



CITY COUNCIL VOTING MEETING

VOTING MEETING MINUTES

TUESDAY, DECEMBER 13, 2022, 3:00 PM

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

Phil Goode, Mayor

Brandon Montoya, Mayor Pro Tem

Cathey Rusing, Councilmember

Eric Moore, Councilman

Connie Cantelme, Councilwoman

Steve Sischka, Councilman

Clark Tenney, Councilman

MINUTES OF THE VOTING MEETING OF THE PRESCOTT CITY COUNCIL VOTING MEETING HELD ON DECEMBER 13, 2022, IN THE 201 S. CORTEZ STREET PRESCOTT, AZ 86303 CITY COUNCIL CHAMBERS.

1. CALL TO ORDER

Mayor Goode called the meeting to order at 3:00 p.m.

2. INTRODUCTIONS / ANNOUNCEMENTS

Mayor Pro Tem Montoya thanked city Public Works crews who have been working to keep the streets clear during the snow. He added that snowplow updates are available on the city's Facebook page and website.

This weekend will be the new AZ Christmas City Event in downtown Prescott. And the Granite Mountain Tribute Center will have a live auction through Dec. 22 at the Prescott Gateway Mall visit gmihc19.org for more information.

3. INVOCATION - Pastor Matt Kottman with Solid Rock Christian Fellowship

4. PLEDGE OF ALLEGIANCE - Councilman Moore

5. ROLL CALL

Phil Goode	Mayor
Brandon Montoya	Mayor Pro Tem
Connie Cantelme	Councilwoman
Eric Moore	Councilman
Cathey Rusing	Councilmember
Steve Sischka	Councilman – Excused
Clark Tenney	Councilman

6. OPEN CALL TO THE PUBLIC

Edward Bowe – addressed Council as an Uber driver in Prescott and road maintenance. In September he submitted 40 streets through the city of Prescott website and asked who built the roads/who the contractor/how much the cost was, etc. He hasn't received any feedback from the city regarding these roads that are completely deteriorated.

7. CONSENT AGENDA

MOTION BY COUNCILMEMBER RUSING TO APPROVE CONSENT AGENDA ITEMS 7.A. THROUGH 7.J., EXCLUDING ITEM 7.E. AND 7.G.; SECONDED BY MAYOR PRO TEM MONTOYA: PASSED [6 – 0].

- A. Approval of Minutes from the November 22, 2022 Executive Session, the November 22, 2022 Study Session, and the November 22, 2022 Voting Meeting.
- B. Approval of City Contract No. 2023-110 for the Purchase of Ten (10) Portable Police Radios from Motorola Solutions Using State of Arizona Cooperative Agreement #CTR-046830 in the Amount of \$47,111.56. Funding is Available in the General Fund.
- C. Approval of City Contract No. 2023-107 a Joint Funding Agreement with United States Geological Survey (USGS) for USGS Stream-Gauging of Granite Creek Below Watson Lake, Station ID 09503300 in the Amount of \$5,150.23. Funding is Available in the Water Fund.
- D. Approval of City Contract No. 2023-111 with Custom Truck-One Source for the Purchase of One (1) 2021 Chevy 5500 4x4 Landscape Chip Truck with Dump Body Including Aftermarket Up-fitting in the Total Amount of \$99,750.00 and Authorizing the Surplus of Vehicle Asset Numbers 1098 and 1479 (2005 F550 Chip Truck and 2017 F550 Chip Truck). Funding is Available in the Fire Department General Fund.
- E. Approval of City Contract No. 2023-113 with Evoqua Water Technologies for the Purchase of Materials to Repair One Primary Sludge Collector in the Amount of \$33,651.52. Funding is Available in the Wastewater Fund.

Councilman Moore pulled this Item for further discussion. He asked staff to address the decommissioning of the facility and necessary expenses.

Utilities Manager Steven Olfers responded that the plan is to decommission but we do need to continue doing repairs and maintenance until airport is centralized. The plant runs at 4.75 million gallons per day and will need to be doubled to handle storm flow that comes in at Sundog.

Public Works Director Ashley Couch also commented that plumbing and connections for the buildout are also part of this. Sundog has to continue operating until the plumbing and plant expansion are completed.

MOTION BY MAYOR PRO TEM MONTOYA TO APPROVE ITEM 7.E.; SECONDED BY COUNCILMAN TENNEY: PASSED [6 – 0].

- F. Approval of Acceptance of Governor's Office of Youth, Faith & Family STOP Violence Against Women Grant Program in the Amount of \$180,000.00 with Matching Funds in the Amount of \$45,000 (R.F.G.A. # ST-WSG-20-010121-00, Contract # ST-WSG-20-010121-83 Y3) & Approval to Continue Two (2) Grant Funded Detective Positions on the City's Job Roster.
- G. Approval of City Contract No. 2023-114 for Council Chambers Audio, Video, Cabinetry and HVAC Related Items for 3rd Floor Improvements at The New City Hall (201 N Montezuma Street) with Haley Construction Using City of Prescott Job Order Contract No. 2023-069 in an Amount Not to Exceed \$193,012.05. Funding is Available in the General Fund.

Councilman Moore pulled this Item for further discussion. He asked about accommodations for new Council Chambers.

City Clerk Sarah Siep responded that the city currently meets all assistive requirements, however the new chambers will offer enhanced audio/visual options in order to provide optimal resources for our community.

MOTION BY COUNCILMAN MOORE TO APPROVE ITEM 7.G.; SECONDED BY COUNCILMAN TENNEY: PASSED [6 – 0].

- H. Approval of City Contract No. 2023-118 for the Purchase of Nine (9) Axon Fleet 3 Dash Camera Systems and Supplies Over a Three-Year Contract with Axon in the Amount of \$65,472.01. Funding is Available in the Police Safety Fund.
- I. Approval of City Contract No. 2023-119 for the Purchase of Three (3) Ford F250s from Peoria Ford Using State Contract No. CTR059322 in the Amount of \$170,558.96 & the Purchase of the Up-Fitting Package from Arizona Emergency Products Using Yavapai Contract No. 2018-346 in the Amount of \$88,351.48. Funding is Available in the Fire Department Fund.
- J. Approval of City Contract No. 2023-120 with Station Automation, Inc. for Enterprise Asset Management Software Annual Technical Support & Maintenance in an Amount Not to Exceed \$72,670.00 Using Approved Sole Source Procurement. Funding is Available in the Fire Department Fund.

8. REGULAR AGENDA

- A. Adoption of Resolution No. 2022-1844 Ratifying the Establishment of Prescott City Attorney's Office Diversion Program.

City Attorney Joseph Young provided a presentation to Council regarding the department's existing diversion program. It has not been formalized and so there is no standard for who gets it versus who doesn't. This will clearly establish the framework of the policy.

City Prosecutor Alane Moore continued with some specific details of the program.

Diversion Program:

- * Alternative to prosecution for qualified misdemeanor defendants
- * After filing of criminal case a hold is placed on prosecution and defendant is referred to the diversion program
- * Defendant completes certain requirements towards dismissal of criminal case
- * Gives first time offenders the opportunity to resolve the case without a conviction (disorderly conduct)
- * Connects participants with local programs and resources to address root causes of criminal behavior
- * Establishes a positive first encounter with criminal justice system
- * Encourages involvement and ownership of the community in which participants live
- * Empowers participants to improve their situation through education as well as personal growth and development

Cases Involving:

- * Criminal damage
- * Disorderly conduct
- * Hit and run
- * Criminal traffic
- * Trespass
- * Driving on suspended license
- * Violations of city code (littering, alcohol in public, dog at large)

Mayor Goode asked if any victim crimes would be offered for this.

Ms. Moore responded that victim crimes would never be offered without having a conversation with the victim first.

Who Is Eligible:

- * First time offenders no previous felony/dangerous/violent or serious offense convictions
- * Typically non-victim crimes
- * If offense does not involve the use or exhibition of a deadly weapon or dangerous instrument
- * Not previously enrolled in a diversion program

Councilmember Rusing asked if juveniles and homeless will be included in the program.

Ms. Moore responded that the Superior Court handles juvenile cases and not the city so they would not be included in the program, with regard to the homeless if it is an appropriate resolution and if they are eligible they would be able to participate.

Typical Program Requirements:

- * Recorded participant interview and admission of conduct
- * Minimum of ten (10) hours of community work service
- * Successful completion of life skills program or class
- * Enrollment in counseling or treatment (if necessary)
- * Restitution to victim, paid in full

* Program fee

Mr. Young provided the example of a defensive driving course which is a similar type of program. This will allow the person to have their case stayed in the Court so they have an opportunity to complete the program successfully and have the charges dismissed, but if they don't, they would still be charged.

Upon Successful Completion:

- * Charges are dismissed
- * Participant is introduced to helpful local resources and programs for future use
- * City is strengthened through community work service/participant is engaged and better connected in our City of Prescott diversion improves court efficiency and frees up court resources for more serious cases
- * DUIs would not be eligible

City Benefits:

- * Provides a reasonable middle ground for city residents in program
- * Self funded through program fees
- * In state, city and county statutes there is authority granted for these types of programs. Would like input on the process and address the fee issue, approval of \$350/person who enrolls and any other input from Council.

Councilman Tenney thanked staff for their presentation, he is in favor of this idea in general and with proper parameters. With regard to the fees, he asked for confirmation of how the fees will be paid and if it will unintentionally price out people that may benefit from the program.

Mr. Young responded that the fees are designed to cover costs and not be a punishment, though it may price out some people. \$350 would be as reasonably accurate a rate to do that. Maricopa county hires out third-party providers and their program is more, but our rate is fairly in line with the mid to low end of most programs. He is open to updating the fee amount if Council thinks that is appropriate. The City Attorney's Office handles 2000 cases per year and approximately ¼ of those would likely be eligible.

Ms. Moore added the program fee can be paid during the time they are in the program with a payment plan, but the restitution would have to be paid at one time. Also, some offenders may choose to just go through the justice system in the normal manner.

Mayor Pro Tem Montoya asked if this type of program combats recidivism and asked staff to expand on the resources.

Mr. Young responded that it generally does, primarily because it doesn't leave them with a criminal record that would impact a future job or opportunity. The resources are tailored to the offence; some will be local others are online, now just online but the goal is to find local programs that offer the same services.

Councilwoman Cantelme asked who would pay for the resources and if the City Attorney's Office would be the ones to set the terms for restitution.

Mr. Young stated that sometimes insurance will pay for court ordered treatment, but this is separate from that, and they could seek out their insurance to cover those costs if they chose to do so. Certain monetary amounts move it up to felony and that would get them out of this program.

Ms. Moore responded that the offender should be able to resolve all of these requirements in 90-days, restitution; they would be done by the time they are done with the program.

Councilmember Rusing said this program would incentivize a first-time offender to take responsibility for behavior and hopefully decrease crime.

Recreation Services Director Joe Baynes said that he has done this type of program through the court before and it has been successful, but it needs to be robust. There is certainly cost savings to the city and a big cost offset as well. For example, services like weed abatement require a lot of labor hours and these participants could handle that type of work.

Mayor Pro Tem Montoya asked if the County was running a program.

Mr. Baynes responded they are not currently, but newly elected Judge Mitch Padilla seems to have an interest in establishing that type of program again. The more hours we can get the better the program is.

Mayor Goode commented that he received some concerns regarding assaults and victim crimes, but his concerns with the level of potential violence considered for this program have been alleviated through this presentation. He does have concern with getting the goals they hope we will get from it and would like to see this as a trial program with an 18-month review period to make sure it works and would like staff to return at end of FY24 to update Council.

Councilman Tenney commented that he likes the Mayor's idea but asked staff if there would be any issues with doing it that way.

Mr. Young responded he does not foresee any issues outside of honoring the program for people that are in it should council determine to sunset the program at the end of the trial period.

MOTION BY MAYOR GOODE TO ADOPT RESOLUTION NO. 2022-1844 THROUGH FY24 (JUNE 30, 2024) AND THEN RECEIVE A PRESENTATION TO REVIEW AND EVALUATE PROGRAM SUCCESSFULNESS; SECONDED BY MAYOR PRO TEM MONTOYA: PASSED [6 – 0].

- B. Approval of Payment of Membership Dues to the Upper Verde River Watershed Protection Coalition (Coalition) in the Amount of \$60,000.00 for FY23. Funding is Available in the Water Fund.

Water Resource Project Manager Leslie Graser provided a presentation to Council regarding the current activities of the Coalition. There are four active grants with one wrapping up soon (generally through 2024 and one through 2027). The city sent a letter in November with requirements and the Coalition leadership prepared for a facilitated meeting which took place on Dec. 8th, next Board Meeting will be Jan. 25, 2023.

Mayor Pro Tem Montoya commented that he attended the Strategic Planning Session and he was heartened by the nature of that meeting, the biggest thing for him is the Coalition is operating off an IGA that is very outdated and needs to be revised and update to clarify the mission of this organization. Also budgeting reporting standards would be important to establish. This is a framework for regional cooperation regarding water in our area. He also feels the conservation message needs to be revamped as it is more than 10 years old. Feels Council should approve this funding but do need to review what is happening with the Coalition regularly.

Mayor Goode added that he initiated a regional meeting to discuss conservation and program ideas and when he did so he found out that while the programs exist through the Coalition they aren't actually being used. Regeneration of transparency and expectations through these discussions is encouraging to him.

MOTION BY MAYOR PRO TEM MONTOYA TO APPROVE ITEM 8.B.; SECONDED BY COUNCILMAN MOORE: PASSED [6 – 0].

- C. Approval of Multiple Contracts for Items Related to Supply and Delivery of Water & Wastewater Treatment Chemicals: 1) City Contract No. 2023-115 with Hill Brothers Chemical Company in the Amount of \$300,000.00 Per Fiscal Year; and 2) City Contract No. 2023-116 with Applied Products Group in the Amount of \$40,000.00 per Fiscal Year. Funding is Available in the Water and Wastewater Funds.

Utilities Manager Steven Olfers provided a presentation to Council regarding chemicals provided to disinfect drinking water and effluent at treatment plants. These are required by the Arizona Department of Environmental Quality (ADEQ) so we need to continue to have them.

Mayor Goode asked if this is an extension of what staff has been doing.

Mr. Olfers responded that staff needed to renegotiate due to increased costs and received bids as required by our procurement process. Staff can access various line items as needed/award as necessary.

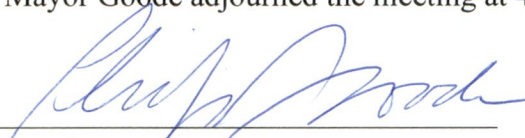
MOTION BY COUNILMAN MOORE TO APPROVE CITY CONTRACT NO. 2023-115; SECONDED BY COUNCILMEMBER RUSING: PASSED [6 – 0].

MOTION BY COUNCILMAN MOORE TO APPROVE CITY CONTRACT NO. 2023-116; SECONDED BY COUNCILMEMBER RUSING: PASSED [6 – 0].

9. ADJOURNMENT

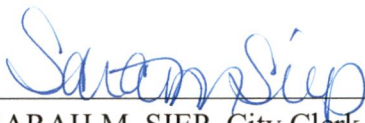
Quote: "We have found in our country that when people have the opportunity to make decisions close to home they make the right ones." "All great change in American begins at the dinner table" - Ronald Reagan

There being no further business to discuss, Mayor Goode adjourned the meeting at 4:10 p.m.



PHILIP R. GOODE, Mayor

ATTEST:



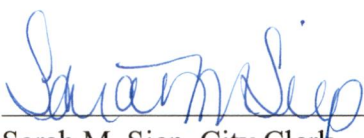
SARAH M. SIEP, City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Voting Meeting of the City Council Voting Meeting of the City of Prescott, Arizona held on December 13, 2022. I further certify the meeting was duly called and held and that a quorum was present.

Dated this 11 day of January, 2023.





Sarah M. Siep, City Clerk