

AGENDA

**PRESCOTT CITY COUNCIL
SPECIAL VOTING MEETING
TUESDAY, JANUARY 8, 2013
3:00 PM**

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

The following Agenda will be considered by the Prescott City Council at its **Special 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. One or more members of the Council may be attending this meeting through the use of a technological device.

- ◆ **CALL TO ORDER**
- ◆ **INTRODUCTIONS**
- ◆ **INVOCATION** Reverend Julia McKenna Johnson, Spiritual Architect & Pastor of Each One Reach One Ministries
- ◆ **PLEDGE OF ALLEGIANCE** Councilman Lamerson
- ◆ **ROLL CALL**

MAYOR AND CITY COUNCIL

Mayor Kuykendall	
Councilman Arnold	Councilman Kuknyo
Councilman Blair	Councilman Lamerson
Councilman Carlow	Councilman Scamardo

- ◆ **ANNOUNCEMENTS**
- I. **PRESENTATIONS**
 - A. Introduction of New Businesses
- II. **PUBLIC COMMENTS**
 - A. John Brown - Christmas Lights

- B. Ralph Hess - Prohibition of assault weapons within the City limits

III. CONSENT AGENDA

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

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

- A. Approval of the minutes of the Prescott City Council Special Meeting/Workshop of December 4, 2012; Special Voting Meeting of December 11, 2012; Special Meeting of December 18, 2012; Joint Meeting with Town of Prescott Valley of December 19, 2012; and Special Meeting of December 20, 2012.
- B. Approval of Sundog Wastewater Treatment Plant - Mechanical Bar Screen purchase in the amount of \$14,718.00.
- C. Approval of Sundog Wastewater Treatment Plant - Gravity Belt Thickener Hydraulic System purchase in the amount of \$17,750.00.
- D. Approval of Tech Logic Annual Licensing and Maintenance Renewals.
- E. Purchase of one (1) each 2011 Polaris Ranger Utility Vehicle Model RSE for \$7,500.00 plus licensing fees (sales tax included).

IV. REGULAR AGENDA

- A. Purchase of one (1) ea - Toro Groundsmaster 4500-D Turf mower using National Intergovernmental Purchasing Alliance (NIPA) contract pricing in the total amount of \$55,392.82. (Parks & Recreation)

RECOMMENDED ACTION: MOVE to approve the purchase of one (1) Toro Groundsmaster 4500-D Turf mower in the total amount of \$55,392.82.

- B. Purchase of one (1) ea. New Holland T5040 4 WD tractor and Alamo flail mower for right-of-way maintenance using Arizona State Procurement Office pricing from Bingham Equipment Company in the amount of \$93,765.67. (Field & Facilities)

RECOMMENDED ACTION: MOVE to approve the purchase of one (1) ea. New Holland T5040 4WD tractor and Alamo flail mower for right-

of-way maintenance using Arizona State Procurement office pricing from Bingham Equipment Company in the total amount of \$93,765.67.

- C. Adoption of Resolution 4159-1320 extending the City of Prescott Water Management Policy and adopting a Water Management Budget for Calendar Year 2013.

RECOMMENDED ACTION: MOVE to adopt Resolution No. 4159-1320.

- D. Approval of contract with G & G Specialty Contractors, Inc., for the CDBG-funded demolition and rough grading of Project Aware, 502 S. Montezuma Street, in an amount not to exceed \$37,500.00.

RECOMMENDED ACTION: MOVE to approve a contract with G & G Specialty Contractors, Inc., Phoenix, AZ; for the CDBG-funded Project Aware, Inc., demolition and rough grading, 502 S. Montezuma Street, Prescott, in an amount not to exceed \$37,500.00.

- E. Adoption of Ordinance No. 4846-1303 for the exchange of certain real properties with Bullhacker Associates and approving an amendment to the Conservation Easement Deed dated May 7, 2002.

RECOMMENDED ACTION: MOVE to adopt Ordinance No. 4846-1303.

- F. Approval of contract with Jon Paladini, City Attorney.

RECOMMENDED ACTION: MOVE to approve contract with Jon Paladini, City Attorney.

- G. Approval of advertisement of a request for proposals to contract out food and beverage services at Antelope Hills Golf Course.

RECOMMENDED ACTION: MOVE to approve advertisement of a request for proposals for Antelope Hills Golf Course food and beverage operations and associated facility lease.

- H. Approval of Amendment One to City Contract No. 2012-063 with Mountain Bike America, LLC, dba Epic Rides, LLC, for the 2013 and 2014 Whiskey Off-Road Mountain Bike Events

RECOMMENDED ACTION: MOVE to approve Amendment One to City Contract No. 2012-063.

- I. Approval of the 2013 State Legislative Agenda

**RECOMMENDED ACTION: MOVE to approve the 2013 State
Legislative Agenda.**

V. REPORTS

A. Board/Commission liaison reports

VI. 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.

Lynn Mulhall, City Clerk

COUNCIL AGENDA MEMO – January 8, 2013
 PROCUREMENT ITEM FOR CONSENT AGENDA (\$10,000 - \$20,000)

DEPARTMENT: Public Works

AGENDA ITEM CAPTION: Sundog Wastewater Treatment Plant - Mechanical Bar Screen purchase in the amount of \$14,718.00

Approved By:	Date:
Department Director: Mark Nietupski	12/24/2012
City Manager: Craig McConnell 	12-26-12

Good(s) or Service(s) to be Purchased	
Description of Item(s)	Replacement bar rack, rake head, and mounting hardware for the Sundog WWTP mechanical bar screen.
Quantity	1
Necessity/Use	A new bar rack and rake head assembly is needed to replace the existing deteriorated 3/4 inch bar screen. A new 1/4 inch screen will prevent larger debris from entering the treatment process resulting in damage to pumps and other equipment downstream.

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
x	Vulcan Industries, Inc. 212 South Kirlin Street Missouri Valley, Iowa 51555	\$14,718.00	March 2013

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.

Budget Information	Fund Name: Wastewater Treatment 720-45-58-5855-8325
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Vulcan Industries, Inc. is the original manufacturer of the existing bar rack and rake head assembly and is a sole source for OEM replacement parts and service. The new equipment is manufactured to fit into the existing bar screen channel as a direct replacement without modification.

Attachments	1. Vulcan Industries, Inc. Quotation No. 072312-001 dated 12-20-2012

Vulcan Industries, Inc.

QUOTATION

212 South Kirlin Street
 Missouri Valley, IA 51555
 Ph: (712) 642-2755
mark@vulcanindustries.com

QUOTE NO.	072312-001-rev1
DATE	12/20/12

Please reference the above Quote Number for all correspondence.

TO: City of Prescott
 1500 Sundog Ranch Road
 Prescott, AZ 86301

SHIPPING METHOD		PAYMENT TERMS		ESTIMATED SHIP DATE	
Best Way		Net 30 Days		10-14 Weeks ARO	
		SHIPPING TERMS			
		F.O.B. Factory/Freight allowed			
QTY	PART # / MAT'L. TYPE	DESCRIPTION	MFG.	UNIT PRICE	LINE TOTAL
1		Replacement bar rack and rake head with 1/4" clear spacing between bars. Bar rack constructed of 5/16" x 3/16" x 2-1/2", type 304 stainless steel trapezoidal bars. Rake head to be constructed of 3/8" thick stainless plate with two (2) 3/4" thick removable/replaceable rake tooth sections. All mounting hardware included.	Vulcan	\$14,018.00	\$14,018.00
0				\$0.00	\$0.00
0				\$0.00	\$0.00
0		NOTE 1: The above components will be custom manufactured for installation in customers existing bar screen, Vulcan Factory #1791. Customer is responsible for verifying this information.		\$0.00	\$0.00
0		NOTE 2: Customer is responsible for verifying hydraulic characteristics of bar screen with the above components installed. Flooding of influent channel, backup of sewer or other possible negative effects are not the responsibility of Vulcan Industries, Inc.		\$0.00	\$0.00
0				\$0.00	\$0.00
0				\$0.00	\$0.00
0				\$0.00	\$0.00
0				\$0.00	\$0.00
0				\$0.00	\$0.00
				SUBTOTAL	\$14,018.00
				Freight	\$700.00
				TOTAL	\$14,718.00

Mark Hoffman

Quoted by:

Acknowledged

COUNCIL AGENDA MEMO – January 8, 2013
 PROCUREMENT ITEM FOR CONSENT AGENDA (\$10,000 - \$20,000)

DEPARTMENT: Public Works

AGENDA ITEM CAPTION: Sundog Wastewater Treatment Plant - Gravity Belt Thickener Hydraulic System purchase in the amount of \$17,750.00

Approved By: _____ **Date:** _____

Department Director: Mark Nietupski 12/24/2012

City Manager: Craig McConnell *Craig McConnell* 12-26-12

Good(s) or Service(s) to be Purchased	
Description of Item(s)	Gravity Belt Thickener (GBT) Hydraulic Belt Tensioning and Tracking Conversion for the Sundog WWTP. Installation will be performed by BDP Industries and is included in the proposal.
Quantity	1
Necessity/Use	Installation of the Hydraulic Belt Tensioning and Tracking System will replace the deficient pneumatic system originally installed on the GBT in 1990.

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
x	BDP Industries PO Box 118 Route 29 Greenwich, NY 12834	\$17,750.00	March 2013

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.

Budget Information | **Fund Name:** Wastewater Treatment 720-45-58-5855-8524

BDP Industries supplies the only direct replacement Hydraulic Belt Tensioning and Tracking System upgrade for the Sundog WWTP Gravity Belt Thickener originally manufactured by BDP and sold by the former Eimco Water Technologies. BDP is a sole source supplier for OEM replacement parts and provides service for the Eimco line of dewatering equipment.

Attachments | 1. BDP Industries Price Quotation/Scope of Work
 Dated 12-21-2012 – Job No. 2043



PO Box 118 Route 29 Greenwich, New York 12834
Phone No 518-695-6851
Fax 518-695-5417
Email: aj@bdpindustries.com

Date: Friday, December 21, 2012

Page 1 of 2

To: Sundog WWTP
Prescott, AZ

Attn: Allen Fishbeck
Phone: 928-777-1637
E-mail: al.fishback@prescott-az.gov

Reference: Refurbishing BDP Industries Gravity Belt Thickener (GBT).
BDP Job #: 2043 1.0m GBT

Dear Allen,

Per your request, below is the price quotation for modify the existing GBT to hydraulic tensioning and tracking.

- A) Hydraulic Tensioning and Tracking Conversion -
BDP will install new hydraulic belt tension and tracking system. The hydraulic system is a closed loop system that will eliminate routine maintenance issues with moisture in the tracking system. The cost for the hydraulic upgrade, shipping, and installation for the 1.0M GBT is \$17,750. (This equipment is tax exempt per the state of Arizona P.T.R. LR07-002)
- a. Hydraulic System – The GBT system shall be provided with a dedicated hydraulic power system to provide pressurized oil for the steering and tensioning. The unit shall consist of a 20-gallon reservoir; variable-displacement pressure compensated hydraulic oil pump and drive motor, hydraulic oil filter, pressure gauges, piping, valves, and cylinders to make a complete operational system.
 - b. The pump, motor, reservoir, oil filters, pressure switch, and relief valves will be assembled as a complete unit and floor mounted. All hydraulic lines shall be properly sized for the pressure and flow of the unit. Pressurized hydraulic lines mounted on the press shall be rubber hose and shall be rigidly supported on the structural frame of the press. Flexible lines to cylinders, low-pressure connections to the reservoir, etc. shall be hose of the material and construction appropriate to the application. The hydraulic reservoir shall be made of 304L stainless steel and shall have a translucent level gauge to allow visual inspection of the oil level.
 - c. The pump motor shall be a 2-hp TEFC motor. The operating pressure shall be externally adjustable up to 1000 psi. The unit shall be equipped with a low-pressure switch that shall shut down the GBT and auxiliary equipment upon low oil pressure.
 - d. Hydraulic system controls shall be grouped for easy access and ease of operation and maintenance. There shall be means provided to retract the belt tension cylinders for service. The valves, fittings, manifold and associated parts shall be non-corroding materials, such as FRP, glass filled nylon, and stainless steel.
 - e. The oil pressure gauges for the GBT belt tension systems shall indicate oil pressure in PSI. The control valves shall be supplied with extends, retract and no flow positions. All hydraulic cylinders shall have a non-corrosive coating and stainless steel cylinder rod.
 - f. BDP will provide all equipment and labor necessary to make the hydraulic system complete and operable. All hydraulic lines shall be properly sized for the intended use with adequate factors of safety for the pressure rating.
 - g. BDP will provide new hydraulic tensioning and belt tracking cylinder to make a complete functioning system. The belt tracking shall include a new belt position sensor that monitors the



*PO Box 118 Route 29 Greenwich, New York 12834
Phone No 518-695-6851
Fax 518-695-5417
Email: aj@bdpindustries.com*

position of the belt and keeps the belt center on the rollers. The belt shall have minimum travel from side to side. The tracking cylinder shall move in slow incremental movements to position the belt.

- h. Shop Drawings & Schematics of the hydraulic system will be provided upon completion of the installation.

I hope the above information is helpful. If additional information is required, please feel free to contact me at any time.

Sincerely,

A handwritten signature in black ink, appearing to read "A. J. Schmidt". The signature is written in a cursive style with some loops and flourishes.

A. J. Schmidt
BDP Industries Inc.

Cc: Rob Ryall Goble Sampson

COUNCIL AGENDA MEMO – (January 8, 2013)	
PROCUREMENT ITEM FOR CONSENT AGENDA (\$10,000 - \$20,000)	
DEPARTMENT:	LIBRARY
AGENDA ITEM CAPTION: Tech Logic Annual Licensing and Maintenance Renewals	

Approved By:		Date:
Department Director:	Roger Saft	
City Manager:	Craig McConnell 	1-2-13

Good(s) or Service(s) to be Purchased	
Description of Item(s) Check if Prof. Services	Two (2) ea separate licensing and maintenance renewals for Tech Logic software and hardware
Quantity	17 CircIT seats, 17 antennas
Necessity/Use	Needed for SelfCheck, and all check out and check in of library materials.

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. TECH LOGIC CORP, MN (CIRCIT)	\$7,443.96	1/1/13-12/31/13
	2. TECH LOGIC CORP, MN (ANTENNA)	\$5,582.97	1/1/13-12/31/13

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.

Budget Information	Fund Name: COUNTY AUTOMATION 1004405-8523-90007
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Additional Comments: Annual maintenance charges for RFID technology used at all library check-out and check-in points. Includes support, repairs and software updates. Tech Logic was selected by the Yavapai Library Network as the preferred vendor for SelfCheck and Automated Materials Handling services.

Attachments	1. Invoice #RC000207 for Tech Logic Corp. (CIRCIT software renewal)
	2. Invoice #RC000240 for Tech Logic Corp. (ANTENNA hardware renewal)
	3.



Tech Logic Corp.
 1818 Buerkle Rd.
 White Bear Lake, MN 55110
 Phone: 651-747-0492
 Fax: 651-747-0493
 www.tech-logic.com

Invoice

Date 12/5/2012	Page 1
Invoice Number RC000240	

Remit to:
EB 105
PO BOX 1691
MINNEAPOLIS, MN 55480-1691

Sold To: Prescott Public Library
 P.O. Box 2059
 Prescott, AZ 86302
 USA

Attn: Treasa Vonk

Ship To: Prescott Public Library
 215 East Goodwin Street
 Prescott, AZ 86303
 USA

Attn: Teresa Vonk

Reference - P.O. No.	Customer No.	Order No.	Ship Via	Terms Code
	PRE001C			NET30

Item No.	Description/Comments	Quantity	UOM	Unit Price	Amount							
45005959	Single Feig ABS Antenna (MR101) Hardware Renewal January 1 - December 31	17.00	EACH	300.00	5,100.00							
	<table border="0"> <tr> <td><u>Due Date</u></td> <td><u>Amount Due</u></td> <td><u>Disc. Date</u></td> <td><u>Disc. Amount</u></td> </tr> <tr> <td>1/4/2013</td> <td>5,582.97</td> <td></td> <td>0.00</td> </tr> </table>	<u>Due Date</u>	<u>Amount Due</u>	<u>Disc. Date</u>	<u>Disc. Amount</u>	1/4/2013	5,582.97		0.00			
<u>Due Date</u>	<u>Amount Due</u>	<u>Disc. Date</u>	<u>Disc. Amount</u>									
1/4/2013	5,582.97		0.00									

OE0202

482.97

Subtotal before taxes	5,100.00
Total Sales Tax	482.97
Total amount	5,582.97
Payment received	0.00
Discount taken	0.00
Amount due	5,582.97



Tech Logic Corp.
 1818 Buerkle Rd.
 White Bear Lake, MN 55110
 Phone: 651-747-0492
 Fax: 651-747-0493
 www.tech-logic.com

Invoice

Date 12/1/2012	Page 1
Invoice Number RC000207	

Remit to:
EB 105
PO BOX 1691
MINNEAPOLIS, MN 55480-1691

Sold To: Prescott Public Library
 P.O. Box 2059
 Prescott, AZ 86302
 USA

Attn: Treasa Vonk

Ship To: Prescott Public Library
 215 East Goodwin Street
 Prescott, AZ 86303
 USA

Attn: Teresa Vonk

Reference - P.O. No.	Customer No.	Order No.	Ship Via	Terms Code
	PRE001C			NET30

Item No.	Description/Comments	Quantity	UOM	Unit Price	Amount
28000004	CirclIT Software Renewal for One Year January 1 - December 31	17.00	SEAT	400.00	6,800.00
	<u>Due Date</u>	<u>Amount Due</u>	<u>Disc. Date</u>	<u>Disc. Amount</u>	
	12/31/2012	7,443.96		0.00	

OE0202	643.96	<table> <tr> <td>Subtotal before taxes</td> <td style="text-align: right;">6,800.00</td> </tr> <tr> <td>Total Sales Tax</td> <td style="text-align: right;">643.96</td> </tr> <tr> <td>Total amount</td> <td style="text-align: right;">7,443.96</td> </tr> <tr> <td>Payment received</td> <td style="text-align: right;">0.00</td> </tr> <tr> <td>Discount taken</td> <td style="text-align: right;">0.00</td> </tr> <tr> <td>Amount due</td> <td style="text-align: right;">7,443.96</td> </tr> </table>	Subtotal before taxes	6,800.00	Total Sales Tax	643.96	Total amount	7,443.96	Payment received	0.00	Discount taken	0.00	Amount due	7,443.96
Subtotal before taxes	6,800.00													
Total Sales Tax	643.96													
Total amount	7,443.96													
Payment received	0.00													
Discount taken	0.00													
Amount due	7,443.96													

COUNCIL AGENDA MEMO – January 8, 2013

PROCUREMENT ITEM FOR CONSENT AGENDA

DEPARTMENT: Field and Facilities Services

AGENDA ITEM CAPTION: Purchase of one (1) each 2011 Polaris Ranger Utility Vehicle Model RSE for \$7,500.00 plus licensing fees (sales tax included)

Approved By:

Date:

Department Director: Stephanie Miller

City Manager: Craig McConnell



12-31-12

Good(s) or Service(s) to be Purchased

Description of Item(s) Check if Prof. Services ___	All terrain utility vehicle (ATV) with four wheel drive and 500 cc engine
Quantity	One (1) each
Necessity/Use	Special event solid waste collection, landfill maintenance inspections, trash collection in steep and narrow areas during snow events, and for fence/lock inspection and maintenance at the Big Chino Water Ranch (BCWR).

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. Mile High Rent-2-Ride, Prescott, AZ	\$7,500	Upon Payment

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.

Budget Information Fund Name: Solid Waste Fund

Additional Comments: The City Procurement Code requires Council approval to acquire used equipment costing more than \$3,000. The vendor is going out of business and selling this vehicle which has been rented by Field and Facilities in the past. There are no other rental opportunities in the Quad-City Area. It will be used for special event solid waste collection, landfill maintenance inspections, trash collection in steep and narrow areas during snow events, and for fence/lock inspection and maintenance at BCWR.

- | | |
|--------------------|---|
| Attachments | 1. Quote for purchase from Mile High Rent-to-Ride |
| | 2. List of available Polaris Rangers in local area (Craig's List) |

Polaris Rangers For Sale

Staff surveyed local area Craig's List for Polaris Rangers and found the following:

2006 Polaris Ranger 700	\$6,500
2007 Polaris Ranger 700	\$7,050
2008 Polaris Ranger XP	\$8,900
2009 Polaris Ranger 700	\$10,500
2009 Polaris Ranger 700 HD	\$8,900
2011 Polaris Ranger 500	\$10,799 (Star Island)



DATE: 02/22/2012

PAGES: 1

TO: City of Prescott

FAX #: 928-771-5824

Attention; Brian Scott

FROM: John Sandri

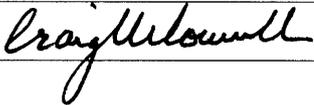
Phone# 928-776-1887

2011 Polaris Ranger utility Model R5E, 500CC, EFI, 4 Wheel Drive, ATV

2800 Miles, all service work done by Star Island Motorsports, included with unit

ts front and rear spare tires and wheels, \$ 7500.00

COUNCIL AGENDA MEMO – January 8, 2013
DEPARTMENT: Parks & Recreation
AGENDA ITEM: Purchase of one (1) ea. Toro Groundsmaster 4500-D Turf mower using National Intergovernmental Purchasing Alliance (NIPA) contract pricing in the total amount of \$55,392.82

Approved By:	Date:
Department Head: Joe Baynes, Parks & Recreation Director	
Finance Director: Mark Woodfill	
City Manager: Craig McConnell 	1-2-13

Summary

As discussed in the presentation made to Council on November 27, 2012, regarding City-wide mowing operations, the Parks and Recreation Department presently uses a 1986 John Deere Rotary mower, and a 2008 Toro 5210 Reel mower, to maintain 42 acres of turf. With the purchase of this Groundsmaster 4500-D Rotary mower, the Department will be able to use one piece of equipment with a single operator to accomplish all turf mowing within a standard 40-hour work week.

Financial Impact

The amount of \$58,000 is included in the approved FY13 Parks Department budget for this equipment. It is anticipated that with the higher production rate, the mowing inventory will be completed in 10-20 less labor hours per week. Additional equipment maintenance savings of about \$3,000 - \$6,000 per year are also expected in the initial service years of the new unit.

Attachments

- Pricing quote of Simpson Norton Corp., Goodyear, AZ
- Photograph of Groundsmaster 4500-D Turf mower

Recommended Action: **MOVE** to approve the purchase of one (1) Toro Groundsmaster 4500-D Turf mower in the total amount of \$55,392.82.



Quotation

December 6, 2012



Customer Information:
City of Prescott
 Attn: Tim Legler
 Prescott, AZ
 Ph 928-777-1563 / fax 928-771-5845
tim.legler@prescott-az.gov

Quote ID #	1593131
Payment terms	Net 30 days
Delivery	30-60 days
Quote Expire Date	60 days
Lease rate estimate	subject to approval
Special Note	NIPA Contract #083004

The City of Prescott is currently registered with National IPA
 visit www.nationalipa.org for up-to-date information

NIPA Registration # NIPA0164

Qty	Model Number	Description	Unit Price	Extension
1	30857	Groundsmaster 4500-D (30857 / 30857N)	\$54,895.62	\$54,895.62
1	30359	Universal Mount Sunshade	\$563.82	\$563.82
1	108-1463	Atomic Mulching Blade Service Pack (5 Blades)	\$93.85	\$93.85
Trade in Toro 5210-D 2008				-\$4,500.00

TOTALS	
Equipment Total	\$51,053.29
Estimated Sales/Use Tax	\$4,339.53
Total	\$55,392.82

Sales tax is estimated and subject to change.

Accessories

Toro has developed a line of performance accessories so you can get even more out of your Groundsmaster 4500-D or 4700-D.

Leaf mulching kit



High height-of-cut blade
Atomic mulching blade



Canopy



Also Available:

- Flow divider kit
- Rear roller scraper kit
- Seat arm rest kit
- Cab
- 4-post ROPS

Service with a smile.

Routine service and maintenance has never been easier. Just remove two pins and the entire hood can be removed in seconds. The rear screen, mid-area cowling and console can also be removed without tools.

Regular service points are located for convenient and efficient access. The Contour Plus™ decks are also featured on the Groundsmaster 3500-D. This makes fleet service easier and reduces the need for spare parts.



TORO. Count on it.

*Groundsmaster
4500-D & 4700-D*

- 60 hp (45 kW) Kubota[®] turbo-diesel engine
- Bi-directional 4-wheel drive
- Contour Plus free-floating cutting decks
- Striping from rear rollers
- 9' (2.7 m) and 12.5' (3.8 m) width of cut

Tames your toughest turf.

Large-scale rotary mowers aren't usually known for ultra-precise cutting. Meet the exceptions to the rule. The Toro[®] Groundsmaster[®] 4500-D and 4700-D are an unprecedented blend of powerful productivity and refined results. With 60 hp (45 kW)

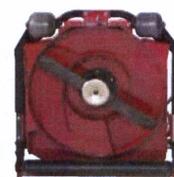
under the hood, and Contour[™] Plus engineering inside the decks, you will achieve a quality-of-cut typically reserved for smaller trim mowers.



Count on Innovation

Engineered for exceptional results.

The patented Contour Plus cutting decks on the Groundsmaster 4500-D and 4700-D feature a rear roller, front caster wheels, anti-scalp cups and multi-directional pivot points to bring you the industry's best ground-following rotary deck.



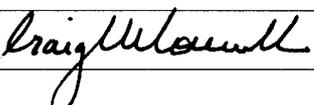
COUNCIL AGENDA MEMO – January 8, 2013

DEPARTMENT: Field and Facilities Services Department

AGENDA ITEM: Purchase of one (1) ea. New Holland T5040 4 WD tractor and Alamo flail mower for right-of-way maintenance using Arizona State Procurement Office pricing from Bingham Equipment Company in the total amount of \$93,765.67

Approved By:

Date:

Department Head: Stephanie Miller	
Finance Director: Mark Woodfill	
City Manager: Craig McConnell 	1-2-13

Summary

Seasonal mowing by the City is for fire prevention, drainage maintenance, hazard mitigation, and aesthetics. More than 71 acres are mowed and maintained by the Street Maintenance Division. This high visibility acreage is in close proximity to pedestrian and motor traffic and includes gateway locations. On November 27, 2012, City-wide mowing operations were presented and discussed after which Council direction was received for the Street Maintenance Division to bring forward its request for new equipment in order to efficiently maintain current levels of service.

The Street Maintenance Division is seeking approval to purchase a New Holland tractor and Alamo flail mower. Currently, workers are using one (1) John Deere Easy Track rotary mower and borrowing equipment from the Parks Department. The Holland/Alamo equipment combination, recommended as best value, is well suited for the specific topography, vegetation density of the acreage maintained, and should serve reliably with minimal maintenance for its estimated useful life of 10 to 12 years.

The older John Deere tractor, purchased in 1971, was at the end of its service life and had become unreliable and expensive to keep operational. The “Brush Hog” attachment, neither the most efficient nor the safest option for this acreage due to the potential to throw large stones, has been sent to auction along with the tractor.

Bingham Equipment Co., Cottonwood, AZ, is one of several tractor and mower vendors available to the City under Arizona State Procurement Office contracts. Bingham Equipment is able to supply the needed tractor and mower combination, and submitted a quote of \$93,765.67, including sales tax.

Financial Impact

The Street Maintenance Division has \$105,000.00 budgeted in FY13 for the purchase.

Attachments

- Bingham Equipment pricing quote
- Photograph of New Holland tractor and Alamo flail mower

Agenda Item: Purchase of one (1) ea. New Holland T5040 4WD tractor and Alamo flail mower for right-of-way maintenance using Arizona State Procurement Office pricing from Bingham Equipment Company in the total amount of \$93,765.67

Recommended Action: **MOVE** to approve the purchase of one (1) ea. New Holland T5040 4WD tractor and Alamo flail mower for right-of-way maintenance using Arizona State Procurement Office pricing from Bingham Equipment Company in the total amount of \$93,765.67.



Bingham Equipment Company

2694 Union Drive
Cottonwood, Arizona 86326-5284
Phone (928) 646-5388
www.binghamequipment.com
Remit to: 1651 South Country Club Dr., Mesa, AZ 85210

Ship to: City of Prescott-Streets

Invoice to: City of Prescott-Streets
2800 Sundog Ranch Rd.
Prescott, AZ 86301
CONTACT: Bobbie King

Table with 4 columns: Branch, Date, Time, Page, Account No., Phone No., Quote No., Ship Via, Purchase Order, Salesperson. Values include 06 - Cottonwood, 12/20/2012, 10:49:48 (O), 1, PRESC023, 9287771126, 001521, Our Truck, PROCUREAZ QUOTE, Michael Clark, 1S6.

Sales Quote

Description ** Q U O T E ** EXPIRY DATE: 02/18/2013 Amount

Stock #: 037266 Serial #: ZCJH22512 53568.93

New NH T5040 4WD
New New Holland T5040 4WD Tractor W/Cab AC/Heat
NH T5040 4WD Cab Tractor, 85HP 70 PTO HP, 16.1 GPM
Hydraulic Impliment Pump, 26.5 total pump output, Wet Clutch,
33.5gal fuel tank, 12x12 shuttle trans, 2ea. remote hyd
valves, 8929lbs shipping weight.

Tier III compliant All Purpose Engine
INCLUDING THE FOLLOWING OPTIONS
T5040 4WD Tractor W/Cab \$53,512.00
XT2810X 12X12 Mechanical Shuttle - Std
331199 Vertical Exhaust-Aspirated \$101.00
8235404 12.4R24 R1 Fronts 1,180.00
8357304 18.4-30 6PR R1 2,808.00
Sub Total \$57,601.00
7% ProcureAZ Discount <4,032.07>
Total \$53,568.93

Tractor Unit in Stock @ Bingham Equipment AZ 12/20/2012

State of Arizona Contract ProcureAZ
Bingham Equipment Contract # ADSP013-035801

Stock #: ? Serial #: 33776.82

New Alamo Flail Mowing System, 74" Right Hand Interstater &
88" Rear SHD Offset

988061 74"Right Hand Interstater \$20,123.00
02983494/02986605 Mount Kit 8,918.00
Sub Total \$29,041.00
18% ProcureAZ Discount <5,227.38>
Total for Unit \$23,813.62
Labor/Oil to install on T5040 4,556.00
Interstater Total \$28,369.62

SIGNED X _____

SIGNED X _____

The buyer represents that he owns the above Trade-in equipment free and clear
of any encumbrance except that indicated payable to:
in the amount of:

SIGNED X _____
If other than the purchaser, signer represents he is an agent of and authorized to sign for purchaser.

STATEMENT CONCERNING WARRANTIES
Except for expressed warranties made by the manufacturer of goods, THERE ARE NO
WARRANTIES, EXPRESSED STATUTORY OR IMPLIED, INCLUDING ANY IMPLIED WARRANTY OF
MECHANTABILITY, WHICH EXTEND BEYOND THE DESCRIPTION ON THE FACE THEREOF. No
warranty whatsoever is made on any used, second-hand, altered or rebuilt goods. Such goods are
sold "AS IS".



Bingham Equipment Company

2694 Union Drive
Cottonwood, Arizona 86326-5284
Phone (928) 646-5388
www.binghamequipment.com
Remit to: 1651 South Country Club Dr., Mesa, AZ 85210

Ship to: City of Prescott-Streets

Invoice to: City of Prescott-Streets
2800 Sundog Ranch Rd.
Prescott, AZ 86301

CONTACT: Bobbie King

Table with 4 columns: Branch, Date, Account No., Ship Via, Time, Phone No., Purchase Order, Quote No., Salesperson. Values include 06 - Cottonwood, 12/20/2012, 10:49:48 (O), PRESC023, 9287771126, Our Truck, PROCUREAZ QUOTE, Michael Clark, 1S6.

Sales Quote

Description ** Q U O T E ** EXPIRY DATE: 02/18/2013 Amount

SHD88145CC Rear SHD 14.5" Offset \$6,759.00
20% ProcureAZ Discount <1,351.80>
88" SHD Total \$5,407.20
\$28,369.62
5,407.20
System Total \$33,776.82

State of Arizona Contract ProcureAZ
Alamo Mfg. Contract # ADSP013-035799

Authorization: _____
Subtotal: 87345.75
YAVAPAI COUNTY TAX: 6419.92
Quote Total: 93765.67

SIGNED X _____
SIGNED X _____

The buyer represents that he owns the above Trade-in equipment free and clear of any encumbrance except that indicated payable to: _____ in the amount of: _____

SIGNED X _____
If other than the purchaser, signer represents he is an agent of and authorized to sign for purchaser.

STATEMENT CONCERNING WARRANTIES
Except for expressed warranties made by the manufacturer of goods, THERE ARE NO WARRANTIES, EXPRESSED STATUTORY OR IMPLIED, INCLUDING ANY IMPLIED WARRANTY OF MERCHANTABILITY, WHICH EXTEND BEYOND THE DESCRIPTION ON THE FACE THEREOF. No warranty whatsoever is made on any used, second-hand, altered or rebuilt goods. Such goods are sold "AS IS".

Holland Tractor and Alamo Flail Mower



COUNCIL AGENDA MEMO – January 8, 2013
--

DEPARTMENT: City Manager

AGENDA ITEM: Adoption of Resolution 4159-1320 extending the City of Prescott Water Management Policy and adopting a Water Management Budget for Calendar Year 2013

Approved By:	Date:
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Water Resource Specialist:	Leslie Graser	
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City Manager:	Craig McConnell	
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	<i>Craig McConnell</i>	12-31-12
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Item Summary

This item is to extend the City of Prescott Water Management Policy, and set forth a Water Management Budget to make water available for allocation to new development during Calendar Year 2013.

Background

The City of Prescott Water Management Policy (2005-2010) was adopted October 25, 2005. Amendment No. 1, making certain revisions including reservations for vacant residentially-zoned parcels and phased allocations to master-planned projects, was approved thereafter on March 27, 2007 (Resolution No. 3807). A subsequent amendment (March 22, 2011; Resolution No. 4071-1141) addressed the reservation made for all Vacant Residential Unwatered Parcels (tracts) located within the existing City limits, specifically that in the event of rezoning to higher density such parcels are not entitled to increased reservations. Resolution No. 4114-1224 extended the Policy, which can be viewed on the City website (www.prescott-az.gov), through Calendar Year 2012.

Quantity of Alternative Water (Renewal Resource) Available for Allocation

Decision & Order No. 86-401501.0001 of the Director, Arizona Department of Water Resources, is the most recent (2009) document quantifying the amount of "Alternative Water" available to the City for new development. Alternative Water is a term referring both to renewable sources such as recharged/recovered treated effluent and surface water, as well as groundwater from the Big Chino Sub-basin, located outside the PrAMA, to which Prescott is entitled by state law. Prescott's use of PrAMA groundwater is capped by the state; new subdivisions and development proposals cannot be served by pumping additional PrAMA groundwater.

Alternative Water presently being made available for new development continues to be from the block identified by the prior (2005) Decision & Order, and not the 2009 Decision & Order identified above which increased the supply by 1,471.98 acre-feet (AF). The Alternative Water category of the City's overall Water Portfolio is being audited prior to moving in the aforementioned 1,471.98 AF.

Agenda Item: Adoption of Resolution No. 4159-1320 extending the City of Prescott Water Management Policy and adopting a Water Management Budget for Calendar Year 2013

As identified in the table below, relative to the 2005 Decision & Order, the total quantity presently available for allocation to new subdivisions and development is 308.43 AF, subject to final audit. Each allocation made from the Water Management Budget in 2013 will reduce this balance.

A total budget of 200 AF of Alternative Water is again recommended for Calendar Year 2013, the same amount provided for each year in the current policy, consisting of 160 AF for "market development," and 40 AF for "workforce/affordable housing" projects. Single family residential requires an allocation of 0.35 AF/unit; multi-family residential is allocated at 0.25 AF/unit. Nonresidential development is allocated water on the basis of water demand (estimated use), with all project requests involving demand over five (5.0) AF requiring approval of a water service agreement by the City Council. At year-end, any unallocated water in the annual Alternative Water budget remains in the water portfolio as an asset available for future use.

	2011	2012	2013
<u>Unallocated Balance Forward</u>	421.01 AF	355.77 AF	308.43
<u>Budget for Year Available for Allocation</u>			
Market	160	160	160
Workforce	40	40	40
<u>Allocations Made Year to Date</u>	65.24 AF	47.34 AF	
Market	25.24	44.54	
Workforce	0	2.8	
<u>Current Available for Allocation</u>			
Market	134.76	112.66	
Workforce	40	37.2	
<u>Unallocated Balance at Year End</u>	355.77 AF (projected)	308.43 (projected)	

As discussed above, the 2009 Decision & Order added 1471.98 AF of Alternative Water to the City's Water Portfolio. It is recommend that this block be held until the auditing of allocations to date (1999-2010) has been completed, and a Long-Term Management Plan replacing the 2005-2010 document, as extended, is in place.

Attachment - Resolution No. 4159-1320

Recommended Action: MOVE to adopt Resolution No. 4159-1320.

RESOLUTION NO. 4159-1320

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, EXTENDING THE WATER MANAGEMENT POLICY, ADOPTING A WATER MANAGEMENT BUDGET FOR CALENDAR YEAR 2013, AND AUTHORIZING THE MAYOR AND STAFF TO TAKE ANY AND ALL STEPS NECESSARY TO ACCOMPLISH THE ABOVE

RECITALS:

WHEREAS, Resolution No. 4114-1224, extended the City of Prescott 2005-2010 Water Management Policy, as amended, through December 2012; and

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

WHEREAS, the City of Prescott wishes to set forth and adopt a water management budget for Calendar Year 2013.

ENACTMENTS:

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

SECTION 1. THAT the City of Prescott hereby approves extension of the 2005-2010 Water Management Policy, as amended, which policy shall remain in force until superseded by a successor water management policy or otherwise repealed.

SECTION 2. THAT the Water Management Budget for Calendar Year 2013 shall make available the following quantities of alternative water for allocation: 160 acre-feet in the market category and 40 acre-feet in the workforce/affordable housing category.

SECTION 3. THAT the Mayor and staff are hereby authorized to take any and all steps deemed necessary to accomplish the forgoing.

PASSED AND ADOPTED by the Mayor and Council of the City of Prescott this 8th day of January, 2013.

MARLIN D. KUYKENDALL, Mayor

ATTEST:

APPROVED AS TO FORM:

LYNN MULHALL, City Clerk

JEAN WILCOX, Interim City Attorney

COUNCIL AGENDA MEMO – January 8, 2013	
DEPARTMENT:	Community Development / CDBG
AGENDA ITEM:	Approval of contract with G & G Specialty Contractors, Inc., for the CDBG-funded demolition and rough grading of Project Aware, 502 S. Montezuma Street, in an amount not to exceed \$37,500.00

Approved By:

Date:

Department Head: Tom Guice	
Finance Director: Mark Woodfill	
City Manager: Craig McConnell <i>Craig McConnell</i>	<i>12-31-12</i>

Summary

On April 24, 2012, the City, via an amendment to the 2011 Annual Action Plan, approved Project Aware, Inc., as a recipient of CDBG funds in the amount of \$45,000.00. On November 19, 2012, the City advertised for bids demolition and rough grading of the uninhabited single-family structure at 502 S. Montezuma Street. The demolition is a prerequisite to Project Aware's planned building of six apartments for low- to moderate-income women and their young children. The building phase is anticipated to occur in 2013 or 2014.

The bid opening was held in Council Chambers, City Hall, at 2:00 PM on December 13, 2012. Of the seven bids received, two were subsequently disqualified as nonresponsive.

McDonald Brothers Construction, Inc., Camp Verde, AZ*	\$32,297.00
G & G Specialty Contractors, Inc., Phoenix, AZ	37,500.00
Ravencrest Homes, Prescott, AZ	38,895.00
ARC Construction, Phoenix, AZ	40,521.00
Malouff and Company, Prescott, AZ	42,952.33
Copper Resource Contracting, Superior, AZ**	52,000.00
BCS Enterprises, Gilbert, AZ	62,130.00

* Nonresponsive bid: contractor did not have proper licensing at bid opening per AZ ROC

** Nonresponsive bid: no bid bond included in bid packet

Responsibility of the low, responsive bidder, G & G, has been confirmed considering applicable records and other information including licensing, debarred and suspended contractors list, the Better Business Bureau, and telephone conversations with the references provided (Femcon, Inc., Phoenix, AZ; and Integrity Building Corporation, Mesa, AZ). The contractor received positive recommendations and is in the process of submitting their bond and insurance documents and Department of Labor wage determination. The contractor understands federal laws including verification and legal status of anyone employed for this project and the Davis-Bacon Act requirements. The contractor holds a KB-1 Dual Corporation license which qualifies the company to perform demolition work per the AZ ROC Phoenix Office.

Agenda Item: Approval of contract with G & G Specialty Contractors, Inc., for the CDBG-funded demolition and rough grading of Project Aware, 502 S. Montezuma Street, in an amount not to exceed \$37,500.00

The demolition and rough grading, as identified in the Council-amended Annual Action Plan FY2011, is consistent with the following HUD/CDBG requirements:

National Objective #1: Provide a benefit to low- to moderate-income persons or clientele.

Activity: Low- to moderate-clientele (LMC) sustainability

Recommended Action: **MOVE** to approve a contract with G & G Specialty Contractors, Inc., Phoenix, AZ; for the CDBG-funded Project Aware, Inc., demolition and rough grading, 502 S. Montezuma Street, Prescott, in an amount not to exceed \$37,500.00.

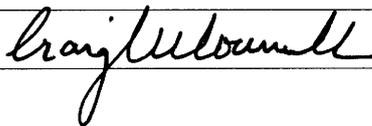
COUNCIL AGENDA MEMO – January 8, 2013
--

DEPARTMENT: Public Works

AGENDA ITEM: Adoption of Ordinance No. 4846-1303 for the exchange of certain real properties with Bullwhacker Associates and approving an amendment to the Conservation Easement Deed dated May 7, 2002.

Date:

Approved By:

Department Head: Mark Nietupski	12/26/2012
Finance Director: Mark Woodfill	
City Manager: Craig McConnell 	12-26-12

Background

On May 7, 2002, Bullwhacker Associates executed a Conservation Easement Deed with the City pertaining to certain real property north of State Route 69 and east of Prescott Lakes Parkway. As part of the Wal-Mart site development, the property owner, Bullwhacker Associates, was required to deed a 2.5045 acre conservation easement along the channel corridor within the their adjacent property. This was done as part of their mitigation requirements under the Army Corps of Engineers 404 (environmental) permit. The conservation easement was then deeded to the City of Prescott as a qualified entity responsible for protecting the integrity of the easement.

The existing conservation easement effectively bisects the Bullwhacker Associates property. To accommodate future development of their property to the south, they have requested that the City exchange a portion of the conservation easement, 4,754 square feet in area on the east end, for a contiguous parcel of equivalent size at the west end of the existing easement. In this exchange, the City will deed back to Bullwhacker the segment from the east end of the conservation easement. This segment will then be released from the conservation easement. In exchange, Bullwhacker will deed to the City, a parcel of equivalent size, 4,754 square feet, that adjoins the west end of the conservation easement and be designated as such. (Map attached)

Because the conservation easement will be amended and preserved by this exchange, the Army Corps of Engineers has agreed to the exchange and the associated amendment documents. This Ordinance will approve the deeds for exchange of the properties and the amendment of the original conservation easement.

Fiscal Impact

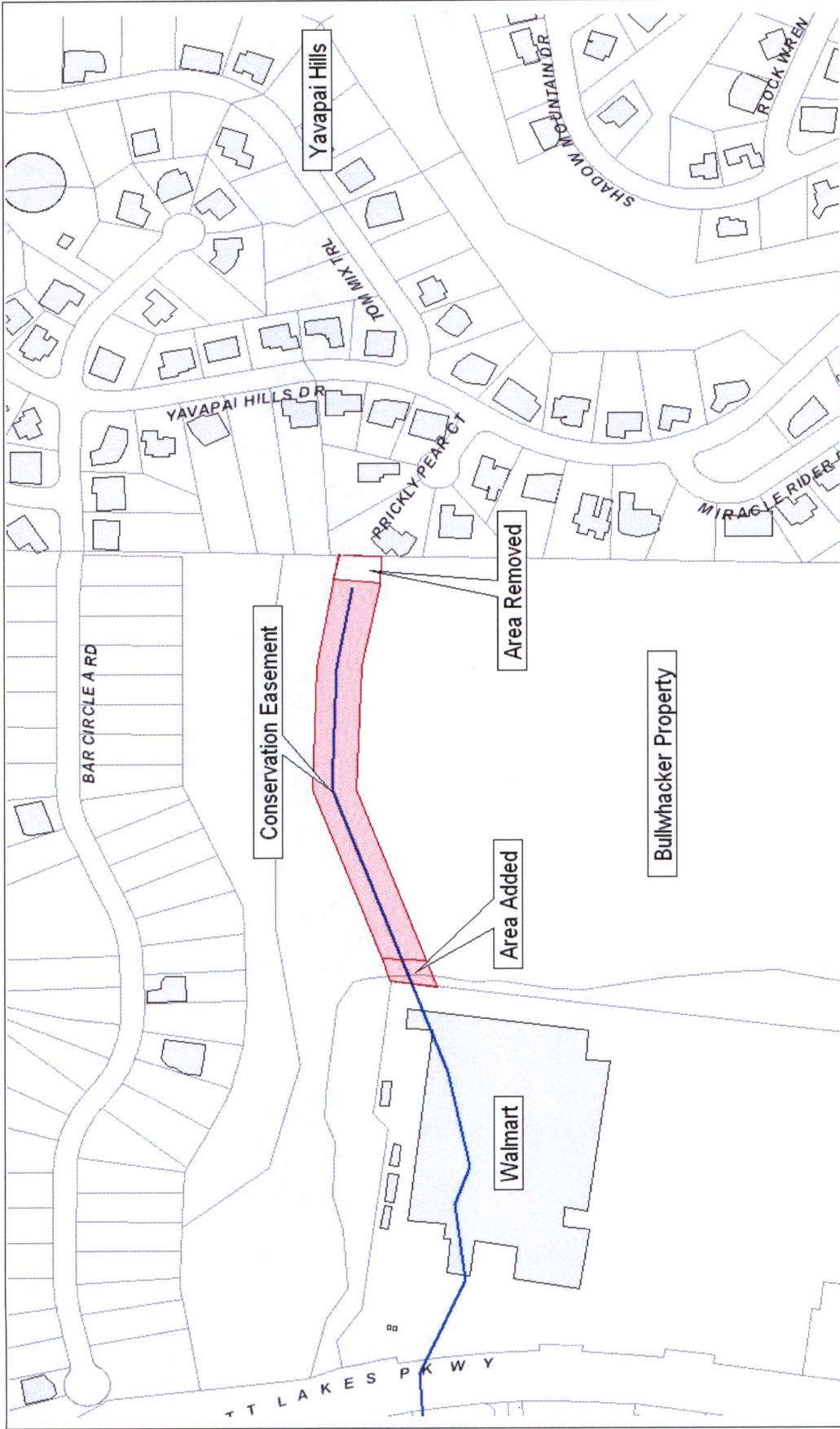
The parcels to be exchanged are of the same size and have an equivalent value and therefore, no compensation to either party is required. In addition, Bullwhacker Associates will be responsible for the cost of any and all necessary recording fees.

Agenda Item: Adoption of Ordinance No. 4846-1303 for the exchange of certain real properties with Bullwhacker Associates and approving an amendment to the Conservation Easement Deed dated May 7, 2002

Attachments

- Area Map
- Warranty Deed conveying property to the City of Prescott
- Warranty Deed conveying property to Bullwhacker Associates
- Amended Conservation Easement Deed
- Ordinance No. 4846-1303

Recommended Action: MOVE to adopt Ordinance No. 4846-1303.



Bullwhacker Properties – Conservation Easement Transfer

When recorded, mail to:

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

SPECIAL WARRANTY DEED

FOR THE CONSIDERATION of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, BULLWHACKER ASSOCIATES, an Arizona limited partnership, Grantor, hereby conveys to the CITY OF PRESCOTT, an Arizona municipality, all right, title or interest in the following real property situated in Yavapai County, Arizona:

See Exhibit "A" (West of 404 area), attached hereto and made a part hereof.

Subject to current taxes and other assessments, reservations in patents and all easements, rights-of-way, encumbrances, lien, covenants, conditions, restrictions, obligations and liabilities as may appear of record.

AND the Grantor hereby binds itself and its successors to warrant and defend the title as against all acts of the Grantor herein and no other, subject to the matters above set forth.

Exempt from filing fee pursuant to ARS § 11-1134(A)(3).

DATED this ___ day of _____, 2013.

BULLWHACKER ASSOCIATES

By: _____
Jim N. Lee, President, Lee Limited, General Partner of Bullwhacker Associates

**NEXUS SOUTHWEST, LLC
REGISTERED LAND SURVEYORS**



212 S. Marina St. • Prescott, Arizona 86303
Phone 928-778-5101 • Fax 928-778-9321 • info@nexus-sw.net

**PROPERTY DESCRIPTION
Sec. 31, T14N-R1W – West of 404 Area**

All that portion of Section 31, Township 14 North, Range 1 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows:

Commencing at the North One-quarter corner of said Section 31;

Thence, North 89°49'47" West, 14.99 feet to a point on the North line of said Section 31;

Thence, South 00°09'53" West, 667.96 feet;

Thence, South 03°10'04" West, 108.75 feet;

Thence, North 85°03'21" West, 425.84 feet;

Thence, South 78°38'09" West, 189.29 feet;

Thence, South 61°16'55" West, 406.43 feet to the **POINT OF BEGINNING**, being the Southwest corner of the 404 Area;

Thence, continuing South 61°16'55" West, 52.66 feet to a point on the East line of TRACT "A", as shown on the final plat for WAL-MART STORE #1417-01, as recorded in Book 46 of Maps and Plats, Page 17, records of Yavapai County;

Thence, North 10°31'310" East, 38.02 feet to an angle point in the said East line of Tract "A";

Thence, North 07°19'17" East, 43.67 feet to an angle point in the said East line of Tract "A";

Thence, North 02°33'20" West, 66.95 feet to an angle point in the said East line of Tract "A";

Thence, North 06°11'34" West, 6.92 feet to a point on the said East line of Tract "A";

West of 404 – Page 1 of 2

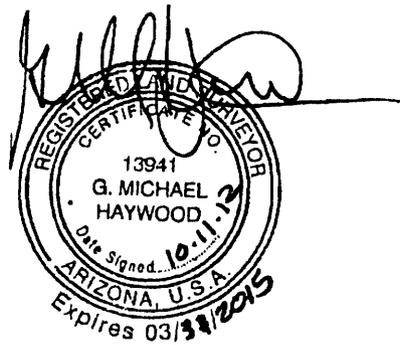
EXHIBIT A
(West of 404 Area)

West of 404
Page 2 of 2

Thence, North 65°06'43" East, 29.67 feet to the Northwest corner of the said 404 Area;

Thence, South 04°14'13 East, 142.03 feet to the **POINT OF BEGINNING**

Containing 4754 square feet, more or less.



October 11, 2012
05-039

THE RANCH AT PRESCOTT UNIT IX
"MYSTIC HEIGHTS"

N 1/4 COR. SEC. 31

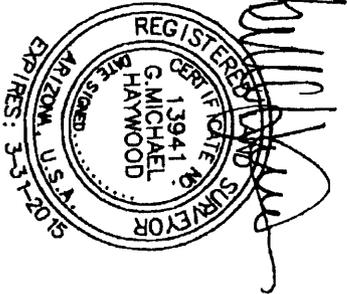
404 AREA

AREA EAST OF 404

TRACT "A"
WAL-MART

AREA WEST OF 404

EXHIBIT TO ACCOMPANY
PROPERTY DESCRIPTIONS
SEC. 31, T14N-R1W, G&SRB&M,
YAVAPAI COUNTY, ARIZONA



NEXUS SOUTHWEST, LLC REGISTERED LAND SURVEYORS 212 S. MARINA STREET PRESCOTT, AZ. 86303 (928) 778-5101	
JOB NO: 05-039	DRAWN: GMH
CREW: PH/RR	DATE: 10-11-12
CLIENT: R.A.P.	CHECKED: GMH 10-11-12
SCALE: N.T.S.	DATE: 10-11-12

When recorded, mail to:

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

SPECIAL WARRANTY DEED

FOR THE CONSIDERATION of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, the CITY OF PRESCOTT, an Arizona municipality, Grantor hereby conveys to BULLWHACKER ASSOCIATES, an Arizona limited partnership, Grantee, all right, title or interest in the following real property situated in Yavapai County, Arizona:

See Exhibit "A" (404 Area - East Exception), attached hereto and made a part hereof.

Subject to current taxes and other assessments, reservations in patents and all easements, rights-of-way, encumbrances, lien, covenants, conditions, restrictions, obligations and liabilities as may appear of record.

AND the Grantor hereby binds itself and its successors to warrant and defend the title as against all acts of the Grantor herein and no other, subject to the matters above set forth.

Exempt from filing fee pursuant to ARS § 11-1134(A)(3).

DATED this ____ day of _____, 2013, pursuant to City of Prescott Ordinance Number _____.

MARLIN KUYKENDALL, Mayor

ATTEST:

APPROVED AS TO FORM:

LYNN MULHALL
City Clerk

JEAN WILCOX
City Attorney

NEXUS SOUTHWEST, LLC
REGISTERED LAND SURVEYORS



212 S. Marina St. • Prescott, Arizona 86303
Phone 928-778-5101 • Fax 928-778-9321 • info@nexus-sw.net

PROPERTY DESCRIPTION
Sec. 31, T14N-R1W – 404 Area – East Exception

All that portion of Section 31, Township 14 North, Range 1 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows:

Commencing at the North One-quarter corner of said Section 31;

Thence, North 89°49'47" West, 14.99 feet to a point on the North line of said Section 31;

Thence, South 00°09'53" West, 667.96 feet to the **POINT OF BEGINNING**;

Thence, South 03°10'04" West, 108.75 feet;

Thence, North 85°03'21" West, 43.92 feet;

Thence, North 03°10'06" East, 107.84 feet;

Thence, South 86°14'32" East, 43.90 feet (record South 86°14'04" East) to the **POINT OF BEGINNING**;

Containing 4754 square feet, more or less.

October 22, 2012
05-039

EXHIBIT A
(404 Area – East Exception)

THE RANCH AT PRESCOTT UNIT IX
"MYSTIC HEIGHTS"

N 1/4 COR. SEC. 31

404 AREA - REVISED

EAST EXCEPTION TO 404

TRACT "A"
WAL-MART

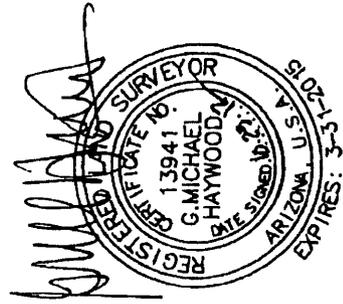


EXHIBIT TO ACCOMPANY
PROPERTY DESCRIPTIONS
SEC. 31, T14N-R1W, G&SRB&M,
YAVAPAI COUNTY, ARIZONA

REVISED: 10-23-12 GMH

NEXUS SOUTHWEST, LLC
REGISTERED LAND SURVEYORS
212 S. MARINA STREET
PRESCOTT, AZ. 86303
(928) 778-5101

JOB NO: 05-038

DRAWN: GMH

CREW: PH/RR

DATE: 10-11-12

CLIENT: R.A.P.

CHECKED: GMH

SCALE: N.T.S.

DATE: 10-11-12

When recorded return to:

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

Reference: 3457802, Book 39, Page 782

AMENDMENT TO CONSERVATION EASEMENT DEED

A. Bullwhacker Associates, an Arizona Limited Partnership (“BULLWHACKER” herein) granted a conservation easement to the City of Prescott, Arizona (“CITY” herein), in a Conservation Easement Deed described as document 3457802, in Book 39, Page 782 of the official records of the Yavapai County Recorder, covering certain real property described therein and located in Yavapai County, Arizona.

B. BULLWHACKER and CITY desire and intend to amend the above Conservation Easement Deed and hereby amend such Conservation Easement Deed as described herein.

C. The property described in the Conservation Easement Deed mentioned above shall be amended to omit from the Conservation Easement Deed the property as described in the attached Exhibit A (404 Area - East Exception) hereto and by this reference made a part hereof.

SEE EXHIBIT “A” (404 Area- East Exception) ATTACHED HERETO

Such property shall be released from the easement described in the above Conservation Easement Deed.

D. The property described in the Conservation Easement Deed mentioned above shall be amended to include in the Conservation Easement Deed the following property as described in the attached Exhibit A (West of 404 area) hereto and by this reference made a part hereof.

SEE EXHIBIT “A” (West of 404 area), ATTACHED HERETO

Such property shall be subject to the easement described in the above Conservation Easement Deed.

E. The United States of America, Army Corps of Engineers hereby consents to this amendment to the Conservation Easement Deed in the manner described herein.

The remaining property described in the above Conservation Easement Deed shall continue to be subject to such easement.

Dated this _____ day of _____, 2012.

PASSED, APPROVED AND ADOPTED by the Mayor and Council of the City of Prescott this _____ day of _____, 2012.

BULLWHACKER ASSOCIATES

CITY OF PRESCOTT

JIM LEE, President of Lee Ltd.
General Partner of Bullwhacker Assoc.

MARLIN D. KUYKENDALL, Mayor

UNITED STATES ARMY CORPS OF ENGINEERS

By: _____

Title: Senior Project Manager

ATTEST:

APPROVED AS TO FORM:

LYNN MULHALL
City Clerk

~~G. EUGENE NEIL~~ JEAN WILCOX
City Attorney

STATE OF ARIZONA)
) ss
County of Yavapai)

On this the _____ day of _____, 2013, before me, the undersigned notary public, personally appeared Jim Lee, personally known to me or, proven to me based on satisfactory evidence to be the person whose name is subscribed to the within instrument (Amendment to Conservation Easement Deed) and that he, being authorized so to do, executed the foregoing instrument for the purposes therein contained.

(seal)

Notary Public

**NEXUS SOUTHWEST, LLC
REGISTERED LAND SURVEYORS**



212 S. Marina St. • Prescott, Arizona 86303
Phone 928-778-5101 • Fax 928-778-9321 • info@nexus-sw.net

**PROPERTY DESCRIPTION
Sec. 31, T14N-R1W – West of 404 Area**

All that portion of Section 31, Township 14 North, Range 1 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows:

Commencing at the North One-quarter corner of said Section 31;

Thence, North 89°49'47" West, 14.99 feet to a point on the North line of said Section 31;

Thence, South 00°09'53" West, 667.96 feet;

Thence, South 03°10'04" West, 108.75 feet;

Thence, North 85°03'21" West, 425.84 feet;

Thence, South 78°38'09" West, 189.29 feet;

Thence, South 61°16'55" West, 406.43 feet to the **POINT OF BEGINNING**, being the Southwest corner of the 404 Area;

Thence, continuing South 61°16'55" West, 52.66 feet to a point on the East line of TRACT "A", as shown on the final plat for WAL-MART STORE #1417-01, as recorded in Book 46 of Maps and Plats, Page 17, records of Yavapai County;

Thence, North 10°31'310" East, 38.02 feet to an angle point in the said East line of Tract "A";

Thence, North 07°19'17" East, 43.67 feet to an angle point in the said East line of Tract "A";

Thence, North 02°33'20" West, 66.95 feet to an angle point in the said East line of Tract "A";

Thence, North 06°11'34" West, 6.92 feet to a point on the said East line of Tract "A";

West of 404 – Page 1 of 2

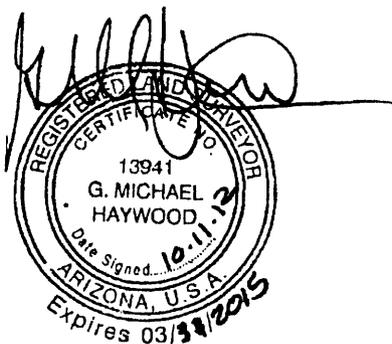
EXHIBIT A
(West of 404 Area)

West of 404
Page 2 of 2

Thence, North 65°06'43" East, 29.67 feet to the Northwest corner of the said 404 Area;

Thence, South 04°14'13 East, 142.03 feet to the **POINT OF BEGINNING**

Containing 4754 square feet, more or less.



October 11, 2012
05-039

THE RANCH AT PRESCOTT UNIT IX
"MYSTIC HEIGHTS"

N 1/4 COR. SEC. 31

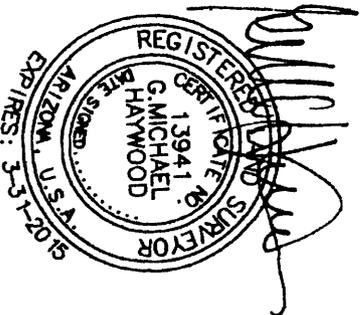
404 AREA

TRACT "A"
WAL-MART

AREA WEST OF 404

AREA EAST OF 404

EXHIBIT TO ACCOMPANY
PROPERTY DESCRIPTIONS
SEC. 31, T14N-R1W, G&SRB&M,
YAVAPAI COUNTY, ARIZONA



NEXUS SOUTHWEST, LLC REGISTERED LAND SURVEYORS 212 S. MARINA STREET PRESCOTT, AZ. 86303 (928) 778-5101	
JOB NO: 05-039	DRAWN: GMH
CREW: PH/RR	DATE: 10-11-12
CLIENT: R.A.P.	CHECKED: GMH 10-11-12
SCALE: N.T.S.	DATE: 10-11-12

NEXUS SOUTHWEST, LLC
REGISTERED LAND SURVEYORS



212 S. Marina St. • Prescott, Arizona 86303
Phone 928-778-5101 • Fax 928-778-9321 • info@nexus-sw.net

PROPERTY DESCRIPTION
Sec. 31, T14N-R1W – 404 Area – East Exception

All that portion of Section 31, Township 14 North, Range 1 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows:

Commencing at the North One-quarter corner of said Section 31;

Thence, North 89°49'47" West, 14.99 feet to a point on the North line of said Section 31;

Thence, South 00°09'53" West, 667.96 feet to the **POINT OF BEGINNING**;

Thence, South 03°10'04" West, 108.75 feet;

Thence, North 85°03'21" West, 43.92 feet;

Thence, North 03°10'06" East, 107.84 feet;

Thence, South 86°14'32" East, 43.90 feet (record South 86°14'04" East) to the **POINT OF BEGINNING**;

Containing 4754 square feet, more or less.

October 22, 2012
05-039

EXHIBIT A
(404 Area – East Exception)

THE RANCH AT PRESCOTT UNIT IX
"MYSTIC HEIGHTS"

N 1/4 COR. SEC. 31

404 AREA - REVISED

EAST EXCEPTION TO 404

TRACT "A"
WAL-MART

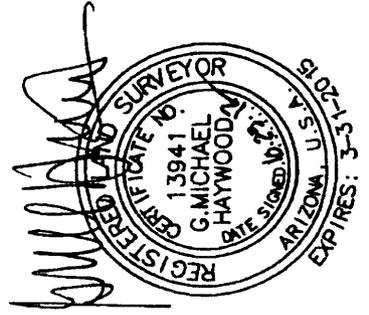


EXHIBIT TO ACCOMPANY
PROPERTY DESCRIPTIONS
SEC. 31, T14N-R1W, G&SRB&M,
YAVAPAI COUNTY, ARIZONA

REVISED: 10-23-12 GMH

NEXUS SOUTHWEST, LLC
REGISTERED LAND SURVEYORS

212 S. MARINA STREET
PRESCOTT, AZ. 86303
(928) 778-5101

JOB NO: 05-039

DRAWN: GMH

CREW: PH/RR

DATE: 10-11-12

CLIENT: R.A.P.

CHECKED: GMH

SCALE: N.T.S.

DATE: 10-11-12

ORDINANCE NO. 4846-1303

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AUTHORIZING THE CONVEYANCE AND ACCEPTANCE OF TITLE TO CERTAIN PROPERTY LOCATED IN SECTION 31 T14N-R1W, AND IN EXCHANGE, ACCEPTING CERTAIN OTHER PROPERTY IN SECTION 31 T14N-R1W FROM BULLWHACKER ASSOCIATES, AND AMENDING A CONSERVATION EASEMENT DEED REGARDING SUCH PROPERTY.

RECITALS:

WHEREAS, Bullwhacker Associates, an Arizona Limited Partnership ("BULLWHACKER" herein) granted a conservation easement to the City of Prescott, Arizona ("CITY" herein), in a Conservation Easement Deed recorded as document 3457802, in Book 39, Page 782 of the official records of the Yavapai County Recorder, covering certain real property described therein and located in Yavapai County, Arizona.

WHEREAS the City Council of the City of Prescott wishes to exchange with Bullwhacker Associates certain properties subject to such Conservation Easement Deed for other property; and

WHEREAS the City Council of the City of Prescott has determined that certain real property, more particularly described in the attached Amendment to Conservation Easement Deed, Exhibit A (404 Area - East Exception) is not needed nor likely to be needed within a reasonable future time by the City; and

WHEREAS Bullwhacker Associates and City desire and intend to amend the above Conservation Easement Deed to omit from the Conservation Easement Deed the property as described in the attached Amendment to Conservation Easement Deed, Exhibit A (404 Area - East Exception), to exchange and deed such property to Bullwhacker Associates, and release such property from the easement described in the above Conservation Easement Deed; and.

WHEREAS Bullwhacker Associates and City desire and intend to amend the above described Conservation Easement Deed to include in the Conservation Easement Deed the property as described in the attached Amendment to Conservation Easement Deed, Exhibit A (West of 404 area) hereto, to exchange and deed such property to the City, and make such property subject to the easement described in the above Conservation Easement Deed, and

WHEREAS, the United States Army Corps of Engineers has approved the amendment of the above described Conservation Easement Deed by the attached Amendment to Conservation Easement Deed in which certain property described above is omitted from such Conservation Easement Deed, and other property described above is to become subject to such easement in the original Conservation Easement Deed.

ENACTMENTS:

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

SECTION 1. THAT the City Council hereby accepts a Special Warranty Deed from Bullwhacker Associates conveying to the City that real property more particularly identified in the attached Amendment to Conservation Easement Deed, Exhibit A (West of 404 area), in exchange for the property described in the Amendment to Conservation Easement Deed, Exhibit A (404 Area - East Exception) to be conveyed by the City to Bullwhacker Associates by Special Warranty deed.

SECTION 2. THAT certain City property as more particularly set forth in the Amendment to Conservation Easement Deed, Exhibit A (404 Area - East Exception), is no longer necessary for public use and the same is hereby conveyed by the City to Bullwhacker Associates by Special Warranty Deed in exchange for the conveyance to the City by Special Warranty Deed of certain other property, more particularly described in the Amendment to Conservation Easement Deed, Exhibit A (West of 404 area).

SECTION 3. THAT the a Conservation Easement Deed described as document 3457802, in Book 39, Page 782 of the official records of the Yavapai County Recorder is hereby amended by the Amendment to Conservation Easement Deed attached hereto.

SECTION 4. THAT the Mayor and Staff are hereby authorized and directed to execute any and all documents in order to effectuate the conveyances of the property described herein and effectuate the approval of the Amendment to Conservation Easement Deed described herein.

SECTION 5. THAT upon approval of the City Attorney of the instruments and legal descriptions of the property described herein it is hereby ordered that this Ordinance be recorded in the Office of the Yavapai County Recorder.

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

MARLIN D. KUYKENDALL, Mayor

ATTEST:

APPROVED AS TO FORM:

LYNN MULHALL, City Clerk

JEAN WILCOX, Interim City Attorney

COUNCIL AGENDA MEMO – January 8, 2013	
DEPARTMENT:	Legal Department
AGENDA ITEM:	Approval of Employment Contract for City Attorney Jon M. Paladini

Approved By:		Date:
City Attorney:	Jean Wilcox	
Finance Director:	Mark Woodfill	
City Manager:	Craig McConnell <i>Craig McConnell</i>	1-3-13

Background

The Charter of the City of Prescott empowers the City Council to appoint the City Attorney of the City of Prescott, and Jon M. Paladini desires to serve as City Attorney upon the terms of the attached Employment Contract.

The contract term is three years, at a salary of \$130,000 per annum. Other customary provisions of employment are as set forth in the agreement.

<p>Recommended Action: MOVE to approve the Employment Contract for City Attorney Jon M. Paladini.</p>
--

EMPLOYMENT CONTRACT OF CITY ATTORNEY

THIS AGREEMENT by and between the **City of Prescott**, a municipal corporation of the State of Arizona, acting through its City Council, hereinafter referred to as "City", and **Jon M. Paladini**, hereinafter referred to as "City Attorney".

WHEREAS, the Charter of the City of Prescott empowers the Council of the City of Prescott to appoint and remove the City Attorney of the City of Prescott; and

WHEREAS, the Council of the City of Prescott desires to employ the services of Jon M. Paladini as City Attorney upon the terms set forth herein; and

WHEREAS, Jon M. Paladini desires to serve as City Attorney of the City of Prescott upon the terms set forth herein.

NOW, THEREFORE, in consideration of the mutual covenants set forth herein, the parties agree as follows:

SECTION 1. APPOINTMENT

City agrees to appoint and employ Jon M. Paladini City Attorney of the City of Prescott.

SECTION 2. TERM

The City Attorney shall serve at the pleasure of the Council of the City of Prescott for a period of three years under this Agreement; said term shall commence on or before February 4, 2012, and may be renewed unless terminated, as set forth herein.

SECTION 3. SALARY

The salary of the City Attorney for the first year of this Agreement shall be \$130,000 per annum.

SECTION 4. SEVERENCE PAY

In the event that the City Attorney is removed from office by the Council of the City of Prescott, the City Attorney shall be entitled to severance pay as set forth below. Severance pay shall mean the gross monthly salary as set from time to time between the parties. In the event the City Attorney is removed within the first year of the term of this Agreement, then the City Attorney shall be entitled to four (4) months severance pay. In the event that the City Attorney is removed during the second year of the term of this Agreement, then the City Attorney will be entitled to five (5) months severance pay. In the event that the City Attorney is removed during the third year, or any time thereafter, during the term of this Agreement, then the City Attorney shall be entitled to six (6)

months severance pay. Should the City Attorney resign under this Agreement, the City Council shall have no obligation to pay severance pay to the City Attorney, but may, at its discretion, determine whether or not severance pay will be paid to the City Attorney. The City shall not be obligated for severance hereunder in the event that the cause for removal shall be felonious conduct while in office, or in the event that the City Attorney shall not have given a minimum of thirty (30) days notice of his resignation.

SECTION 5. REMOVAL OF CITY ATTORNEY

This Agreement may be terminated by the City, acting through the City Council. In accordance with Article IV, Section 4 of the Charter of the City of Prescott, the City Attorney serves at the pleasure of the City Council, and notwithstanding the terms of Paragraph 4 herein, no notice or cause shall be required for his termination.

SECTION 6. COMPLIANCE WITH LAW

The City Attorney agrees to comply with the provisions of the Charter of the City of Prescott, the City Code of the City of Prescott, formal recorded actions of the City Council, and any and all other applicable laws.

SECTION 7. EVALUATIONS OF CITY ATTORNEY

The City Attorney shall be evaluated by the Council of the City of Prescott, on an annual basis.

SECTION 8. SALARY AND BENEFIT ADJUSTMENTS

Following the annual evaluation of the City Attorney by the City Council, the salary and any additional benefits of the City Attorney may be adjusted by the City Council. Section 3 of this Agreement shall be deemed to be so amended by formal recorded vote of the City Council. The balance of the terms contained herein shall remain in effect as written, unless amended in writing and signed by the parties.

SECTION 9. VACATION AND OTHER BENEFITS

In addition to his salary, the City Attorney shall be entitled to all of the benefits accorded him pursuant to the provisions of Title 1, Chapter 20 of the City Code, as amended from time to time, and other applicable City policies. The City Attorney shall be given a one-time credit of 40 hours to the PTO bank on his start date with accrual rate of 4.3154 hours per pay period; City attorney is exempt status and credited 40 hours exempt leave every January to use or lose by end of calendar year; exempt status is not eligible for overtime pay; City attorney will also receive a car allowance of \$400.00 per month and cell phone allowance of \$45.00 per month.

SECTION 11. NOTICE OF RESIGNATION

City Attorney hereby agrees to give a minimum of thirty (30) days notice in the event that he resigns from the office of City Attorney, City of Prescott, Arizona.

SECTION 12. CANCELLATION

Pursuant to A.R.S. §38-511, the City of Prescott may cancel this contract, without penalty or further obligation, if any person significantly involved in initiating, negotiating, securing, drafting or creating the contract on behalf of the City of Prescott is, at any time while the contract or any extension of the contract is in effect, an employee or agent of any other party to the contract in any capacity or a consultant to any other party of the contract with respect to the subject matter of the contract.

SECTION 13. ENTIRE AGREEMENT

The text of this Agreement constitutes the entire agreement between the parties. Any representations, statements, promises, or understanding not contained herein shall be of no continued force, effect or validity.

SECTION 14. SEVERABILITY

The invalidity in whole or in part of any provision hereof shall not affect the validity of any other provision hereof and this Agreement shall remain in full force and effect except as to such invalid provision.

PASSED, APPROVED AND ADOPTED by the Mayor and Council of the City of Prescott this ____ day of _____, 2013.

Mayor Marlin Kuykendall

Attest:

Lynn Mulhall, City Clerk

Jon M. Paladini, City Attorney

COUNCIL AGENDA MEMO – January 8, 2013	
DEPARTMENT:	City Manager
AGENDA ITEM:	Approval of advertisement of a request for proposals to contract out food and beverage services at Antelope Hills Golf Course

Approved By:		Date:
Deputy City Manager:	Alison Zelms	
Finance Director:	Mark Woodfill	
City Manager:	Craig McConnell 	1-2-13

Summary

This item represents the next step pursuant to Council direction of September 25, 2012, to prepare a scope of work and RFP process to contract for all food and beverage operations at Antelope Hills.

Schedule

On September 25th, a draft schedule was provided, indicating an initial 10 to 12 weeks necessary for preparing the RFP and scope of work, and an additional 12 to 24 weeks to complete the RFP process and execute a contract. These timeframes are dependent on the number and type of proposals received. The current schedule for the RFP process is outlined below.

Solicitation Advertisement	January 10, 2013
Mandatory Pre-Proposal Meeting	January 21, 2013
Deadline for Questions	January 30, 2013
Deadline for Addenda	February 4, 2013
Proposals Due	February 14, 2013 at 2:00 p.m.
Council Approval of Agreement	April 9, 2013
Beginning of Initial Term (earliest)	May 1, 2013

Advertisement

This opportunity will be advertised in the local newspaper and on the City website. In addition it will be distributed to the Prescott Chamber of Commerce, Prescott Area Independents, and Arizona Restaurant Association for their membership, and to a list of food service management and golf management companies.

Evaluation Workgroup to Review RFP Responses

As part of the RFP evaluation process, a workgroup to review proposals is recommended. Possible makeup could include up to three Councilmembers, the Golf Course Manager, Deputy City Manager, and public representation by one or two members who have experience in restaurant management or are representative of the

Agenda Item: Approval of advertisement of a request for proposals to contract out food and beverage services at Antelope Hills Golf Course

golf associations. Council input into the makeup of the evaluation workgroup will be helpful in assuring that the goals of the City are achieved.

Beyond the RFP for Food and Beverage Services

Depending on the success of the current RFP process, several next steps are possible.

- 1) If the RFP process is successful, and a contract for food and beverage operations is awarded, then several options remain:
 - a) A second RFP process may move forward for management of the Pro Shop (including tee time scheduling, tournament management, and customer service), golf cart rental and range (maintenance may be included or retained by the City in order to assure proper maintenance of the asset)
 - b) Remaining non-food and beverage golf course services will be retained in-house until at a future time, consideration of outsourcing will resume
- 2) If the RFP process is not successful, or no sufficient proposals are received to move forward:
 - a) An RFP process for management of the entire golf operation, including food and beverage, Pro Shop, golf cart rental and range may ensue with the goal of contracting out all golf operations with one master contract (maintenance may be included or retained by the City in order to assure proper maintenance of the asset)
 - b) A second round RFP process for food and beverage can begin with adjustments based on feedback from respondents to the first process
 - c) The status quo of in house services for all golf course related services can remain with budgetary decisions made to adjust service levels, to reduce cost and increase revenue

Regardless of the success or failure of the initial RFP, the City will have multiple options available to move forward with in-house or alternative management structures with the various operational, maintenance and management components of Antelope Hills Golf Course.

Recommended Action: **MOVE** to approve advertisement of a request for proposals for Antelope Hills Golf Course food and beverage operations and associated facility lease.

COUNCIL AGENDA MEMO – January 8, 2013	
DEPARTMENT:	City Manager
AGENDA ITEM: Approval of Amendment One to City Contract No. 2012-063 with Mountain Bike America, LLC, dba Epic Rides, LLC, for the 2013 and 2014 Whiskey Off-Road Mountain Bike Events	

Approved By:		Date:
Deputy City Manager: Alison Zelms		12/26/2012
Finance Director: Mark Woodfill		
City Manager: Craig McConnell		1.2.13

Summary

This amendment is to further refine the planning and approval processes, and respective responsibilities of the parties, for the remaining two years (2013 and 2014) of the Whiskey Off-Road Mountain Bike Event covered by Contract No. 2012-063 approved September 27, 2011.

Background

Over the last nine years the Whiskey Off-Road has created an economic benefit to the City, not only directly during the multi-day event, but by enhancing the visibility of Prescott as a year-round mountain bike destination.

The presentation to Council by Todd Sadow, President, Epic Rides, on August 7, 2012, quantified the success of the 2012 event. Mr. Sadow is continuing to work with the U.S. Forest Service to increase the number of riders to 2000, and actively pursuing network television coverage of the event. The City and Epic Rides are additionally working jointly to increase attendance at the main concert to be held during the event in 2013 and subsequent years.

Going forward, Epic Rides and the City have also engaged ASU's W.P. Carey School of Business to complete a detailed economic impact study of the 2013 event. Results of this economic impact study will provide important data to inform future changes to the City's agreement with Epic Rides.

Agreement

Section 4 of the Agreement has been revised to make the City responsible for the costs of in-kind services it already requires and presently performs and/or otherwise provides: police, fire/paramedic, trash collection, traffic control and other barricading, as well as the band shell and several other City facilities. The prior cap of \$10,000.00, above which Epic Rides was responsible for additional costs, but over which they had no control, proved to be unworkable, and has been eliminated. For reference, the total cost for these items in 2012 was \$11,455.00, with the City's portion being \$10,000. Revision of Section 4 of the Agreement via Amendment One may increase the cost to

Agenda Item: Approval of Amendment One to City Contract No. 2012-063 with Mountain Bike America, LLC, dba Epic Rides, LLC, for the 2013 and 2014 Whiskey Off-Road Mountain Bike Events

the City in 2013 and 2014 above this level, depending upon the actual support services determined by the City to be necessary.

Financial Impact

Event support has been budgeted and is available in the Transient Occupancy Tax (Bed Tax) Fund.

Attachment - Amendment One

Recommended Action: **MOVE** to approve Amendment One to City Contract No. 2012-063.

**AMENDMENT ONE
TO
CITY CONTRACT NO. 2012-063
2012-2014 WHISKEY OFF-ROAD MOUNTAIN BIKE EVENTS**

WHEREAS, in 2011 the City of Prescott (hereinafter referred to as "City") and Mountain Bike America, LLC, dba Epic Rides, an Arizona Limited Liability Corporation ("Epic Rides"), entered into City Contract No. 2012-063, pertaining to the Whiskey Off-Road Mountain Bike Event; and

WHEREAS, the parties thereto mutually acknowledge the importance of the Bike Event to attract visitors and tourists to the Prescott area in general and specifically to the Prescott Downtown area, for the purpose of facilitating the retention of jobs and improving the economic welfare of the inhabitants of the City; and

WHEREAS, the parties wish to amend said contract to clarify and refine certain respective roles and responsibilities.

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

1. Paragraph 4 of City Contract No. 2012-063 is deleted and replaced in whole to provide the following:

4. The City shall provide certain facilities, equipment and services annually to Epic Rides for this event as follows:

a. The City will provide services such as Police, Fire, Waste removal and Medical services for security safety and traffic control; closures of the roads for the time periods set forth by Exhibit A; trash collection; other barricading required for the Bike Event and safety. The City of Prescott will solely determine the services necessary to reasonably provide for the safety and welfare of the public attending and cyclists competing in the events.

b. The City will pay for infrastructure costs related to services outlined in part 4a of this section and City imposed expenses for other City provided services, including City permitting specific to Epic Rides' annual event application process, rental fees associated with use of City owned or operated facilities, band shell and City parks. The City shall not be responsible for permits/fees required of individual event vendors or by non-City entities.

2. All other provisions of City Contract No. 2012-063 shall remain unchanged and in full force and effect.

DATED this _____ day of _____ 2013.

MOUNTAIN BIKE AMERICA, LLC

By: _____
TODD SADOW
President

DATED this _____ day of _____ 2013.

By: _____
MARLIN D. KUYKENDALL
Mayor

ATTEST:

LYNN MULHALL
City Clerk

APPROVED AS TO FORM:

JEAN WILCOX
Interim City Attorney

COUNCIL AGENDA MEMO – January 8, 2013
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DEPARTMENT: City Manager

AGENDA ITEM: Approval of the 2013 State Legislative Agenda

Approved By:**Date:**

Deputy City Manager: Alison Zelms	12-26-2012
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City Manager: Craig McConnell	<i>Craig McConnell</i>	1-2-13
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Item Summary

This item is to secure Council support for a 2013 State Legislative Agenda that will guide the City's activities during the 2013 Session at the State Capitol.

Background

After Council discussion on December 18, 2012, the Legislative Agenda was refined to bolster the need for local authority, and add pension reform as a specific agenda item (see attached table of forecast FY14 costs).

Formulation of a legislative agenda for the City is intended to better focus our efforts at the Capitol, communicating to the District 1 Legislative Delegation the City's goals and interests for the upcoming session. Speaking with a uniform voice will provide a superior platform for well-developed input and responses to legislation. Time is often critical in being able to influence the outcome of decisions, and a clear agenda will enable the City to respond quickly and consistently throughout the session. This document will work in tandem with the League of Arizona Cities and Towns Municipal Policy Statement, created each year with input from the 91 cities and towns across the state.

Once finalized, Prescott's legislative agenda will be provided to key legislators, as well as the League of Arizona Cities and Towns, to seek their support for the goals, policies, and actions set forth therein, and to inform and equip them with information regarding issues important to Prescott.

Updates regarding the session will be provided during monthly council worksessions once the Legislative session begins, providing a continued opportunity for dialogue.

Attachments

- City Employment Retirement Contribution Information (12/27/12)
- 2013 State Legislative Agenda

Recommended Action: Move to approve the 2013 State Legislative Agenda.

City Employee Retirement Contribution Information

Prepared 12/27/2012

	FY 13 Rate	FY 14 Rate	Increase in Contribution Rates	Estimated Increase in FY 14 Budget	Estimated FY 14 Budget Amount	Est. Annual Avg. Cost Per Permanent Employee
Az State Retirement System						
(Employees 368)						
City Rate	11.14%	11.54%	0.40%	\$ 78,000	\$ 2,238,397	\$ 6,083
Employee Rate	11.14%	11.54%	0.40%			
Public Safety Retirement System						
Fire (Employees 66)						
City Rate	33.92%	43.47%	9.55%	\$ 348,000	\$ 1,583,408	\$ 23,991
Employee Rate	9.55%	10.35%	0.80%			
Police (Employees 71)						
City Rate	41.18%	43.98%	2.80%	\$ 114,000	\$ 1,794,296	\$ 25,272
Employee Rate	9.55%	10.35%	0.80%			
Total				\$ 540,000	\$ 5,616,101	

Note: Employees in each system is based on the permanent employees in the proposed FY 2013 budget.



2013 State Legislative Agenda

The mission of the City of Prescott is to provide superior city services, to create a financially sustainable city and serve as the leader of the region. Prescott is a beautiful, growing city that has a vibrant historic downtown, is the regional economic center for the Tri-Cities, and a first class tourist destination. Prescott is a livable, dynamic community offering a range of housing choices, where residents and guests enjoy an active lifestyle with great recreation and leisure amenities, where people have quality living, where the community acts as a responsible environmental steward, and there is pride in our hometown.

Guiding Principles

Oppose Preemption of Local Authority

SUPPORT the retention of local decision-making authority. Prescott was enabled by its residents to provide an expanded degree of self-government via the City Charter, empowering the Prescott City Council to make decisions recognizing the unique needs and characteristics of the City in the best interests of the community. Unfunded local mandates are no better than those federal mandates imposed on the state of Arizona, which are vocally opposed by many of our legislators due to the cost of implementation and impact to states rights, limiting our Legislature's ability to provide for the individual and specific needs of Arizona. For these reasons, unfunded mandates and preemptive efforts to remove the ability to set policy at the local level should be **OPPOSED**.

Preserve Local Funding

PROTECT existing funding and authorities that bring revenues necessary to the City of Prescott and support the quality of life our residents expect and deserve. This includes protection of state-shared revenues, the ability to collect compensation for uses of public rights-of-way, and opposition to the imposition of new fees by other levels of governments that would increase costs to the City.

State Shared Revenues – Arizona voters chose, through a series of initiatives, to return a portion of tax revenues back to local communities through revenue sharing. This was provided to municipalities in exchange for losses in local taxing authority such as income and luxury taxes. The City Council adopted FY 12/13 General Fund revenues include \$9.5M in state-shared revenues (\$3.3M Sales Tax, \$4.1M Income Tax, and \$2.1M Vehicle License Tax). Those state-shared revenues fund 32% of the City's General Fund Operating Budget of approximately \$29.7 Million and 49% of the \$19.1 Million Public Safety Operating Budget.

SUPPORT cooperative efforts by and among the State, League of Cities and Towns, and other stakeholders to streamline Arizona sales and use taxes in a manner that does not unduly jeopardize funding to municipalities within rural areas of the state, including Prescott.

Legislative Objectives for the 2013 Session

Regulation of Fireworks – In 2010, HB 2246 legalized the *sale* of consumer fireworks throughout Arizona. While the *sale* of consumer fireworks cannot now be prohibited, the bill provided the authority for a city or town to ban the *use* of consumer fireworks within its boundaries. Thank you to Karen Fann for carrying last year's HB 2361 Fireworks Regulation, and support for Prescott's ability to regulate the sale and use of fireworks. We would like to continue to partner toward a successful bill this session. This item has also been incorporated as part of the League of Arizona Cities and Towns 2013 Policy Statement.

OPPOSE efforts to preempt local control of the use of fireworks.

SUPPORT efforts to enable local control over the sale and use of fireworks.

Political Sign Regulations – In 2011, HB 2500 passed, restricting the City's ability to regulate political signs in City rights-of-way (ROW). Although the City was able to enact a local ordinance designated some specific sign-free zones within the City limits due to a high propensity of tourist activity, the entire City deserves equal protection. The enactment of these rules creates situations where signs are placed in City ROW in front of properties owned by residents and businesses that do not support the same political views as the signs might suggest. In general, the proliferation of signs during the last election cycle, the result of this legislation, detracted from the overall scenic beauty and quality of life that residents and tourists expect from Prescott.

SUPPORT efforts to revise this new legislation either designating specific locations where signs will be allowed, or reinstating local authority to limit signs in the ROW.

OPPOSE legislation that would serve to increase the size, quantity, or density of political signs in City ROW.

Consolidated Elections – During the last legislative session, the City of Prescott strongly opposed the approval of HB 2826 consolidated elections. Following legislative approval, Prescott, along with more than 60 cities and towns, sent veto requests to the Governor. This legislation poses a financial concern for the City and Yavapai County Elections. More importantly, it usurps local authority to set local elections which are of purely local concern. As a chartered City, our City Charter dictates the timing and manner of local elections. It is entirely possible, that despite state legislation to the contrary, our local electorate will defeat a charter amendment necessary to align the City with this state law.

SUPPORT League efforts to clarify remaining implementation issues with HB 2826 regarding impacts to term length and alternative expenditure elections.

SUPPORT efforts that would remove chartered cities from the requirements of Consolidated Elections.

State Surcharge on Parking Tickets – SB 1398, which imposed a \$13 assessment on fines and fees related to stopping, standing, or operation of a vehicle, was enacted two years ago. Prescott provided language in an attempt to fix two key issues from 2010's SB1398 which established a \$13 assessment on fines and fees levied based on a local ordinance relating to the stopping, standing or operation of a vehicle. First, elimination of parking tickets from the requirement to charge the \$13 surcharge. Proposed language would allow a City, Town or County to exempt parking tickets from the requirement if they choose. The second provision deals with the spending restrictions on the \$4 local portion of the \$13 assessment. Proposed language would lift the current restriction to only spend on equipment and allow City Councils to allocate the \$4 revenue generated to public safety in general.

SUPPORT efforts to revise the state surcharge to exclude parking tickets.

SUPPORT efforts to revise the use of the local portion of the surcharge to include any/all municipal public safety purposes.

Economic Vitality and Tourism Development – A strong and vibrant economy is essential to the quality of life for the City's residents, businesses, and visitors. Economic Vitality and Tourism Development are two of the primary goals of City of Prescott.

SUPPORT working with the State, other governments, and private enterprises to identify future economic growth opportunities that retain or increase job opportunities.

SUPPORT efforts to increase the visibility of Arizona, Prescott and other Arizona cities and towns as tourism destinations.

OPPOSE legislation that would diminish the ability of local governments to provide supportive services to local businesses or revitalize areas within city boundaries.

OPPOSE efforts that would create additional regulatory or administrative hurdles to the local economic engine.

Supplemental Benefit Plan – HB 2643 was passed last session and required the State and its political subdivisions to establish a supplemental benefit plan for public safety (PSPRS) employees injured while on duty and being paid by worker's compensation. The program must be in place at least from August 2, 2012, through February 2, 2013. This is the type of mandate that directly impacts the City of Prescott's ability to set consistent and affordable local budget and benefit policies, and in turn which essential services, infrastructure, and quality of life programs.

OPPOSE legislation that would expand or extend the program currently mandated past February 2, 2013.

SUPPORT legislation that returns local decisions regarding benefit programs for municipal employees to the municipalities.

Address Adequate Funding and Reforms to State Pension Plans – The systems (Arizona State Retirement System (ASRS), Public Safety Personnel Retirement System (PSPRS), Elected Officials Retirement Plan (EORP), and Correctional Officers Retirement Plan (CORP)) should accumulate sufficient assets during members' working lifetimes to pay all promised benefits when members retire. The City of Prescott participates in two of the four state pension plans, ASRS and PSPRS. Employees and employers pay a substantial amount for each employee in each respective system. In 2014, ASRS employees will split the contribution rate equally with the City, with each contributing 11.54% of the employee's salary to the plan. Prescott will pay PSPRS contributions per employee for Police of 43.98% and for Fire of 43.47% while police and fire employees will pay a contribution of 10.35% of their salary. The employee share for PSPRS is scheduled to increase to 11.65% or a 33.3%/66.7% split between the employee and employer (whichever is less) in FY2016 and thereafter.

OPPOSE legislation that would increase the cost of pension programs to the Employee or Employer without addressing structural deficits in the existing system.

SUPPORT legislation that achieves appropriately funded public employee retirement systems within a reasonable period of time.