



CITY COUNCIL STUDY SESSION MEETING

STUDY SESSION MINUTES

TUESDAY, APRIL 13, 2021, 1:00 PM

201 S. Cortez Street
Prescott, AZ 86303
Council Chambers

Greg Mengarelli, Mayor

Alexa Scholl, Mayor Pro Tem

Steve Blair, Councilman

Phil Goode, Councilman

Cathey Rusing, Councilmember

Steve Sischka, Councilman

Clark Tenney, Councilman

MINUTES OF THE STUDY SESSION OF THE PRESCOTT CITY COUNCIL STUDY SESSION HELD ON
APRIL 13, 2021, IN THE 201 S. CORTEZ STREET PRESCOTT, AZ 86303 COUNCIL CHAMBERS.

1. CALL TO ORDER

Mayor Mengarelli called the meeting to order at 1:00 p.m.

2. ROLL CALL

Greg Mengarelli	Mayor
Alexa Scholl	Mayor Pro Tem
Steve Blair	Councilman
Phil Goode	Councilman
Cathey Rusing	Councilmember
Steve Sischka	Councilman
Clark Tenney	Councilman

3. DISCUSSION

A. 2018 International Fire Code & Amendments Overview

Fire Chief Dennis Light thanked Deputy Chief Moser for his service to the city and announced that he will be retiring in the next 45 days. Deputy Chief Moser came into this position as a novice on fire code

issues and got right up to speed. Staff has met frequently with industry, Council and YCCA to vet the Code and he feels very comfortable with what they have.

Deputy Chief Moser provided a presentation to Council regarding the proposed Amendments to the Fire Code.

Why Are Changes Being Made:

- * ICC Code Cycle is Every Three Years
- * City strives to adopt code every other cycle (in 6 year rotations)
- * City must stay at or ahead of state code cycle – AZ DFFM currently in 2012 IFC, anticipated movement into 2018 IFC in near future

What is the Process:

- * Joint effort by city, PFD, YCCA
- * Dragnet approach to amendment process – each item from team investigated and addressed
- * Stakeholder Feedback – architect and designer meeting in August 2020/General YCCA membership and contractor meeting in March 2021 (changes to riser room and bifurcation of adoption process jointly decided to postpone the adoption of Wildland Fire Codes to get the best possible result)

Reviewing:

- * 2018 IFC only
- * Common Code Topics
- * Only changes to PFD Amendments (blue text vs red text) not the entire 2018 IFC updates

Common Code Topics:

- * Sprinklers – model code require sprinklers in all residential buildings
- * City of Prescott amendments revise that as follows
 - R3 (includes one and two family dwellings) when greater than 5000 sq feet, when 500 ft or more between hydrants or fire flow is not available, congregate living facilities greater than 12 people, and greater than 2 stories
 - All other model code requirements still apply

Proposed Amendments:

- * Chapter 2 Definitions
 - Deleted means it was previously in amendments and has been removed as an amendment for various reasons
 - Detached Building relaxes the threshold and brings in line with IBC amendments for when a second structure is counted in the fire area
 - Other changes bring definitions in line with council direction regarding sober living homes
- * Chapter 3
 - Prohibits lighting and/or release of sky lanterns
- * Chapter 5

- Can't spell out address numbers
- Allows for use of a standard for rural water supplies when calculating fire flow

* Chapter 9

- Eliminated redundant or unnecessary amendments, removed inconsistencies, and restructure for ease of location

- 901.4.6 need to provide riser rooms that are a minimum of 4'x4' with exterior access

- 903.3.5.3 more specific language for hydraulic calculation requirements: single head design for most demanding area, elevation pressure loss from test location to base of riser, clarifies pressure loss for 1 meter sets

- 903.3.5.4 clarified required location of remote inspector test

- 903.3.5.5 well pumps can't supply pressure to sprinklers

* Appendices

- A must be a resident of the city to be on fire board

- D clarifies dead-end fire apparatus turnaround requirements

- O clarifies driveway requirements

- P clarifies automatic gate requirements

Mayor Mengarelli thanked Deputy Chief Moser for his presentation and for his service to the city. He appreciates the work he has done with the community and industry.

Councilman Sischka echoed Mayor Mengarelli's comments.

Councilman Goode thanked Deputy Chief Moser for his work and added that getting to a place of producibility and streamlined process in our codes is important for local contractors.

Councilmember Rusing asked if these amendments are mostly impacting residential or commercial buildings, and if a home has multiple outbuildings like a gazebo/greenhouse/storage shed on their property would they be impacted if they are at least 10 feet apart.

Deputy Chief Moser said that it is a mixed bag and depends on which item you are looking at, some are residential and some are commercial. He added that sprinklers would be impacted by the distance away from the main residence and if under a specific square footage.

Councilman Blair thanked Deputy Chief Moser and stated that he appreciated being involved in the process. His preference is always to have less codes so he is happy that there is flexibility in this update.

Councilman Tenney asked if a citizen has a 4800 sq foot home without sprinklers and they added a 200 sq foot remodel would they have to have to get sprinklers.

Deputy Chief Moser responded that they would look at whether it is a simple remodel or what they percentage is for whether or not sprinklers need to be added. This happens more often with decks which is why they have chosen to look more closely at the WOOI code.

This item was for discussion only, no formal action will be taken.

B. 2020 Annual Water Withdrawal & Use Report

Water Resource Project Manager Leslie Graser provided a presentation to Council regarding the 2020 Annual Water Withdrawal and Use Report.

Annual Reporting:

- * Required pursuant to ARS 45-632
- * In accordance with State of Arizona Groundwater Code the Director of the Department of Water Resources is required to levy and collect an annual groundwater withdrawal fee from each municipality who owns the right to withdraw the groundwater within the Prescott AMA (2020 fee: \$6,789.52)

2020 Summary:

- * Total Water Pumped - 7,512.71 acre feet
- * Total Water Recharged - 5,321.64 acre fee
- * Total Water Use by Customers - 6,783.01 acre feet

Supply Delivered:

- * Groundwater is 45% of total potable supply at 3,358.95 acre feet
- * Recovered Surface Water is 40% at 2,981.84 acre feet
- * Recovered Effluent is 15% at 1,171.92 acre feet
- * Total - 7,512.71 acre feet
- * Non Potable Supply Deliver was 1,659.77 acre feet

All municipal providers have regulation on their allowable lost and unaccounted for water, should be limited to no more than 10% annually based on the 4th Management Plan. City of Prescott is at 9.13%. The state also requires a maximum for gallons per capita per day of water used to be no more than 157, the City of Prescott is at 107 gallons per capita per day so there are no issues at this time. Pumping versus recharge and gallons per capital per day have varied over the years.

Councilman Blair commented that based on this presentation it is clear that current and past Councils have made good decisions with the purchase of Watson and Willow Lakes that are now managed by the city and providing recreational opportunities to our community while maintaining good water policy.

Councilmember Rusing stated that we are in the midst of a 20 year drought and it seems that this will be the new norm so municipalities can't depend on natural recharge. There is a 2200 acre foot deficit between water pumped versus water recharged in 2020 and asked if this typical.

Ms. Graser responded that it is common to see a deficit and added that our area is ahead of the game with regard to recharge but there will likely always be a deficit and you'll never get everything you

pumped out back. There are ways to make the deficit smaller, like connecting sewer etc. but will always have one.

Councilman Sischka thanked staff for the presentation. He also commented that over the last 20 years water levels in wells has varied but only at approximately 1 foot per year based on information provided to Council Subcommittee on Water Issues.

Ms. Graser responded that the water levels in wells vary on location, but there is always fluctuation in trend lines.

Mayor Mengarelli added that the city is well within the state's allocation for pumping, and the fluctuations are relative to the depth of the aquifer itself.

Councilman Tenney asked how our deficit was the last year in comparison to previous years.

Ms. Graser responded that we have closed the gap a bit with different management policies, but with not knowing what precipitation will be like that is difficult to gauge.

Councilman Blair stated that it is always possible to go back and look at getting rid of the golf courses or not draining the lakes but if we do that we miss out on a quality of life. City of Prescott is doing a great deal to put back into the water supply.

Councilman Goode commented on the number of new connections approved so far this year and stated that this is challenging for managing current water portfolio and projecting the expected demand on the upcoming number of dwelling units.

Ms. Graser said that staff could provide an additional study session regarding the specifics of this to discuss current demand versus committed demand of water supply.

Mayor Pro Tem Scholl asked if it's possible that anything else has contributed to groundwater pumping than new hookups for example people remaining at home and not traveling during COVID. She asked if it might be possible to use any of the CARES funds to go toward incentive programs to aid in these scenarios.

Ms. Graser stated that is certainly a possibility also challenges with pipe breaks could contribute to that, non-revenue water, etc. staff is working on gathering that data to look more specifically at some of those things.

Public Works Director Craig Dotseth added that record heat contributed to higher usage and pumping as well, and said that the incentive program could certainly be enhanced.

City Manager Michael Lamar said that is something that staff could look into with regard to CARES

funding and what is allowed or not.

Councilman Sischka asked what was pumped in 2000.

Mr. Dotseth said that he recalls 7800-8200 acre feet was the typical number pumped, there was a drought problem and the bark beetle issue which made pumping higher and population was less at that time as well.

Councilmember Rusing commented on the importance of regional cooperation, Prescott Valley and Prescott pump 75% of the water in the region and it may be beneficial to reach out to them and see if they are open to adopting our water conservation policies.

Ms. Graser said that the percentage of use is difficult to come up with off the top of her head, and Prescott Valley has grown more quickly than Prescott and have their own water management ideas. But, all the local municipalities do try to work closely with regard to water management.

This item was for presentation only, no formal action was taken.

C. Discussion Regarding LDC21-001 a Proposed Amendment to the Land Development Code Article 2, Section 2.4.49 Telecommunication Facilities.

Community Development Director Bryn Stotler introduced a presentation to Council regarding proposed updates to the Land Development Code (LDC) as it pertains to telecommunications facilities. The goal was to take feedback from Council at previous meetings and align with state and federal standards.

City Planner Tammy DeWitt continued the presentation regarding the background of the changes:

- * No changes have been done since LDC adoption in 2003
- * October 27 Study Session, Council provided feedback and suggestion
- * January 2021 Planning & Zoning Commission reviewed current LDC and discussed revisions
- * February 2021 Planning & Zoning Commission discussed further
- * March 2021 Planning & Zoning Commission unanimously recommended approval of modifications to LDC

Updates:

- * Remove outdated language and requirements
- * Adds new definitions from FCC regulations
- * Updates criteria to allow towers to exceed height allowance of zoning district in Commercial (BR & BG) and Industrial
- * Adds criteria to require concealed telecommunications facilities in all zoning districts

Proposed Height Allowance:

- * Concealed telecommunications facilities that meet the height limitations for the underlying zoning

district shall be permitted in the RE-1, SF-35, SF-18, SF-12, SF-9, SF-6, RT, MR-M, MF-H, SPC, MU, RO, NOB and DTB zoning districts

- RE, SF, RT, MF, MU, NOB: 35 foot height allowed
- RO: 25 foot allowed
- DTB: 35 foot allowed, and 50 foot for other uses

* Concealed telecommunications facilities that are less than 70 feet in height shall be permitted in the Commercial (BG & BR) zoning district

- BG: 50 foot maximum height
- BR: 50 foot up to 100 foot with SUP

* Concealed telecommunications facilities that are less than 80 feet in height shall be permitted in all Industrial (IT, IL and IG) zoning districts

- IT: 40 foot height allowed
- IL: 50 foot height
- IG: 50 foot to 100 foot with SUP

* SUP to exceed height allowance - in all districts the city shall have the authority to vary the height restrictions listed in this section through a Special Use Permit upon the request of the applicant and a satisfactory showing of need for a greater height; applicant shall submit technical information or other justifications are necessary to document the need for the additional height to the satisfaction of the Council

- Review Criteria: effect on environment, compatible with surrounding area, external impacts minimized, infrastructure impacts minimized, consistent with general plan and code, parcel size, and site plan

Proposed Changes to Code:

- * Height limited to district height EXCEPT commercial and industrial
- * SUP needed to exceed district height
- * Full public notice and hearings for SUP
- * Colocation encouraged
- * Stealth REQUIRED not ENCOURAGED
- * Ground equipment must be screened

Councilmember Rusing commented that the material for the enclosures should be universal and something that is aesthetically pleasing, like split face, regardless of the location. She also asked if the square footage of the enclosures can be set by code.

Ms. Dewitt responded that this only applies to facilities within city right-of-way, and staff would need to reach out to the industry to determine if the size of the enclosures can be universal because lease sizes can vary.

Planning Director George Worley continued the presentation and commented that there has been a great deal of misinformation regarding the revisions to the code the staff would like to clear up. The amendment was based off of a request from Council and came out of multiple workshops with Council

and Planning & Zoning Commission.

The Amendment:

- * Does not change SUP section of the LDC
- * Does not change requirement to obtain SUP for tower that exceed district height limit
- * Does not remove or reduce the public notice requirements for SUP
- * Does not treat single-family zoning different than multifamily zoning
- * Does not change the concept of preferring to place towers on sites with other improvements
- * Does not remove the requirement to screen equipment associated with the tower
- * Does remove some language from current code related to "performance criteria" because the section does not actually contain performance criteria
- * Does allow cell towers in commercial and industrial zones to gain some additional height automatically as an incentive to locate towers in these zones rather than in residential neighborhoods
- * Does require some form of stealth or concealment treatment of towers in all zoning districts
- * Does encourage collocation of carriers on towers to reduce need for more
- * Does retain requirement for any tower taller than the zoning district allowance to go through SUP process to obtain approval
- * Does include allowance for additional height to be added for collocation of another carrier per FCC 6409

Mayor Mengarelli thanked staff for their presentation and for the clarifications regarding the code amendments.

City Attorney Jon Paladini provided comment to Council as a recap to the previous study session with regard to what Council has control over for cell towers and what is governed federally, and the difference between small cell vs towers. Telecommunications Act of 1996 preserves for local zoning ordinance protections. Prohibiting towers in residential areas would prohibit personal wireless service and therefore be in violation of the act; cannot discriminate against applicants; must do it in a timely manner; must provide written notice as to why to deny an application. All based on 9th Circuit Case law, and council took an oath to uphold the laws of the state and constitution. Code amendment is legally defensible, but have to be able to articulate where in the code a particular application fails in the future.

Mayor Mengarelli asked staff to also clarify the status of a previous application.

Mr. Worley responded that an application previously submitted has been withdrawn.

Mr. Paladini reiterated that this discussion came off of an application from a city site and not a private property application.

Councilman Sischka asked about the cross outs and if they are being removed because they are

redundant.

Ms. Dewitt responded that items being removed are due to redundancy in a different section of the code and emphasized that protections for neighborhoods are not being reduced.

Councilmember Rusing commented that this topic has been causing a lot of stress for residents and she is happy that it is being addressed. She thanked the Planning & Zoning Commission for their review of this process and the citizens from Yavapai Hills that are here exercising their right to speak up. She is in favor of updating the city's Ordinances with the goal of moving towers out of residential areas and feels it is important to maintain local control.

Councilman Goode added that this an example of government chasing technological advancements and not being able to catch up with them and it is naïve to think we'll be able to put this to bed. Need to have these discussions, it is important and also need to ensure that Planning Commissioners are adequately educated and informed for the process and special use permits.

Member of the public Ann Friday addressed Council stating that they are being fed misinformation by staff, proposed amendment for residential portion deletes and harms current residential sections. Responsible citing of towers is a quality of life issue and is not what has been previously discussed. Should retain code as is.

Member of the public Larry Springer addressed Council regarding the optics of the Yavapai Hills application and timing of the rewrite of the Code by staff. He believes Council should keep current code as is.

Member of the public Rob Ratner addressed Council regarding their opportunity to get things right and take their time to do what is best for Prescott citizens. It is the Council's right and duty to protect property rights. Cell towers are commercial and should not be allowed in residential zoning.

Member of the public Eileen Wolfe addressed Council regarding the outside demonstration at today's meeting and concern regarding impact of cell towers on property owners.

Member of the public Wendy Ratner addressed Council regarding not voting on this code change. She believes they should cap the power of a wireless facility, look at negative effects of the towers. How will they help the people of this city.

Member of the public Fran Davis addressed Council regarding the application for Yavapai Hills in conjunction with City Code and didn't see anything signed off by an engineer in the application packet. How can they better define the quality of the applications with actual analysis of need, and is certified engineer sign off required.

City Clerk Sarah Siep read comment from member of the public Mary Kelley as follows: "Our concerns are: By lining out so much of the current ordinance wording, the city relinquishes too much of its

responsibility for, and control over, the permitting of tower structures within the city. How will the City ensure the telecommunication tower locations comply with FCC distance Maximum Permissible Exposure (MPE) requirements? How much effective radiated power will tower installations be radiating? How will the City ensure that installations are in within the FCC's MPE guidelines for general population/ uncontrolled exposure limits? How will the City verify compliance with FCC guidelines? The ordinance with the proposed amendments does not require the company to provide evidence of FCC compliance to the City. There is only a brief generic statement (page 2, D. State and Federal Requirements) saying the company must meet or exceed standards and regulations of the FAA and FCC. Nowhere does the ordinance address how far the cell tower or antennas should be from a residence, in order to be in compliance with FCC regulations. The ordinance should require that the tower structure should be far enough from an adjoining property or roadway such that no part of the structure could fall onto the adjoining property or roadway. If a tower, or part of the tower, falls and damages a homeowner's property for whatever reason (wind, storms or other), how will the company's liability for such damage be enforced in a timely manner? The proposed ordinance fails to prevent the negative visual impact such installations would have in residential areas. Regarding Section K, on page 4, item 3: why is this being deleted? Regarding Section K, items 8, 9, and 21: why are these being deleted?"

Member of the public Jenet Levy addressed Council regarding giving care and consideration to cell tower issues, feels that all protections for residential areas have been removed with these code changes. Redundancy is a good thing and code needs to be complete.

Member of the public Rory Levy addressed Council regarding the dropping of the Yavapai Hills cell tower application being propaganda.

Mr. Worley commented that the changes recommended to Council can be modified and provide input to staff regarding any future date action.

Mr. Paladini commented that if a site closes a significant gap in coverage that can be independently analyzed and then require any potential alternatives; additional changes could be made.

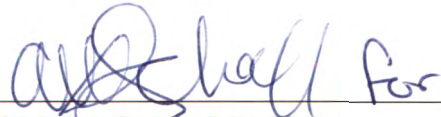
City Manager Michael Lamar commented that staff has presented a cleaner document, however, the redundant information could be added back in if Council prefers that.

Mr. Paladini said yes they can, however, they cannot guarantee that it would meet federal requirements, it is a shield and not a sword.

This item was for presentation only, no formal action was taken.

4. ADJOURNMENT

There being no further business to discuss, Mayor Mengarelli adjourned the meeting at 3:47 p.m.



GREG MENGARELLI, Mayor

ATTEST:



SARAH M. SIEP, City Clerk

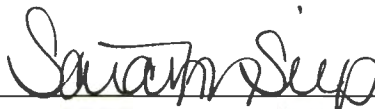
CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Study Session of the City Council Study Session of the City of Prescott, Arizona held on April 13, 2021. I further certify the meeting was duly called and held and that a quorum was present.

Dated this 27 day of April, 2021.

AFFIX
CITY
SEAL





Sarah M. Siep, City Clerk