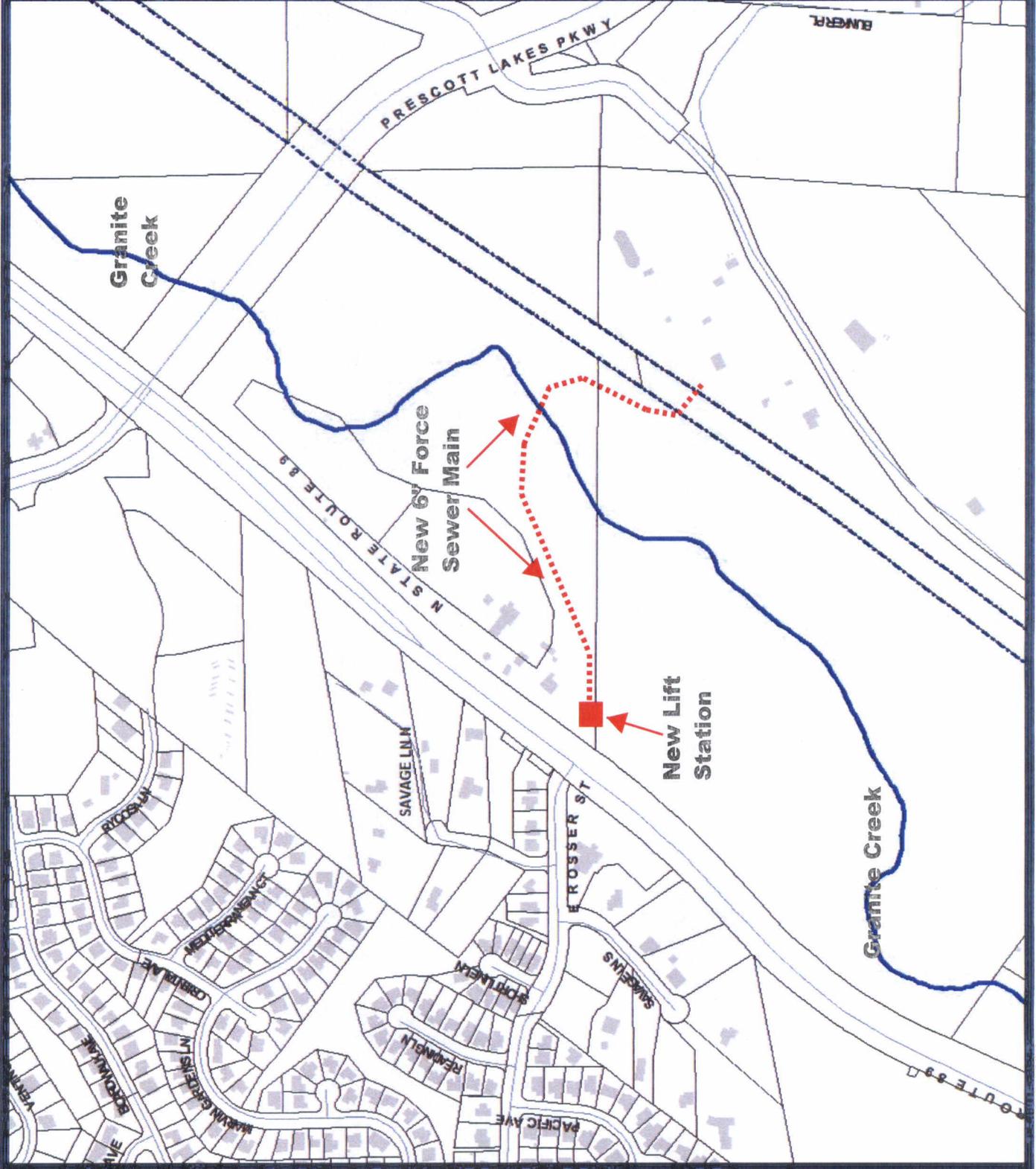
**Attachments** - Location Map

**Recommended Action:** MOVE to award a contract for the Cliff Rose Sewer Lift Station Upgrade Project to Fann Environmental, LLC, in the amount of \$867,802.75



# Cliff Rose Sewer Lift Station and Force Main

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



This document is a graphic representation only of best available source information. The City of Prescott assumes no responsibility for any errors.

<b>COUNCIL AGENDA MEMO – July 24, 2012</b>	
<b>DEPARTMENT:</b>	Public Works
<b>AGENDA ITEM:</b> Award of bid and contract for the FY 2013 Chip Seal, Seal Coat, and Various Repairs Project to Cactus Asphalt, a Division of Cactus Transport, Inc., in the amount of \$1,127,692.00	

<b>Approved By:</b>		<b>Date:</b>
<b>Department Head:</b>	Mark Nietupski	July 12, 2012
<b>Finance Director:</b>	Mark Woodfill	
<b>City Manager:</b>	Craig McConnell <i>Craig McConnell</i>	7-19-12

**Item Summary**

This item is to award a bid and contract for applying rubberized chip seal on numerous local City streets and completing localized pavement repairs. The rubberized chip seal project includes the Summit Pointe subdivision, the City Lights subdivision, a portion of Blooming Hills Estates subdivision, portions of Yavapai Hills subdivision, Bradshaw Drive and ancillary streets, and a segment of Meadowbrook Drive. Additionally, unpaved alleys in central Prescott that were recently paved by City forces with milled recycled asphalt, along with previously unpaved streets at various locations citywide, will receive an application of conventional chip seal. The pavement repairs are throughout the City. The project also includes the application of a Polymer Asphalt Surface Sealer (PASS QB) on Prescott Lakes Parkway between State Route 89 to State Route 69.

**Background**

The project consists of a preventative maintenance application of asphalt rubber emulsion binder and mineral chips. This treatment is a key component of cost-effective life-cycle pavement management strategy. The application of rubberized chip seal will provide a new wearing surface and extend the underlying pavement service life.

This project application of 190,000 square yards of rubber chip seal and 29,000 square yards of conventional chip seal will improve approximately 38 of the 576 lane-miles comprising the City's paved street network. 17,800 square feet of asphalt pavement repairs will be completed along with new striping and pavement markings on affected streets.

On July 10, 2012, Council authorized the performance of night work for placement of the PASS QB on Prescott Lakes Parkway associated with the this project. Performing the application of the PASS QB at night will minimize the project impact on businesses and traffic along Prescott Lakes Parkway, including the Wal-Mart Center and auto dealerships.

**Agenda Item:** Award of bid and contract for the FY 2013 Chip Seal, Seal Coat, and Various Repairs Project to Cactus Asphalt, a Division of Cactus Transport, Inc., in the amount of \$1,127,692.00

**Bid Results**

A mandatory pre-bid meeting was held on June 28, 2012; two bids were received on July 12, 2012, as follows:

<u>Bidder</u>	<u>Location</u>	<u>Total Bid</u>
Cactus Asphalt, a Division of Cactus Transport, Inc.	Tolleson, AZ	\$1,127,692.00
International Surfacing Systems, Inc.	Chandler, AZ	\$1,218,926.58
<i>Engineer's Estimate</i>		<i>\$1,290,580.00</i>

Written confirmation of bid has been received from the low responsive bidder Cactus Asphalt, a Division of Cactus Transport, Inc.. Verification of the company's license, bonding, references, and past performance of similar projects has been completed.

**Schedule**

The contract allows seventy (70) calendar days for completion of the work, with project milestones listed below:

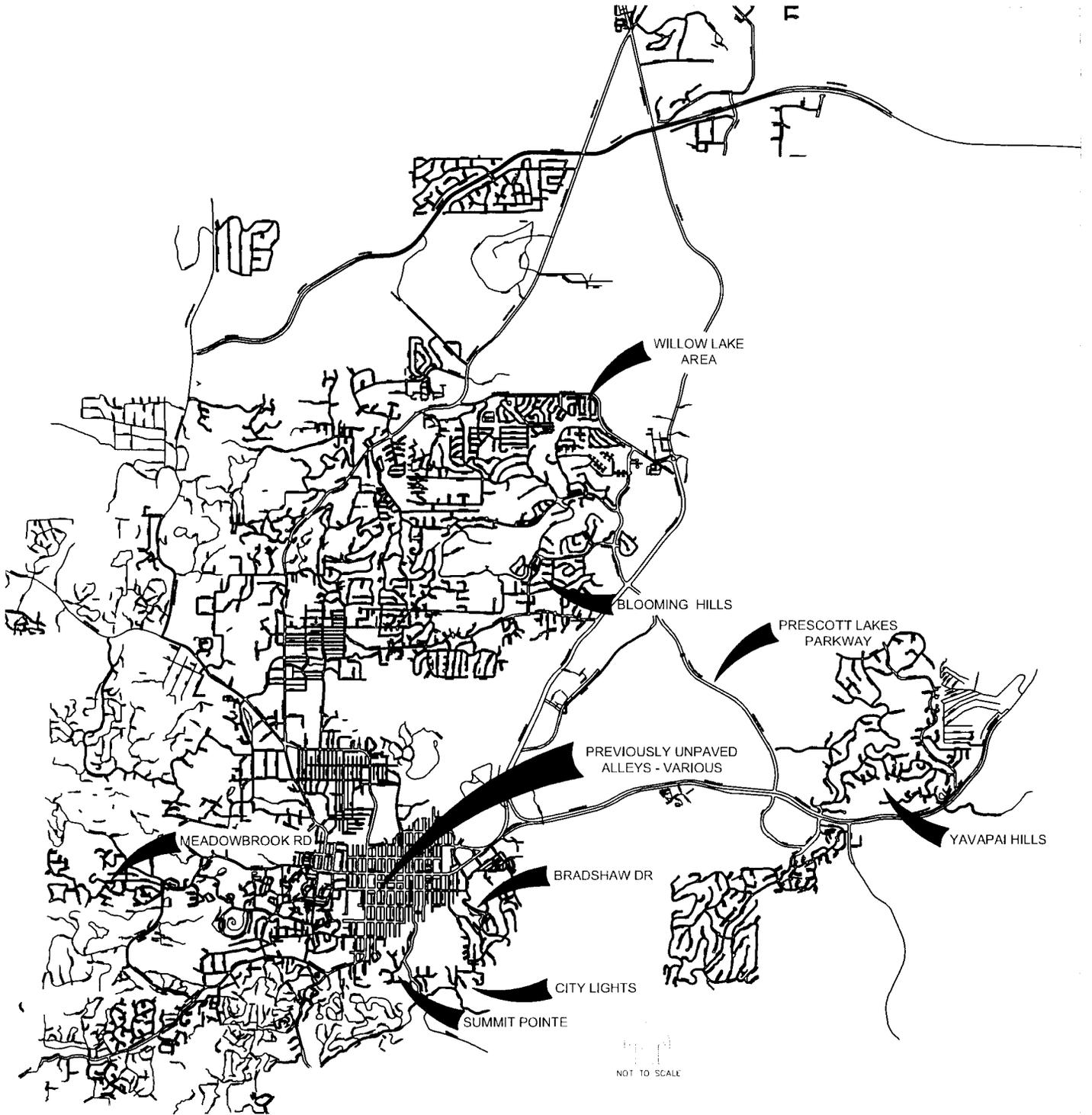
Award of Contract	July 24, 2012
Pre-Construction Meeting	July 30, 2012
Notice to Proceed (NTP)	August 6, 2012
Substantial Project Completion	October 15, 2012

**Budget**

FY 2013 funding for this project is from the One Cent Sales Tax for Streets and Open Space.

**Attachment** - Location Map

**Recommended Action:** **MOVE** to award the bid and contract for the FY 2013 Chip Seal, Seal Coat, and Various Pavement Repairs Project to Cactus Asphalt, a Division of Cactus Transport, Inc., in the amount of \$1,127,692.00.



## VICINITY MAP

### FY 2013 CHIP SEAL, SEAL COAT, AND VARIOUS PAVEMENT REPAIRS

CITY OF PRESCOTT PUBLIC WORKS DEPARTMENT

<b>COUNCIL AGENDA MEMO – July 24, 2012</b>	
<b>DEPARTMENT:</b> Community Development - Planning	
<b>AGENDA ITEM:</b> Adoption of Resolution No. 4142-1302, Minor General Plan Land Use Map Amendment - Airport Area totaling 586 acres. Owner: Deep Well Ranches, Inc. (File No. GP12-0001)	
<b>Approved By:</b>	<b>Date:</b>
<b>Department Head:</b> Tom Guice	
<b>Finance Director:</b> Mark Woodfill	
<b>City Manager:</b> Craig McConnell <i>Craig McConnell</i>	7-18-12

**REQUEST**

This is a request for a minor General Plan Land Use Map amendment for 586 acres northwest of the Prescott Airport. Impetus for the action is in part due to an interest by Yavapai Regional Medical Center (YRMC) to locate a future regional medical campus (YRMC narrative attached). The area is currently designated Agricultural/Ranching on the General Plan Land Use Map. The proposed designation for the entire 586 acres is Commercial/Employment.

**BACKGROUND**

A major General Plan Land Use Map amendment of 2,600 acres occurred west of the Prescott Airport in 2008. The subject property for the present request was not included at that time. The current Agricultural/Ranching land use designation was assigned at the request of the land owner, Deep Well Ranches, which did not previously anticipate future development of this part of its holdings.

An amendment of the General Plan Land Use Map will facilitate infrastructure analysis of the area in preparation for potential future annexation. The current Development Agreement (DA) with Deep Well Ranches pertaining to the West Airport area is expected to be amended to recognize the new area described by the attached resolution. A Development Agreement with YRMC, as a successor in ownership to Deep Well Ranches, is also expected, to address water and public infrastructure.

**GENERAL PLAN DESIGNATION**

The Council adopted the Airport Master Plan in 2011 which delineates Airport Impact Zones and identifies Day-Night Sound Level contours. The Plan recommends that residential uses be restricted in areas near the Airport. The proximity of the subject property to the Airport supports a Commercial/Employment designation for the property. The Commercial/Employment designation does not include residential uses.

Following is a description of the existing and proposed General Plan land use designations:

### **Agricultural/Ranching**

The Agricultural/Ranching designation denotes areas intended to remain in agricultural or ranching production over the long-term. However, these areas are anticipated to eventually transition to other land uses. Agricultural/Ranching land may allow residential development of up to one dwelling unit per acre depending upon zoning classification. Public service demands are not anticipated to be as great as in residential designations. No commercial or industrial development is anticipated.

### **Commercial/Employment**

The Commercial/Employment designation refers to areas where professional offices, tourism, recreation, service uses, warehousing, and light industrial uses are generally appropriate. This use requires appropriate buffering considerations from adjoining residential areas. The specific allowable uses are determined based upon the zoning of each particular site and will consider adjacent land uses, traffic impacts and the intensity of any proposed development. Residential uses are not included in this designation.

## **PUBLIC COMMENTS**

Notifications were sent to adjacent property owners but no comments have been received as of the date of this memorandum.

## **PLANNING AND ZONING COMMISSION**

The Planning and Zoning Commission met on June 14, 2012, to study the proposal and held a Public Hearing on June 28, 2012. A presentation by YRMC introduced their plans for long-term future development of their portion of the area. The Planning and Zoning Commission voted unanimously to recommend approval of this map amendment application.

**Attachments:** Resolution No. 4142-1302  
Vicinity Map  
Proposed General Plan Land Use Map  
YRMC Narrative

**Recommended Action:** **MOVE** to adopt Resolution No. 4142-1302.

**RESOLUTION NO. 4142-1302**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AMENDING THE GENERAL PLAN MAP TO REFLECT THE FUTURE LAND USE DESIGNATION OF APPROXIMATELY 586 ACRES NORTHWEST OF PRESCOTT LOVE FIELD.**

**RECITALS:**

WHEREAS, the City of Prescott has requested an amendment to the General Plan Land Use Map pertaining to property located west of the Prescott Airport (Love Field) to depict future land use and for infrastructure analysis in preparation for future annexation; and,

WHEREAS, the Planning and Zoning Commission of the City of Prescott has held a public hearing regarding said General Plan Land Use Map Amendment; and,

WHEREAS, the City Council of the City of Prescott has determined that it would be in the best interest of public necessity, interest, convenience or general welfare to amend the General Plan Land Use Map pertaining to said properties; and,

WHEREAS, the requirements of the 2003 Prescott General Plan ratified on May 18, 2004, ARS Section 9-461.11, and Resolution No. 3678 have been complied with.

**ENACTMENTS:**

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

SECTION 1. That the General Plan Map be amended to reflect the Commercial / Employment land use designation on those certain properties described as Township 15, Range 2 West, Section 23 and Township 15, Range 2 West, Section 24 located east of SR 89 and as depicted on the attached map entitled "Section 23 and 24 east SR 89".

SECTION 2. That the Mayor and staff are hereby authorized to take all such steps as may be necessary to effectuate said General Plan Land Use Map Amendment.

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

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

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
KIM WEBB, Interim City Clerk

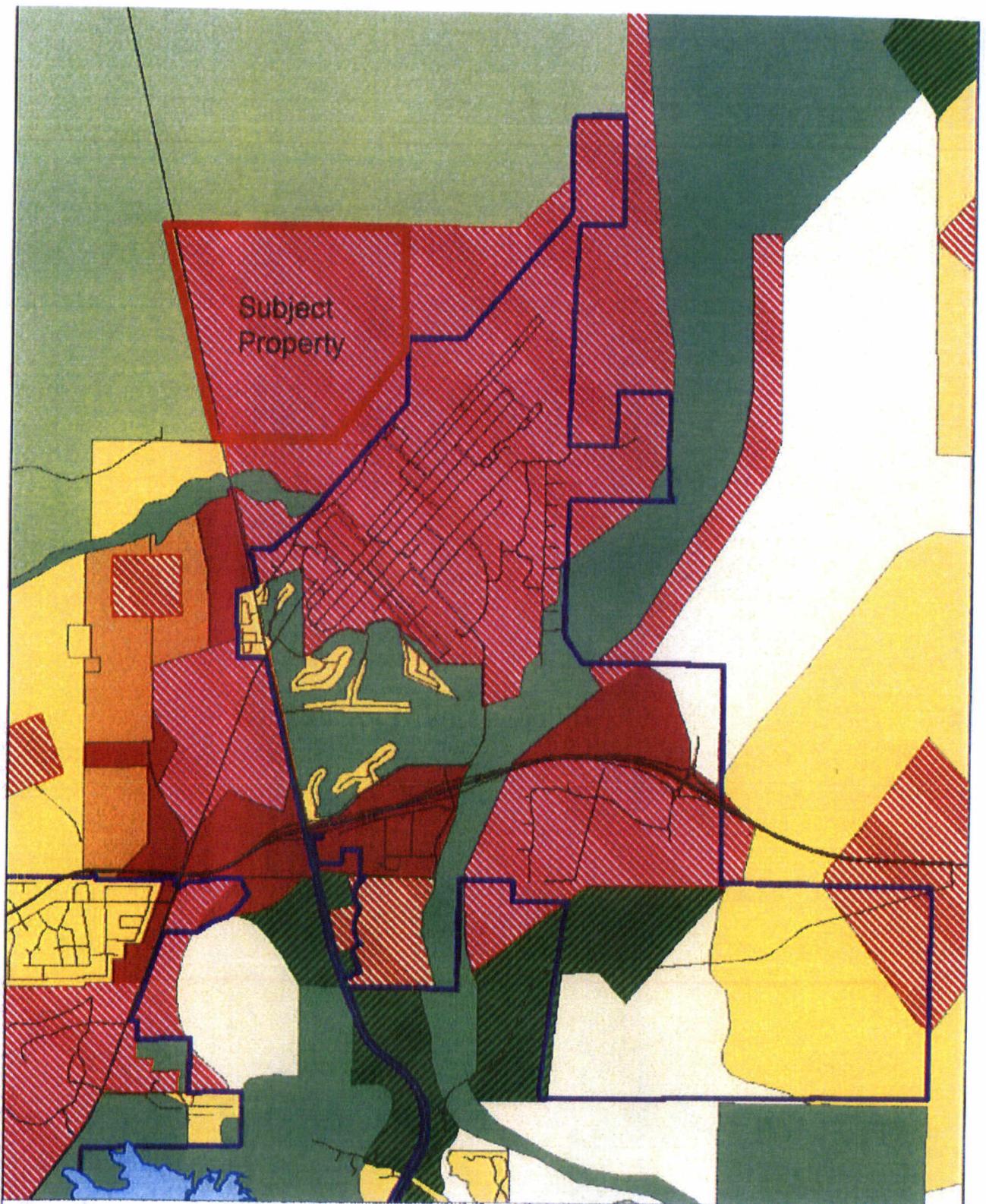
\_\_\_\_\_  
G. EUGENE NEIL, Interim City Attorney

Yavapai Regional Medical Center has a long and rich history of serving the healthcare needs of our entire region. As our communities have grown over the years, YRMC has expanded facilities and services to meet those growing needs. As we look to the future, we recognize that healthcare needs will continue to grow. Strategically, YRMC creates plans that take many years, even decades, to accomplish.

Our goal is always to have the right services and facilities in the right locations throughout our region. To this end, we have been in discussions with the James Family regarding a 180-acre parcel of property on the Deep Well Ranch, bordering Highway 89. This parcel would include a sizeable donation of land to YRMC from the James Family. We feel this will be an ideal location for a future medical campus as our communities continue to grow and expand into the future.

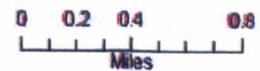
We also recognize that we still have significant capabilities for development and expansion to accomplish on both of our East and West campuses, and have no immediate plans for development of the property. However, strategically looking into the future, we feel this would be the ideal location as we develop services and facilities for the north portion of our service area.

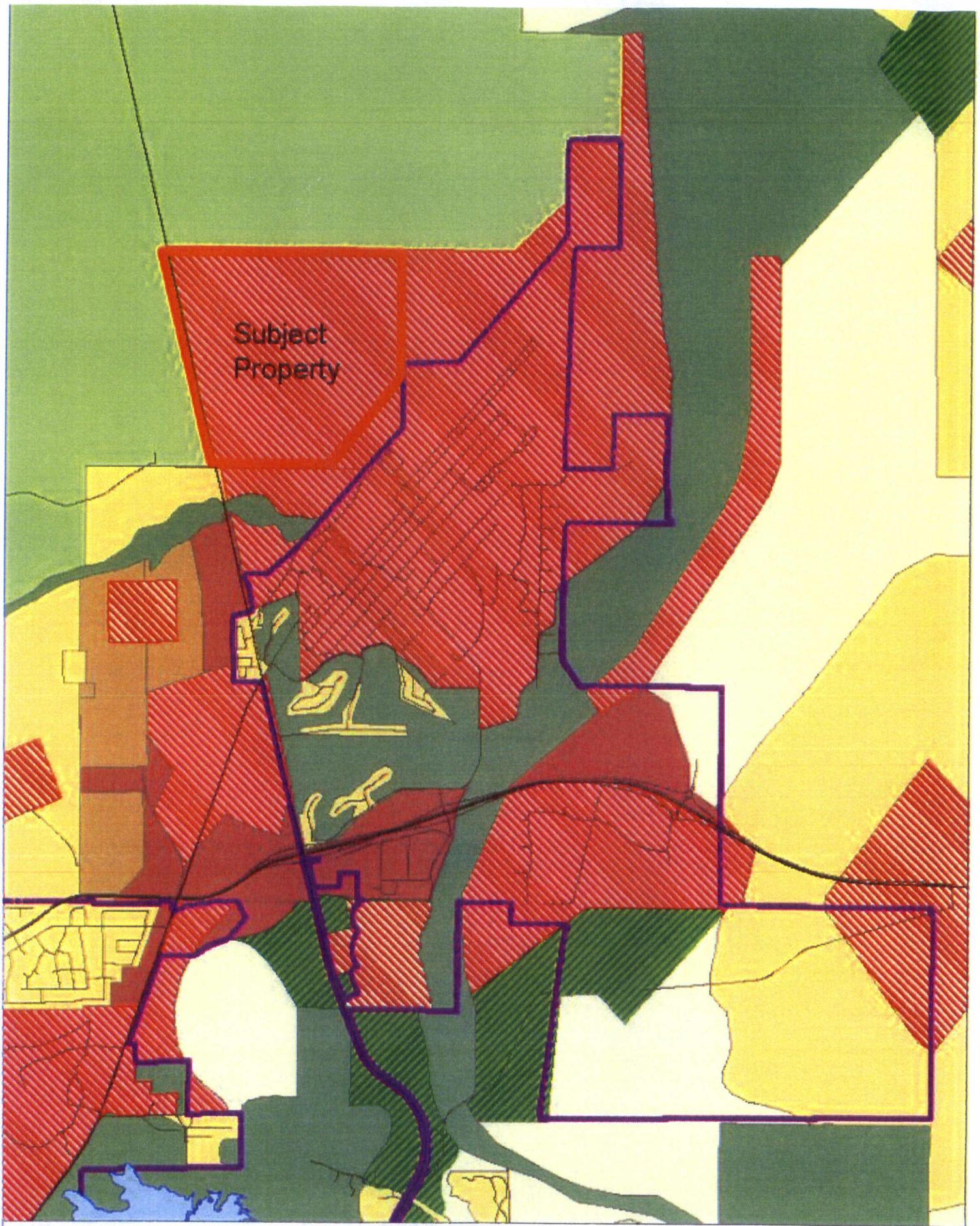
We have worked closely with Ron James and appreciate his great support for this additional site with a multi-year, even multi-decade, timeframe for development. We also are appreciative of working with the City of Prescott in the future annexation of this property so much-needed infrastructure can be provided to this location for its development. We believe this will be a great economic catalyst for our region, as well as serving the greater health and wellness needs of our community for many years to come. This will definitely complement our West Campus in Prescott, as well as our East Campus in Prescott Valley.



**City of Prescott  
2012 Land Use General Plan**

- |                       |                                       |                                     |
|-----------------------|---------------------------------------|-------------------------------------|
| — Major Streets       | Commercial/Employment                 | Mixed Use                           |
| - - - Local Streets   | Commercial/Recreation                 | Recreation/Open Space               |
| City Limits           | Industrial                            | Very Low Density Res (<1 DU/Acre)   |
| Agricultural/Ranching | Low-Medium Density Res. (1-7 DU/Acre) | Yavapai-Prescott Indian Reservation |
| Commercial            | Med-High Density Res. (8-32 DU/Acre)  |                                     |





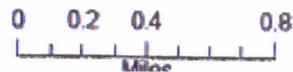
Subject  
Property

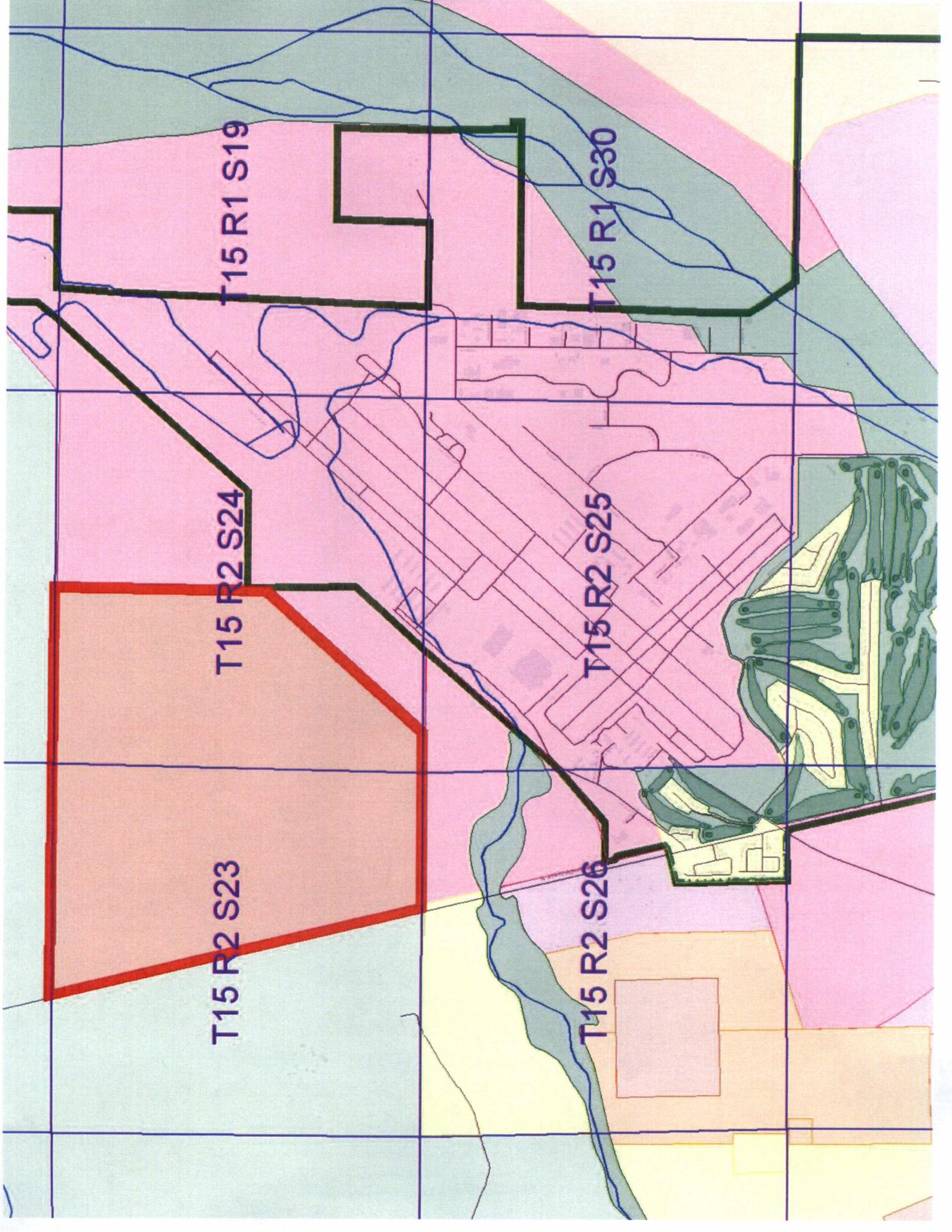
City of Prescott  
2012 Land Use General Plan

— Major Streets

 Commercial/Employment

 Mixed Use





T15 R1 S19

T15 R1 S30

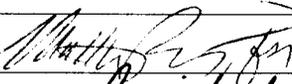
T15 R2 S24

T15 R2 S25

T15 R2 S23

T15 R2 S26

<b>COUNCIL AGENDA MEMO – July 24, 2012</b>
<b>DEPARTMENT:</b> Legal
<b>AGENDA ITEM:</b> Action to ratify the adoption of Resolution No. 4141-1301 and Ordinance No. 4839-1302 establishing Campaign Sign Free Zones

<b>Approved By:</b>	<b>Date:</b>
<b>City Attorney:</b> E. Eugene Neil 	7/14/12
<b>City Manager:</b> Craig McConnell 	7-19-12

**Item Summary**

Ratification of actions of the Council taken during the Special Meeting of July 13, 2012, wherein Resolution No. 4141-1301 and Ordinance No. 4839-1302 were approved and adopted establishing Campaign Sign Free Zones, is necessary as outlined below.

This action for ratification is taking place because said prior actions adopting Resolution No. 4141-1301 and Ordinance No. 4839-1302 resulted from a motion to reconsider an earlier motion to approve the Resolution and Ordinance, which was defeated. The Prescott City Charter, Article VII Section 8, states:

When a proposed ordinance or a resolution put upon final passage fails to pass and a motion is made to reconsider, the vote on such motion shall not be taken within twenty-four (24) hours thereafter.

Since the motions to adopt the Resolution and Ordinance occurred at the same meeting, they did not comply with the Prescott City Charter. Therefore it is appropriate for the Council to ratify the actions taken July 13, 2012, adopting Resolution No. 4141-1301 and Ordinance No. 4839-1302 establishing Campaign Sign Free Zones.

Under Arizona law the Public Body is required to provide a detailed description of the action to be ratified and the deliberations, consultations and decisions by members of the public body that preceded and relate to such action. This shall include that part of the minutes of the meeting at which the decision to ratify was made. Those minutes are available in the Office of the City Clerk. This statement is intended to be made available to the public.

<p><b>Recommended Actions:</b></p> <ol style="list-style-type: none"> <li><b>MOVE</b> to ratify adoption of Resolution No. 4141-1301 with the emergency clause;</li> </ol> <p>(<u>and</u>, as a separate motion)</p> <ol style="list-style-type: none"> <li><b>MOVE</b> to ratify adoption of Ordinance No. 4839-1302, with the emergency clause.</li> </ol>
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## RESOLUTION NO. 4141-1301

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, CREATING CAMPAIGN SIGN FREE ZONES, RECITING THE BASIS FOR SAME, ESTABLISHING THE BOUNDARIES OF THE ZONES, AND ESTABLISHING ENFORCEMENT AUTHORITY, AND DECLARING AN EMERGENCY.**

### **RECITALS:**

WHEREAS, Arizona Revised Statutes authorize municipalities to create campaign sign free zones in important commercial tourism destination areas; and

WHEREAS, Prescott's significant commercial tourism and hotel destinations cover much of the city and the major roadways leading into it; and

WHEREAS, protection of the scenic and aesthetic appeal of these areas is of paramount importance to the economic and cultural vitality of the community; and

WHEREAS, it is in the interest of the citizens of the City of Prescott to establish campaign sign free zones over most of the public rights of ways within the community; and

WHEREAS, the City of Prescott relies on tourism to generate revenue required for the provision of public health, safety and welfare services and any erosion to this revenue stream will severely affect the ability of the city to provide these vital services.

### **ENACTMENTS:**

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

Section 1. THAT the City of Prescott designates as Zone 1 the road rights-of-way, as depicted on the map labeled "Attachment 1", within "Area A", as a significant commercial tourism zone and therefore designated a Campaign Sign Free Zone immediately upon the effective date of this resolution.

Section 2. THAT the City of Prescott designates as Zone 2 the road rights-of-way, as depicted on the map labeled "Attachment 1", within "Area B", as a significant commercial tourism zone and therefore designated a Campaign Sign Free Zone to become effective date if this resolution.

Section 3. THAT violations of the Campaign Sign Free Zone shall be as prescribed in City Code Section 8-2-12 PENALTIES and any other references to other City Code penalty sections contained therein.

SECTION 4. THAT, an EMERGENCY is hereby declared to exist. The City of Prescott relies on tourism to generate revenue required for the provision of public health, safety and welfare services

and any erosion to this revenue stream will severely affect the ability of the city to provide these vital services. THIS RESOLUTION SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, ADOPTION AND APPROVAL BY THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT.

PASSED AND ADOPTED by the Mayor and Council of the City of Prescott on this 13th day of July, 2012.

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MARLIN D. KUYKENDALL, Mayor

ATTEST:

APPROVED AS TO FORM:

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KIM WEBB, Interim City Clerk

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G. EUGENE NEIL, Interim City Attorney

## ORDINANCE NO. 4839-1302

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AMENDING CHAPTER 8 OF THE CITY CODE TO REGULATE CAMPAIGN SIGNS WITHIN THE PUBLIC RIGHT-OF-WAY AND DECLARING AN EMERGENCY.**

### **RECITALS:**

WHEREAS, the Arizona Revised Statutes have been amended to allow campaign signs within the public rights-of-way; and

WHEREAS, the City Code of the City of Prescott currently does not permit campaign signs in the public-rights-of-way; and

WHEREAS, the City Council of the City of Prescott has determined that amending the City Code to conform to the Arizona Revised Statutes is in the interest of the citizens of Prescott

### **ENACTMENTS:**

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

SECTION 1. THAT, Section 8-2-3: Use of City Right of Way shall be amended by adding a new paragraph (E) to read:

*“(E) No person shall place, maintain or cause to be placed or maintained a campaign sign on or in any public right of way within any established Campaign Sign Free Zone, as may be established by the City Council pursuant to applicable state statutes. Violations of these provisions shall be punishable as prescribed in section 1-3-1, GENERAL PENALTY; MISDEMEANORS, CIVIL VIOLATIONS, CONTINUING VIOLATIONS of the City Code”.*

SECTION 2. THAT Section 8-2-4: Exemptions shall be amended to add a new paragraph “(R)” to read:

*“(R) Campaign Signs provided however that they meet the following criteria:*

- 1. The sign supports or opposes a candidate for public office or it supports or opposes a ballot measure.*
- 2. The sign is not placed in a location that is hazardous to public safety, obstructs clear vision in the area or interferes with the requirements of the Americans with Disabilities Act.*
- 3. The sign has a maximum area of sixteen square feet, if the sign is located in an area zoned for residential use, or a maximum area of thirty-two square feet if the sign is located in any other area.*

4. *The sign contains the name and telephone number of the candidate or campaign committee contact person.*
5. *The sign is placed not more than 60 days before a primary election and is removed no later than 15 days after the general election. For candidates who do not advance to the general election, the sign must be removed no later than 15 days after the primary."*

SECTION 3. THAT, an EMERGENCY is hereby declared to exist and THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, ADOPTION AND APPROVAL BY THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT.

SECTION 4. THAT the Mayor and Staff are hereby authorized to take all necessary steps to effectuate such amendment.

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

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

ATTEST:

APPROVED AS TO FORM:

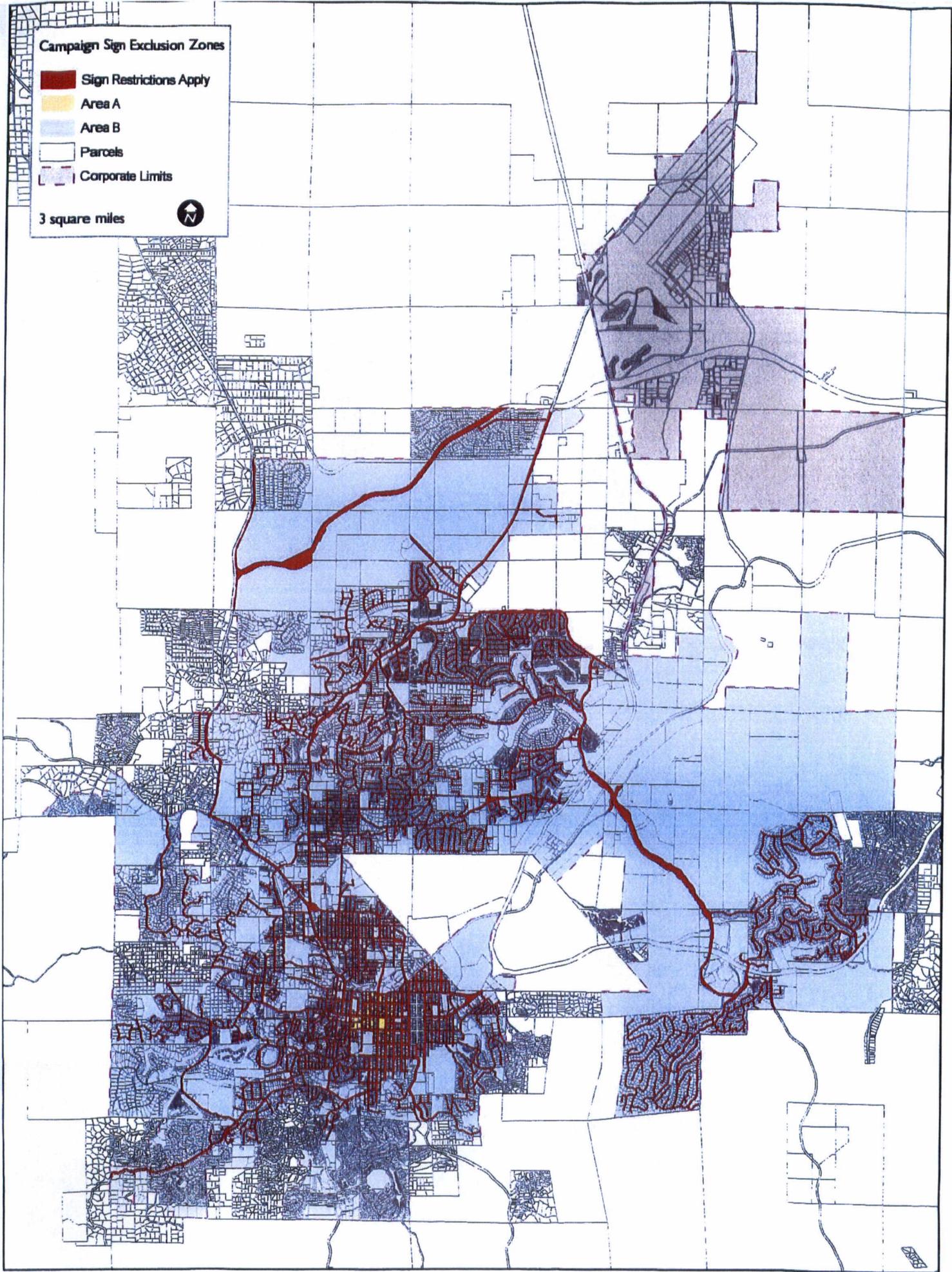
\_\_\_\_\_  
KIM WEBB, Interim City Clerk

\_\_\_\_\_  
G. EUGENE NEIL, Interim City Attorney

Campaign Sign Exclusion Zones

- Sign Restrictions Apply
- Area A
- Area B
- Parcels
- ▨ Corporate Limits

3 square miles



<b>COUNCIL AGENDA MEMO – July 24, 2012</b>	
<b>DEPARTMENT:</b>	City Manager
<b>AGENDA ITEM:</b>	Discussion and direction regarding HB 2643 requiring a Supplemental Benefit Plan for Public Safety Personnel Retirement System Employees

<b>Approved By:</b>		<b>Date:</b>
<b>Deputy City Manager:</b>	Alison Zelms	July 18, 2012
<b>Finance Director:</b>	Mark Woodfill	
<b>City Manager:</b>	Craig McConnell 	7-18-12

**Item Summary**

This item is to acquaint the Council and public with House Bill (HB) 2643, its impacts, and related actions necessary to implement the legislative requirements; and provide an opportunity for related discussion. HB 2643 amends the Arizona Revised Statutes to require that the State and its political subdivisions offer a supplemental benefit plan for Public Safety Personnel Retirement System employees. This is a pilot program that must begin August 2, 2012, the effective date of the legislation, and extend for not less than six months (to January 2, 2013, or thereafter).

**Background**

As a result of the legislation, the City must provide a supplemental benefit plan and make it available to its full-time employees who are members of the Public Safety Personnel Retirement System (PSPRS). The plan is to provide enhanced economic benefits to qualified employees who are injured while on duty and receiving worker's compensation. The legislation automatically sunsets on September 30, 2014, but could be extended by a future vote of the Legislature.

Key provisions of the legislation are listed below.

- Applies only to full-time PSPRS employees
- Applicable only when an employee is receiving worker's compensation benefits
- The City must
  - continue to pay the employer-funded portions of the health care plan (the City already does this)
  - pay the employee at approximately the same, pre-injury base salary minus applicable taxes (the City will be responsible for the monetary difference between worker's compensation and the base salary)

**Agenda Item:** Discussion and direction regarding HB 2643 requiring a Supplemental Benefit Plan for Public Safety Personnel Retirement System Employees

- pay both the employee's and employer's PSPRS pension contributions (the City will incur the additional employee cost of 9.55% of salary)
- not deduct time from preexisting leave balances

The employee is required to meet the City's worker's compensation eligibility requirements, including light duty testing, and to apply for the benefit. In addition, the legislation mandates that employees may not accrue additional leave time while receiving the supplemental benefit. The legislation does leave several decisions to the City as part of implementing the supplemental benefit plan, including establishment of the injury standards for eligibility, and the option to extend the plan beyond the minimum six month pilot program duration.

After review with public safety, legal, and risk management representatives it is recommended that the following be addressed and incorporated into the plan:

1. Restrictions on eligibility for injuries related to physical fitness activities (on or off duty), horseplay, misuse of tools or equipment, and any type of misrepresentation surrounding a cause of injury.
2. The mandated supplemental benefit plan should be ended after January 2, 2013, unless otherwise extended prior to expiration by the City of Prescott at its sole discretion.

Finally, it should be noted that HB 2643 contains perplexing language necessitating additional review. While the legislation requires that the City provide the employee approximately the same base pay, minus taxes, it also requires the City to pay the employee's portion of PSPRS pension costs. Depending upon the interpretation and application of these two components, the legislation could result in a qualifying employee being compensated at a higher level than when working in their normal, non-worker's compensation status. The Legal Department is actively participating in statewide discussions that seek to standardize interpretation and application of these sections of the legislation.

**Recommended Action:** Action is not required; however, Council may wish to provide direction regarding the length of the benefit plan, injury eligibility criteria, communication with the legislative delegation, and/or other related items. A final policy will be drafted and implemented reflecting input received during this meeting.