



CITY COUNCIL VOTING MEETING MEETING

VOTING MEETING MINUTES

TUESDAY, SEPTEMBER 27, 2022, 3:00 PM

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

Phil Goode, Mayor

Cathey Rusing, Mayor Pro Tem

Brandon Montoya, Councilman

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 SEPTEMBER 27, 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 Rusing stated that the city continues to host public meetings to discuss the proposed Airport Vicinity Overlay District. These are open house format meetings and members of the public may arrive at any time. The final meeting will be October 5th from 3-5 pm, the Planning & Zoning Commission will continue a public hearing on Thursday, October 13th. Exciting weekend of events with Fall Fest in the Park this weekend on the Courthouse Plaza and 15th annual artist studio tour throughout Prescott. Finally, Ocktoberfest Weekend is this weekend beginning Saturday, October 1st.

3. INVOCATION - Rich Stoffan with Pinerock Camp

4. PLEDGE OF ALLEGIANCE - Councilman Sischka

5. ROLL CALL

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

6. OPEN CALL TO THE PUBLIC

A. Eric Mueller addressed Council regarding apartment complexes for the masses. This would require significant infrastructure and would be a significant change in our community. Apartments are contrary to the values of Prescott. Recommends against any initiative for large apartment complexes as it is taking the community down a slippery slope.

B. Jim Garing addressed Council regarding developers show up at their door thinking they can do things that are not allowed in their Development Agreement (DA) that was approved by Council in September 2004. Development in Prescott Lakes is controlled by that agreement and not city zoning. He discussed the issues with allocation of water in Prescott Lakes.

C. Jim Joannes addressed Council as a resident of Prescott Lakes regarding a proposed complex. He spoke about the development and water issues in the area. New owner as of December 2020 wants to put in this project, despite private property protection act the agreement came before.

D. Robert Sisley addressed Council as President of Board of Directors of Prescott Lakes Community Association regarding the DA and the fact that they have never been approached regarding making changes to it. Spoke with the Mayor a few weeks ago and would suggest that an Ad Hoc Committee be formed between the city and representatives from the community association and residents and work together to come to a solution regarding development within Prescott Lakes.

E. Randall Sowle addressed Council as a resident of Prescott Lakes regarding the sound amplifications in his area, he would be able to smell what they are cooking and hear their noise which would be a major impact to the residents. Could put apartments in a better location.

7. CONSENT AGENDA

MOTION BY COUNCILMAN MONTOYA TO APPROVE CONSENT AGENDA ITEMS 7.A. THROUGH 7.G.; SECONDED BY MAYOR PRO TEM RUSING: PASSED [7 – 0].

- A. Approval of Minutes from the September 6, 2022 Special Executive Session, the September 13, 2022 Executive Session, the September 13, 2022 Study Session and the September 13, 2022 Voting Meeting.
- B. Approval of Appointments of Members to the Pedestrian, Bicycle & Traffic Advisory Committee.
- C. Approval of City Contract No. 2023-031 to Superior Supply Inc. for the City's Annual Crack Sealing Maintenance Program to Supply Crack Seal Materials in an Amount not to Exceed \$200,000.00. Funding is Available in the Streets Fund.
- D. Approval of City Contract No. 2023-052 with Desert Mountain Corporation for the Supply & Delivery of Solid De-Icer Materials in the Amount of \$50,000.00. Funding Is Available in the Streets Fund.

- E. Approval of City Contract No. 2023-059 for the Purchase and Installation of Four (4) HVAC Units from HACI Services LLC. using Yavapai College Job Order Contract No. 21-328 in the Amount of \$54,511.55. Funding is Available in the Risk Management Fund.
- F. Approval to Auction Items at Surplus Auction with Harris Auction.
- G. Approval of City Contract No. 2023-050 for the Purchase of Ten (10) Irrigation Controllers Using Mohave Contract #19K-SITE1-1213 in the Amount of \$59,196.27. Funding is Available in the Park Maintenance Budget.
- H. Approval of City Contract No. 2023-066 a Settlement & Mutual Release Agreement Between HTH Charitable Foundations, Inc. and the City of Prescott.

This item was pulled from the Consent Agenda by Mayor Pro Tem Rusing for further discussion. Stated that we have been working very diligently with Tri-City Prep to come to a reasonable solution. This property is impacted by the Airport and have been negotiating with them to come to a resolution.

Councilman Montoya commented that Chelsea Walton has been working very hard regarding this matter.

Quality Assurance Manager Chelsea Walton stated that she has spoken with Dr. Mary Ellen Halverson regarding the Settlement Agreement and has seen the information regarding the fire lane, and she is good to go.

City Manager Michael Lamar thanked Dr. Halverson for working with the city on this to reach a reasonable agreement.

MOTION BY COUNCILMAN MOORE TO APPROVE CONSENT AGENDA ITEM 7.H.; SECONDED BY MAYOR PRO TEM RUSING: PASSED [7 – 0].

8. CONSENT ORDINANCE

- A. Adoption of Ordinance No. 2022-1812 Authorizing the Sale of Real Property to Delaware Bay Properties LLC.

Mayor Goode commented that this is purely a name change from a previously approved Agreement referencing the Founding Fathers Collective and they changed their LLC name. Simply a restatement of a previous agreement.

MOTION BY COUNCILMAN SISCHKA TO ADOPT CONSENT ORDINANCE ITEM 8.A.; SECONDED BY MAYOR PRO TEM RUSING: PASSED [7 – 0].

9. REGULAR AGENDA

- A. Adoption of Ordinance No. 2022-1814 Authorizing Debt Issuance Through the Water Infrastructure Finance Authority of Arizona (WIFA) for the Intermediate Pump Station, and Declaring an Emergency.

Finance Director Mark Woodfill provided a presentation to Council regarding the acceptance of a loan that Council authorized application of in April for the Intermediate Pump Station. First loan was done in 2019, this item was applied in April at the approval of Council and was awarded in June. However, wording was required from the EPA for forgiven principal and closing was deferred until that could be provided. The goal is to have this done on October 31st, 3.6% interest rate is likely but will be at time of closing for 30-year bond rate. WIFA has been a great partner for the city and over the years approximately \$140 million in WIFA loans for these types of projects have been awarded. This will have a loan forgiveness on principle in the amount of \$1.5 million, over the years \$9.6 million in total forgiveness.

Councilman Montoya asked about the interest rate listed.

Mr. Woodfill stated that the 3.6% is based on a projection from WIFA, if it were to close today it would be 3.1% based on the current rates. Could go up further by the end of October but there are provisions in the future for a 10- year callable option if there is a cost savings.

Mayor Pro Tem Rusing asked if it is possible to renegotiate if rates drop.

Mr. Woodfill responded that the 10-year lock is a municipal standard, but we can do it at that time. Could pay it off in 10 years.

MOTION BY COUNCILMAN TENNEY TO ADOPT ITEM 9.A.; SECONDED BY COUNCILMAN SISCHKA: PASSED [7 – 0].

- B. Approval of City Contract No. 2023-039 with Pavement Restoration Inc. for the FY23 Pavement Preservation Rejuvenation Phase 1 Project in an Amount not to Exceed \$200,000.00. Funding is Available in the Streets Fund.

Capital Program Manager Tim Sherwood provided a presentation to Council regarding the project in Antelope Crossings, Walden Ranch, Granite Dells Parkway, Smoketree Lane, Golden Hawk and a portion of Gail Gardener. This is included in pavement management program and will use reclimate for the preservation. Approximately 26 lane miles in this project and freezes the roadway at its points for 3-5 years in the pavement condition index rating.

Mayor Pro Tem Rusing commented that the bulk of the work is in newer subdivisions, and these are new roads.

Mr. Sherwood responded that these are at least three years old and the responsibility of the city to begin applying now in order to preserve the roads for a longer period of time and maintenance.

MOTION BY COUNCILMAN SISCHKA TO APPROVE ITEM 9.B.; SECONDED BY COUNCILMAN TENNEY: PASSED [7 – 0].

- C. Approval of City Contract No. 2023-056 with Asphalt Paving & Supply, Inc., for the Slaughterhouse Gulch Sewer Crossing Project in the Amount of \$996,996.96. Funding Is Available in the Wastewater Fund.

Capital Program Manager Tim Sherwood provided a presentation to Council regarding the project which will remove an existing sewer main crossing Slaughterhouse Gulch that was built in the 1980s, also remove two abandoned water mains and stabilize the channel. No structure within the creek with this project, this line will continue to run to Sundog. Anticipated completion in mid-October.

**MOTION BY MAYOR PRO TEM RUSING MOVED TO APPROVE ITEM 9.C.;
SECONDED BY COUNCILMAN MOORE: PASSED [7 – 0].**

- D. Approval of City Contract No. 2023-061 with WaterWorks Engineers, LLC, for a Study, Design Concept Report, and Alternatives Analysis for the Remediation of PFAS and Arsenic from City Potable Water Supplies in the Amount of \$96,090.00. Funding Is Available in the Water Fund.

Capital Projects Manager John Kuebrich provided a presentation to Council regarding the agreement. The organization was chosen for the experience in water treatment, facilities, and design. Using them currently as a consultant for the Water Treatment Facility in Chino Valley so staff is very familiar with them. Have improved and enhanced testing based on the PFAS issues. Environmental Protection Agency (EPA) new standard is 70 parts per trillion and will likely have a maximum containment ruling in late 2023-early 2024 so the city is trying to get ahead of the curve. Arsenic regulatory level is 10 parts per billion, the city is operating at 7.5 approximately at this time. Goal is to reduce both of these numbers for the city and the study will also look at technology in evaluations for these items, there is not a one size fits all solution for these granular mediums.

Mayor Pro Tem Rusing expressed her concerns regarding how the mediation techniques might impact the taste of the water and asked if they will be giving the city cost estimates.

Mr. Kuebrich responded that they will look at taste and added that once the report is received at the end of the calendar year the numbers will be provided to Council, likely at the second meeting in January 2023.

Councilman Sischka asked if anyone can measure to .004 parts per million and added that when Lake Powell is full it has 26-million-acre feet of water and this is like pouring a 4 oz beer into that.

Mr. Kuebrich concurred and said measuring to that low an amount is a difficult task, but there are techniques that the EPA uses. The city's goal is to try and get down to a minimally detectible level to possibly not detected. Want to look at all options to see what can be done to get readings as low as possible. Good news is we are getting in front of this and can continue communicating with our citizens.

Mayor Goode said no lab in the U.S. can measure to that, the lowest is 0.6 parts per million and then it is non-detect and that is what the city is aiming for. EPA will likely end up with a number that is within the sensitivity level within these labs.

Mr. Kuebrich confirmed.

Mayor Goode further commented that he has some concerns about the expenses related to this study. The city is paying the firm to conduct a meeting/workshop at a significant amount of money (\$7600), he also objects to the electrocoagulation and other media that doesn't even exist. He wants to see the cost estimate, which is not even part of the total, and feels that this is an extensive amount of money for them to simply draft a report. While he does want to pursue what the best remediations are, he is opposed to paying sky high costs and he is opposed to approval of this contract as it is written. He would like to have staff work with the company and return with something more reasonable.

Mayor Pro Tem Rusing asked if anyone else is bidding on this.

Mr. Kuebrich responded that there is a small group of experts in this area and staff has worked with them before. He added that staff could reevaluate the agreement and speak with them further regarding the terms and bring it back to Council if that is how they would like to proceed.

MOTION BY MAYOR GOODE TO POSTPONE A DECISION ON THIS AGREEMENT UNTIL IT CAN BE REFINED TO A MORE APPROPRIATE COST PROPOSAL AND RETURNED TO COUNCIL FOR REVIEW; SECONDED BY COUNCILMAN SISCHKA: PASSED [7 – 0].

- E. Approval of Contract No. 2023-064 with Asphalt Paving & Supply, Inc. for the Granite Creek Corridor Master Plan Improvements Project in the Amount of \$3,003,266.00. Funding is Available in Various Funds.

Mayor Pro Tem Rusing recused herself from this item due to a conflict of interest related to ownership in Rusing Square which is adjacent to the area.

Deputy City Manager Tyler Goodman provided a presentation to Council regarding the project. He is happy to move this project forward and to advise that the bid is below the engineers estimate and below the budget for the project as well. The project will address flooding, removal of understory of trees, creek flow, etc. No contemplated plan for large removal of trees but will replace elms and other non-natives over a period of many years in order to protect the riparian habitat. Work will begin in Oct-April from Aubrey Street to the Park. Mr. Goodman added that the city has also been awarded a \$1 million grant for this project and will come before Council for approval at the Oct. 11th Meeting.

Councilman Moore asked how the periodic removal of non-native trees will take place and if the grant funds will reduce the city's cost.

Mr. Goodman said there is not anything on paper yet but, staff will work to identify where this needs to be done and how to do so, he confirmed that the grant will reduce the cost of the project for the city's contribution.

Mayor Goode commented that an actual plan for the non-native trees would be preferable, and he would like to have a date certain for the removal of those trees.

Councilman Moore expressed his interest in being involved in the that project.

Councilwoman Cantelme commented that this is a great project and will be excited to see it, she asked if there will be stipulation to size of trees the city is given and if there are ongoing funds to afford the larger trees.

Mr. Goodman stated a specific plan will come forward in the future, the strategic plan does outline a phased plan to not significantly impact the area.

Councilman Sischka commented that it might seem like we are paving because of the name of the contractor but asked for clarification that there will not be paving.

Mr. Goodman confirmed, the work will be very nimble and include smaller equipment to shape the trail, clean out under bridges, update access points. The trail is not being paved but will be improved with compacting and shaving.

Mayor Goode commented that he wants the community to see the design work and planting plans as this project takes shape.

Mr. Goodman said that can come to a study session and then a voting meeting, if necessary in the future.

Member of the public Edward Bowe addressed Council regarding his proposal in April to be the project manager for this project rather than a third-party project to get civilians to work on clearing the creek and it's surrounding area.

Councilman Moore commented that while he appreciates Mr. Bowe's comments, he wonders why he didn't submit a proposal or response to the RFP. The city went through a process and did not receive anything from him.

Mr. Bowe responded that his concept is an ongoing community development project, and he has received positive feedback regarding that in the community. He feels there is no rush on this project.

MOTION BY COUNCILMAN SISCHKA TO APPROVE ITEM 9.E.; SECONDED BY COUNCILMAN MOORE: PASSED [6 – 0].

10. ADJOURNMENT

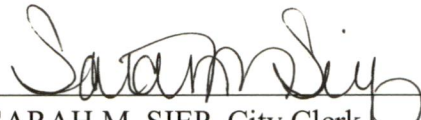
Quote: "These proceedings are closed" - General Douglas MacArthur

There being no further business to discuss, Mayor Goode adjourned the meeting at 4:15 p.m.



PHILIP R. GOODE, Mayor

ATTEST:



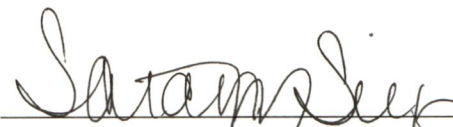
SARAH M. SIEP, City Clerk

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 September 27, 2022. I further certify the meeting was duly called and held and that a quorum was present.

Dated this 26th day of October, 2022.





Sarah M. Siep, City Clerk