



CITY COUNCIL VOTING MEETING MEETING

VOTING MEETING AGENDA

TUESDAY, DECEMBER 20, 2022, 3:00 PM

201 S. Cortez Street
Prescott, AZ 86303
City Council Chambers

Phil Goode, Mayor

Brandon Montoya, Mayor Pro Tem

Connie Cantelme, Councilwoman

Eric Moore, Councilman

Cathey Rusing, Councilwoman

Steve Sischka, Councilman

Clark Tenney, Councilman

The following Agenda will be considered by the Prescott **City Council Voting Meeting** at its **Voting Meeting** pursuant to the Prescott City Charter, Article II, Section 13. Notice of the meeting is given pursuant to Arizona Revised Statutes, Section 38-431.02. One or more members of the Council may be attending the meeting through the use of a technological device.

Viewing & Participation

This meeting may be viewed on Channel 64, Facebook Live or on the City's website: [Live Prescott City Council Videos](#)

Or via Zoom by registering in advance: [Zoom Registration Link](#)

Public comments for Council may be submitted through the City website: [Public Comment Form](#)

1. **CALL TO ORDER**
2. **INTRODUCTIONS / ANNOUNCEMENTS**
3. **INVOCATION - Pastor Paul Clemens with Calvary Chapel of Prescott**
4. **PLEDGE OF ALLEGIANCE - Councilman Tenney**
5. **ROLL CALL**
6. **OPEN CALL TO THE PUBLIC**

The City of Prescott welcomes public engagement and residents may comment & address Council on matters NOT included on the Agenda during the Call to the Public. Please complete a green speaker card and submit it to the City Clerk prior to the meeting being convened. Speakers are limited to four (4) minutes, and the Call to the Public will be limited to forty (40) minutes in total.

Please Note: Pursuant to A.R.S. §38-431.01(H), members of the Council may NOT discuss

items that are not specifically identified on the Agenda and, therefore, interaction will be limited to the following:

- 1) Responding to criticism*
- 2) Requests to staff to investigate & report on the matter*
- 3) Request that the matter be scheduled on a future agenda*

7. REGULAR AGENDA

- A. Discussion and Approval of the 2023 Legislative Agenda.

Recommended Action: MOVE to approve the 2023 Legislative Agenda.

- B. Presentation & Discussion from Hinton Burdick Regarding the FY2022 Audit Result and Financial Statements.

Recommended Action: This item is for discussion only. No formal action will be taken.

- C. Adoption of Ordinance No. 2022-1805, Authorizing the Purchase & Acceptance of a Water Line Easement, a Public Water and Sewer Easement, and Approving City Contract No. 2023-003 for a Pipeline Installation Agreement for Section 33.

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AUTHORIZING THE PURCHASE AND ACCEPTANCE OF A PUBLIC WATER EASEMENT FROM KEYSTONE AT PRESCOTT, LLC, AND A PUBLIC WATER AND SEWER EASEMENT FROM GRANITE DELLS ESTATES PROPERTIES II, INC., AND APPROVING A PIPELINE INSTALLATION AGREEMENT, CITY OF PRESCOTT NO. 2023-003, FOR SECTION 33 AND AUTHORIZING THE MAYOR AND STAFF TO EXECUTE ANY AND ALL DOCUMENTS TO EFFECTUATE SAID PURCHASES, EASEMENTS, AND AGREEMENT

Recommended Action: MOVE to adopt Ordinance No. 2022-1805

- D. SITE22-012 & WSA22-020: Approval of Site Plan Application & Water Service Application for VA Apartments on Approximately 1.69 Acres of the 91.56-Acre Complex. Zoning: SPC (Specially Planned Community). Property Owner: US Veterans Administration. Applicant: Stroh Architecture Inc. Location: APN 114-01-001L, 500 N State Route 89.

Recommended Action: 1) MOVE to approve or deny SITE22-012; and 2) MOVE to approve or deny WSA22-020

- E. RVP22-008 & WSA22-031: Approval of a Revision of Plat & Water Service Application for the Preserve at Prescott Phase 5 Adding an Additional Seven (7) Lots to the Overall Approved PAD Development. Property Owner: Westridge Preserve LLC. Applicant: Kelly Wise Engineering Inc.

Recommended Action: 1) MOVE to approve or deny RVP22-008; and 2) MOVE to approve or deny WSA22-031

- F. SITE22-019 & WSA22-038: Approval of Site Plan Application & Water Service Application

for Circle K Expansion. Zoning: BG (Business General). Property Owner: Weed Investments Inc. Applicant: Land Development Consultants LLC. Location: APN 106-21-008L & M, 3101 Willow Creek Road.

Recommended Action: 1) MOVE to approve or deny SITE22-019; and 2) MOVE to approve or deny WSA22-038

- G. SITE22-018 & WSA22-042: Approval of Site Plan Application & Water Service Application for Espire Sports on Approximately 9.97Acres. Zoning: BR (Business Regional). Property Owner: Espire AZ LLC. Applicant: Stroh Architecture Inc. Location: APN 103-20-598J, 3400 Gateway Blvd.

Recommended Action: 1) MOVE to approve or deny SITE22-018; and 2) MOVE to approve or deny WSA22-042

- H. Presentation & Discussion Regarding the Setting of the January to June 2023 Residential & Non-Residential Water Budgets, in Accordance with the 2022 Water Management Policy, Policy No. 11, and Requesting an Interpretation of Policy 14: When an Appeal is Granted, to Establish Whether By So Doing, the Amount of Water Granted in the Appeal Would Reduce the Remaining Budget by a Commensurate Amount.

Recommended Action: 1) MOVE to set the residential water budget for January 1 through June 30, 2023 at 25 acre-feet per year and the non-residential water budget for the same period at 25 acre-feet per year; and 2) MOVE to amend the City's 2022 adopted Water Management Policy to insert the following language at the end of Policy 14 as follows: Option 1: If City Council grants an appeal, the amount of water granted in the appeal would not reduce the remaining budget for that 6-month period by a commensurate amount, OR, Option 2: If City Council grants an appeal, the amount of water granted in the appeal would reduce the remaining budget for that 6-month period by a commensurate amount

8. ADJOURNMENT

EXECUTIVE SESSION

Upon a public majority vote of a quorum of the City Council, the Council may hold an executive session, which will not be open to the public, regarding any item listed on the agenda but only for the following purposes:

- (1) Discussion or consideration of personnel matters (A.R.S. §38-431.03(A)(1));
- (2) Discussion or consideration of records exempt by law (A.R.S. §38-431.03(A)(2));
- (3) Discussion or consultation for legal advice with the city's attorneys (A.R.S. §38-431.03(A)(3));
- (4) Discussion or consultation with the city's attorneys regarding the city's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions conducted in order to avoid litigation (A.R.S. § 38-431.03(A)(4));
- (5) Discussion or consultation with designated representatives of the city to consider its position and instruct its representatives regarding negotiations with employee organizations (A.R.S. §38-431.03(A)(5));

- (6) Discussion, consultation or consideration for negotiations by the city or its designated representatives with members of a tribal council, or its designated representatives, of an Indian reservation located within or adjacent to the city (A.R.S. §38-431.03(A)(6);
- (7) Discussion or consultation with designated representatives of the city to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property (A.R.S. §38-431.03(A)(7)).

THE CITY OF PRESCOTT ENDEAVORS TO MAKE ALL PUBLIC MEETINGS ACCESSIBLE TO PERSONS WITH DISABILITIES. With 72 hours advanced notice, special assistance can be provided for sight and/or hearing-impaired persons at this meeting. Reasonable accommodations will be made upon request for persons with disabilities or non-English speaking residents. Please call the City Clerk (928) 777-1272 to request an accommodation to participate in this public meeting. Prescott TDD number is (928) 445-6811. Additionally, free public relay service is available from Arizona Relay Service at 1-800-367-8939 and more information at www.azrelay.org

Confidentiality

Arizona statute precludes any person receiving executive session information from disclosing that information except as allowed by law. A.R.S. §38-431.03(F). Each violation of this statute is subject to a civil penalty not to exceed \$500, plus court costs and attorneys' fees. This penalty is assessed against the person who violates this statute or who knowingly aids, agrees to aid or attempts to aid another person in violating this article. The city is precluded from expending any public monies to employ or retain legal counsel to provide legal services or representation to the public body or any of its officers in any legal action commenced for violation of the statute unless City Council takes a legal action at a properly noticed open meeting to approve of such expenditures prior to incurring any such obligation or indebtedness. A.R.S. §38-431.07(A)(B).

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



Sarah M. Siep, City Clerk