



CITY COUNCIL VOTING MEETING MEETING

VOTING MEETING MINUTES

TUESDAY, APRIL 27, 2021, 3:00 PM

201 S. Cortez Street

Prescott, AZ 86303

City 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 VOTING MEETING OF THE PRESCOTT CITY COUNCIL VOTING MEETING HELD ON
APRIL 27, 2021, IN THE 201 S. CORTEZ STREET PRESCOTT, AZ 86303 CITY COUNCIL CHAMBERS.

1. CALL TO ORDER

Mayor Pro Tem Scholl called the meeting to order at 3:00 p.m.

2. INTRODUCTIONS /ANNOUNCEMENTS

None.

3. INVOCATION - Pastor Scott Savage with Prescott Cornerstone Church

4. PLEDGE OF ALLEGIANCE - Councilman Blair

5. ROLL CALL

Greg Mengarelli Mayor - Excused

Alexa Scholl Mayor Pro Tem

Steve Blair Councilman

Phil Goode Councilman

Cathey Rusing Councilmember

Steve Sischka Councilmember

Clark Tenney Councilman

6. PROCLAMATIONS

A. Frank Shankwitz Day - May 1st

Councilman Sischka presented the Proclamation.

B. Motorcycle Safety & Awareness Month - May 2021

Councilman Sischka presented the Proclamation.

C. Municipal Clerks Week - May 2nd - May 8th

Mayor Pro Tem Scholl presented the Proclamation.

7. PRESENTATIONS

A. APS Fire Mitigation & Summer Readiness Program Presentation

APS Northern Arizona Division Director Mackenzie Rodgers provided a presentation to Council regarding the annual APS Fire Mitigation and Summer Readiness Program. APS's goal is to provide a safe and reliable product to customers in conjunction with industry partners. In 2020 there were 700 more fires statewide, fire season is unpredictable. Program is broken down into Prevention, Mitigation and Response. Public Safety Hotline: 602-371-7171 and aps.com/wildfiresafety

8. CONSENT AGENDA

Items listed on the Consent Agenda may be enacted by one motion and one vote. If discussion is required by members of the governing body, the item will be removed from the Consent Agenda and will be considered separately.

MOTION BY COUNCILMAN SISCHKA TO APPROVE CONSENT AGENDA ITEMS 8.A. THROUGH 8.H., EXCLUDING ITEMS 8.C., 8.E. AND 8.H. WHICH WERE PULLED FOR FURTHER DISCUSSION; SECONDED BY COUNCILMAN TENNEY: PASSED [6 – 0].

- A. Approval of Minutes from the April 6, 2021 Executive Session, the April 9, 2021 Strategic Planning Workshop, the April 13, 2021 Study Session, the April 13, 2021 Voting Meeting and the April 13, 2021 Executive Session.
- B. Approval of City Contract No. 2021-162 with CDWG for Microsoft 365 in a Three Year Amount not to Exceed \$187,587.00 using National IPA Contract Number R171001 Pricing. Funding is Available in the Software Fund.
- C. Adoption of Resolution No. 2021-1773 Setting Policy For Contracts with City Officials and City Employees for 2021-2022.

This item was pulled from the Consent Agenda for further discussion.

Councilman Goode commented that based on the Council memo this item should be annually approved in accordance with A.R.S. 38-503 and is primarily a blanket restriction of acquiring services and products from officials and employees, but the most recent Resolution was approved in January 2019 so he is curious why we need to continue to adopt this. He also asked how often the city contracts with employees or officials.

City Attorney Jon Paladini responded that the specific reference is Section C-2 in the statute and current procurement code allows for up to \$5000 without competitive bids and then tiered amounts greater than that.

Finance Director Mark Woodfill said this is very infrequently but the city does have to adopt annually so the item is on file allowing staff to execute contracts as necessary. They research all contracts as they come in and ensure that the Resolution is in place so they can be processed. The Resolution protects the city and protects public funds.

Councilman Blair said this allows people like him to enter into a contract for small dollar amounts for services under \$1000. No longer have a central purchasing department this is necessary to protect public confidence.

Councilman Goode said he has no problem with this if it is still necessary.

MOTION BY COUNCILMAN TENNEY TO ADOPT ITEM 8.C.; SECONDED BY COUNCILMAN BLAIR: PASSED [6 – 0].

- D. Approval RVP 21-006 a Plat Revision to Lot 8R of the Garland Subdivision No. 2 to Incorporate an Adjacent 23' Strip of Land to the Lot.
- E. Approval of FNP20-007, a Final Plat for Willow Lake RV Storage Condominium, Creating 44 Commercial Recreational Vehicle Parcels.

This item was pulled from the Consent Agenda for further discussion.

Councilman Goode commented that this development is appropriate for the area but added that he couldn't make out where the access would be for those spaces. He is concerned regarding the access in that area causing traffic backup.

Planning Director George Worley responded that there are two access points, one along Willow Lake Road from the east/west and one to the west of the alley via a driveway. The ingress/egress meets sanitation and fire department requirements and the city's Traffic Engineer has reviewed and approved.

MOTION BY COUNCILMAN TENNEY TO APPROVE ITEM 8.E.; SECONDED BY COUNCILMAN BLAIR: PASSED [6 – 0].

- F. Approval of City Contract 2021-158 for the Acceptance of an Airport Coronavirus Response Grant in the Amount of \$1,009,434, as Administered by the Federal Aviation Administration.
- G. Approval of Two Items Related to a Wildlife Hazard Assessment and Mitigation Plan at Prescott Regional Airport as Follows: 1) Approval of City Contract No. 2021-159 Accepting a Federal Aviation Administration Grant in the Amount of \$94,323; and 2) Approval of City Contract No. 2019-069A22, an Amendment to City Contract No. 2019-069 with Dibble Engineering for Work Associated with Completion of the Plan in an Amount not to Exceed \$94,323.
- H. Approval of City Contract No. 2021-161 with Traffic Safety, Inc. for the FY21 Annual Pavement Marking Contract Project, in an Amount not to Exceed \$300,000.00 Annually. Funding is Available in the Streets Fund.

This item was pulled from the Consent Agenda for further discussion.

Councilman Goode commented that he has seen a number of quickly deteriorating markings throughout the community, and asked if there are performance benchmarks that the contractor is being held to. He asked if the extensions will be approved annually or if that is done at a staff level.

City Traffic Engineer Ian Mattingly responded that there is a lot of faded stripping around town much of it due to the winter we had. It has been noted for some time that the city would like to improve striping and have increased the budget in order to do so. This increase will enable the contractor to stripe twice annually rather than once annually as has been the case. The new contract also has additional types of paint, thermo and epoxy approved which will help quality and performance standards are included. Annually renewals can be done at a staff level if budget allows.

Councilman Goode added that he would like an annual report on how they are doing.

Staff responded they will provide that.

Councilmember Rusing commented that she does not think this item should have been on the Consent Agenda and added that she feels the condition of our striping is a disgrace and has been since 2019. She doesn't believe we should hire the same company because it doesn't look like they've even done anything.

**MOTION BY COUNCILMEMBER RUSING TO PUT THIS ITEM BACK OUT TO BID.
MOTION DIED DUE TO LACK OF A SECOND.**

Councilman Blair commented that it is important to give the contractor the opportunity to do the striping twice a year and see what the results are. He added that it would be beneficial to have an on-call option in the contract so intersections and areas that are a problem can be addressed as needed.

Mr. Mattingly responded that there are 45 day weather windows for the twice annual projects, and the contract allows for small mobilization as well to have them called in for items as necessary. Warranty periods are built in as well.

Public Works Director Craig Dotseth added that the striping doesn't look good right now, but when it was done it looked great. The city had to spread hundreds of cinder and ice product during the major snow event and that causes wear/tear on the lines. That is why all of these items have been built into the new contract.

Mayor Pro Tem Scholl thanked staff for their work.

MOTION BY COUNCILMAN SISCHKA TO APPROVE ITEM 8.H.; SECONDED BY COUNCILMAN BLAIR: PASSED [5 – 1] [COUNCILMEMBER RUSING DISSENTING]

9. REGULAR AGENDA

- A. Adoption of Ordinance No. 2021-1757 and Resolution No. 2021-1774 Approving the 2018 International Fire Code with Amendments.

Fire Chief Dennis Light provided a presentation to Council regarding the amendments to the Fire Code. The Department and industry partners are happy with the many months of work that have gone into the amendments to the Code.

Councilman Blair thanked staff for their work with local partners and for the fact that they were able to get rid of what wasn't working and realistic for our community.

Mayor Pro Tem Scholl thanked Deputy Chief Moser for his hard work and YCCA for their collaboration.

Councilman Tenney said this speaks to the work we do in the community.

MOTION BY COUNCILMAN BLAIR TO ADOPT ORDINANCE NO. 2021-1757; SECONDED BY COUNCILMAN GOODE: PASSED [6 – 0].

MOTION BY COUNCILMAN BLAIR TO ADOPT RESOLUTION NO. 2021-1774; SECONDED BY COUNCILMAN GOODE: PASSED [6 – 0].

- B. Approval of City Contract No. 2021-156A1, an Amendment to City Contract No. 2021-156 with Sunland Asphalt, for Construction Manager at Risk Construction Services for the FY21 Pavement Preservation Project in an Amount not to Exceed \$1,152,683.87. Funding is Available in the Streets Fund.

City Engineer Aric Stewart provided a presentation to Council regarding the project which will begin

on Williamson Valley Road at West Shadow Valley Ranch Rd to Iron Springs Road and east toward Gail Gardener Way. This is a busy arterial road that needs improvements. Previously used product mitigates hydroplaning and reduces noise levels, however, after 5-7 years the surface condition wears significantly reducing its benefits. This project is being approached as a CMAR project due to the need to remove the previously used product and replace with higher performing product. Focus on smoothness, high performance/last longer with new polymer rubberized chip seal coat. Will also do crack filling in the area, and final treatment of seal coat.

Councilman Goode commented that he drives that road every day and his primary concern is timing.

Mr. Stewart responded they plan to start in next few weeks beginning on Iron Springs Road then after school is out will do Williamson Valley Road, and the project will be complete by the end of this Fiscal Year. Before winter sets in and after monsoon season the contractor will do the final sealing and striping. Lane shutdowns will be primarily just between now and June but access will be maintained in all directions at all times due to the width of the road.

Mayor Pro Tem Scholl commented that she appreciates the planning around school.

Councilmember Rusing asked how long a life this new material will have.

Mr. Stewart responded that it is designed to last 5-10 years but can be covered up with another chip seal at the end of it's life cycle.

MOTION BY COUNCILMAN GOODE TO APPROVE ITEM 9.B.; SECONDED BY COUNCILMAN TENNEY: PASSED [6 – 0].

- C. Approval of City Contract No. 2021-164 to Asphalt Paving & Supply, Inc. to Complete the Remaining Work for the Equestrian Way Water Main Replacement Project in an Amount not to Exceed \$330,663.97. Funding is Available in the Water Fund.

Public Works Director Craig Dotseth provided a presentation to Council regarding the remaining Water Main Replacement project which will cover Equestrian Way, Equestrian Circle and intersections. Project prompted by PVC failures in the area, original contract was unsuccessful at completion so went to second lowest responsive bidder. Anticipated to take up to 45 days to complete work.

Councilmember Rusing asked how the homeowners are getting their water during this process.

Mr. Dotseth responded that the old system is still servicing and the transfer is taking place systematically then the old system will be abandoned.

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

D. Approval of Final Plat of Bradshaw Hills a 33-lot Planned Area Development Subdivision. Site Zoning: Business General; Property Owner: Bear Creek Holdings, LLC; APN: 110-04-031C and 110-04-141J.

Planning Director George Worley provided a presentation to Council regarding the proposed subdivision. Council's determination is if it is in conformance with the preliminary plat. This is an undeveloped site at present, preliminary plat was for 33 lots with access off Bradshaw Drive. Currently zoned business general and single family, with open space designations. Resolution No. 3213 adopted by Council determines what allows approval of the final plat as follows:

- * Section 1 - Except as provided in Section 4 of this policy, a final plat(s) must be in substantial conformance with the corresponding preliminary plat(s).
- * Section 2 - For the purposes of Section 1 of this policy, a proposed final plat(s) is in substantial conformance with the corresponding preliminary plat(s) if it meets all of the following criteria
 - there is no increase in the number of lots
 - the exterior boundaries of the subdivision were not enlarged
 - all exterior connections (streets and emergency access points) were maintained
 - average lot size increased or decreased by no more than 15%, unless the developer has chose a planned area development (PAD), providing for 20% or more of open space
 - the nature and character of the subdivision (e.g. single family residential, multi-family residential, mixed used, etc) is unchanged

Based on information submitted the final plat is in substantial conformance with the preliminary plat.

Councilmember Rusing commented that this has been controversial and she supports private property rights. It has been several years since the plat was originally looked at by the Planning & Zoning Commission and it appears there have been major changes including moving the road. She asked if there is a drainage plan and expressed concerns with traffic issues in the area due to higher traffic volume and no guard rail on Bradshaw.

Mr. Worley commented that there are no substantial changes between the preliminary plat and the final plat. He added that infrastructure planning including drainage, roads, etc took place between the preliminary and final plat by the developer. These items were reviewed and approved by staff based on city codes and general engineering standards.

Public Works Director Craig Dotseth added that staff will look into the issues Councilmember Rusing discussed to ensure the roadway meets standards and there will be construction associated with the water system in that area as well.

Councilman Sischka asked when the preliminary plat was approved. He stated that the set backs were made larger following review of the original plat which was a previous area of concern.

Mr. Worley responded that the preliminary plat was approved by Council in 2019 and concurred that

during the preliminary plat review the setbacks were adjusted based on comments received from the public.

Councilman Tenney said he appreciated the opportunity to discuss in a public forum and discuss great questions, but wanted to clarify that Council is voting on if the final plat is substantially in conformance to the preliminary plat.

Staff confirmed.

City Clerk Sarah Siep read the following comment from member of the public Connie Barnett: "I would like to address concerns that no proper study has been conducted by the city concerning Bradshaw Drive and the impact that this development - both during construction and after - will have. The developer has no incentive to say he should pay for this study and it is not in the neighborhood's best interest and safety for the city to agree with the developer."

Member of the public Gary Souza addressed Council stating that he was never notified about a final plat and has never seen it. Nobody said anything about the change in plans to them. Once the land is cut and scraped it is going to bleed and there is no telling where the water will go. He is concerned that there has been no traffic study and there are issues with access for emergency vehicles. Council needs to look at what is going to happen when these homes go in.

Member of the public Gary Palmer addressed Council regarding his support of the development of Bradshaw Hills, but stated that even after all these meetings there are still more questions than answers beginning with the grading, all 33 lots have been increased by 10 feet each, and the option of two story homes came in at the 11th hour. There are substantial changes and should be sent back to the Planning & Zoning Commission.

Member of the public John Olson addressed Council requesting that the plat be returned to the Planning & Zoning Commission. He says public input was handicapped by lack of conformity with notifications. There was no follow up notification of the original rejected application.

Member of the public Diana Souza addressed Council in opposition of approval of the final plat.

Member of the public Connie Barnett addressed Council and amended her previously submitted comments and stated that she spoke with the City Traffic Engineer today that they are confident that the study was done effectively and won't have a negative impact. She said that she walks her dogs everyday on Bradshaw and is concerned that the study was incomplete and not done physically in the neighborhood. Feels it is extremely dangerous and is concerned about how long this process will take to have the homes built.

Mayor Pro Tem Scholl asked staff to speak to what would happen if the plat isn't approved today.

Mr. Worley said the plat could be modified by the developer but would have to remain in substantial conformance to the preliminary plat or if not begin again at the preliminary plat process and go back to the Planning & Zoning Commission. He added that the initial submission was for a re-zoning which the Planning & Zoning Commission did not approve, then a plat was submitted for existing zoning and that does not require a public hearing. The preliminary plat went to the Planning & Zoning Commission was approved and forwarded to Council.

Councilman Sischka commented that preliminary plat was approved in 2019 as a planned area development which allows change in size of individual lots.

Mr. Worley confirmed, as a PAD the individual lots can be changed.

Mr. Paladini informed council that they have to make a decision as to whether there is a negative answer to one of the items in Section 2 of Resolution No. 3213 and if they cannot articulate the failure that can be proved in one of those items the applicant is entitled to an action against the city if the final plat is not approved.

Councilman Blair asked staff to address the plats and that the preliminary plat was approved by Council in 2019.

Mr. Worley confirmed that the alignment on the final plat is what was submitted to Council in 2019 and approved, the only change is to individual lot sizes which is allowed for within the type of development.

Councilman Tenney asked how many acres the total development is and confirmation that a planned area development can change the individual lot size.

Mr. Worley responded that the development is approximately 10 acres in total and confirmed the allowable lot size changes.

Councilman Goode commented that he feels this is a poorly planned development and dangerous as well, however, Council is in a position now where those conditions have lapsed and the only consideration is whether it is substantially conforming and it is an unfortunate position to be in. That road is going to have to be improved at some point.

**MOTION BY COUNCILMAN SISCHKA TO APPROVE ITEM 9.D.; SECONDED BY
MAYOR PRO TEM SCHOLL: PASSED [5 – 1] [COUNCILMEMBER RUSING
DISSENTING].**

- E. Approval of RVP21-002 a Revision of Plat for Antelope Crossings, Phase 5, Tract T, Creating Three New Residential Lots.

Planning Director George Worley provided a presentation to Council regarding the revised plat for Antelope Crossings changing small portion in Phase 5 creating three lots on Tract T.

Mayor Pro Tem Scholl asked staff to confirm that this revision will not impact the cap on the number of residences in the development.

Mr. Worley confirmed.

Councilmember Rusing asked if there will be any visibility issues with the placement of these homes.

Mr. Worley responded that lines would be judged from pavement and not lot lines and it is a signalize intersection so there will be no interference.

Councilman Goode expressed his concern that a city right-of-way was abandoned and the developer is now building three homes but there will be no benefit to the city.

City Attorney Jon Paladini responded that state law provides that if a right-of-way is abandoned the adjoining property owner gains the rights, there is no “sale” of it. The city regularly abandons unnecessary rights-of-way and easements. The abandonment in this area was done some time ago.

Member of the Public Ralph Hess addressed Council regarding the abandonment of the right-of-way and asked about the city code provision 8-214 allowing the city to determine what is required for the abandonment.

Mr. Paladini responded that Mr. Hess is correct if the city determines if there is value to the easement or right-of-way, if not then staff can initiate the abandonment which was the case with this abandonment.

Councilmember Rusing commented that the city is essentially giving three lots to the developer.

Mr. Paladini responded that even if the parcel was abandoned at the request of the developer it could only be sold at dirt value, the dollar per square foot wouldn't be a share of the sale of a home. The abandonment was not at the request of the developer it was initiated by staff.

Councilman Tenney asked how much right-of-way was abandoned.

Mr. Worley commented that area north and south of the easement was also abandoned and wasn't specific to that area.

City Manager Michael Lamar commented that sometimes when building a road you take more than you need to ensure the road is done appropriately and then can give some back.

Councilman Blair said there has been swapping of lands for road development over the years.

Mr. Hess said it is unclear whether the abandonment was at the request of the property owner or staff.

Mr. Paladini reiterated that this easement was abandoned as initiated by staff and commented that the alignment of that road was dangerous previously and there was a number of right-of-way access changes to accomplish the necessary adjustments.

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

F. Legislative Update.

Assistant to the City Manager Tyler Goodman provided a presentation to Council regarding the ongoing legislative session.

The House is still working on the flat tax proposal, progress is being made to hold cities harmless.

Local Authority:

* HB2551 (misconduct involving weapons; public places) – would be cost extensive for the city and the state, has stalled and is likely not to move forward

Preserve Local Funding:

* HB2668 (homeless grants) – strike everything bill requiring cities over 50,000 dedicate between 10-25% of their public safety grants to establish homeless outreach teams to enforce laws against street camping; a lot of unenforceable policy in this bill. League is meeting with group that is pushing the bills to push through some amendments.

* SB1146 (motor vehicle dealers TPT exemption) - awaiting conference committee

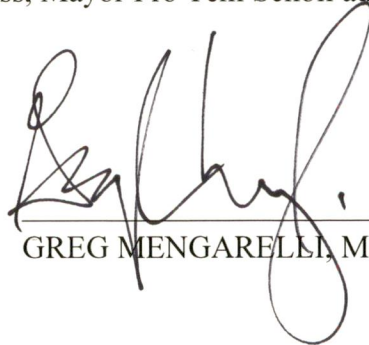
* HB2152 (body camera redactions) - awaiting floor action

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

10. ADJOURNMENT

Quote: "It is amazing what you can accomplish if you do not care who gets the credit." - Harry S. Truman

There being no further business to discuss, Mayor Pro Tem Scholl adjourned the meeting at 5:14 p.m.



GREG MENGARELLI, Mayor

ATTEST:

Sarah M. Siep
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 April 27, 2021. I further certify the meeting was duly called and held and that a quorum was present.

Dated this 12 day of May, 2021.



Sarah M. Siep
Sarah M. Siep, City Clerk