



# CITY COUNCIL VOTING MEETING

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## VOTING MEETING MINUTES

**TUESDAY, APRIL 26, 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

Jessica Hall, Councilwoman  
Steve Sischka, Councilman  
Clark Tenney, Councilman

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MINUTES OF THE VOTING MEETING OF THE PRESCOTT CITY COUNCIL VOTING MEETING HELD ON  
APRIL 26, 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 3:05 p.m.

**2. INTRODUCTIONS / ANNOUNCEMENTS**

Mayor Pro Tem Rusing commented on the time-of-day water guidelines that are currently in place allowing for water between 8 am and 8 pm. This weekend the Whiskey Off Road bike race will be back with events throughout the weekend.

**3. INVOCATION - Pastor Dan Hurlbert with Prescott United Methodist**

**4. PLEDGE OF ALLEGIANCE - Councilwoman Hall**

**5. ROLL CALL**

|                 |               |
|-----------------|---------------|
| Phil Goode      | Mayor         |
| Cathey Rusing   | Mayor Pro Tem |
| Jessica Hall    | Councilwoman  |
| Brandon Montoya | Councilman    |
| Eric Moore      | Councilman    |
| Steve Sischka   | Councilman    |
| Clark Tenney    | Councilman    |

**6. PROCLAMATIONS**

**A. Fair Housing Month - April 2022**

Councilman Moore presented the Proclamation.

**7. OPEN CALL TO THE PUBLIC**

A. Jay Ruby – addressed Council regarding Miller Creek Remediation and Climate Change. To protect people in Prescott we need to address climate change quickly and without hesitation. He highlighted a project at Miller Creek between Lincoln and new apartments on Miller Valley Road which he feels left us with a diluted landscape in an area that was once beautiful. This is ineffective erosion control. Need a public climate watchdog.

**8. CONSENT AGENDA**

**MOTION BY COUNCILMAN MONTTOYA TO APPROVE CONSENT AGENDA ITEMS**

**8.A. THROUGH 8.J.; SECONDED BY COUNCILMAN TENNEY: PASSED [7 – 0].**

- A. Approval of Minutes from the April 12, 2022 Executive Session, the April 12, 2022 Study Session and the April 12, 2022 Voting Meeting.
- B. Approval of City Contract No. 2015-004A4, an Amendment to City Contract No. 2015-004 with Matrix New World Engineering for City Shop UST Mobile Dual Phase Extraction (DPE) Treatment Project in the Amount of \$70,000. Funding is Available in the Streets, Water and Wastewater Funds.
- C. Approval of Multiple Contracts for Supply and/or Delivery of Asphalt, Concrete, Rock, Dirt and Sand as Follows: 1) City Contract No. 2022-185 to Asphalt Paving & Supply, Inc.; and 2) City Contract No. 2022-186 to Vulcan Materials Company; and 3) City Contract No. 2022-191 to Arrowhead Mining and Material in an Amount not to Exceed \$200,000.00 Each Annually. Funding is Available in the Streets, Water, and Wastewater Funds.
- D. Approval of City Contract No. 2022-178 with Arizona Department of Water Resources (ADWR), Accepting Grant Funds in the Amount of \$10,000 for the Redesign of the City's Water Conservation Webpage.
- E. Approval of Multiple Contracts for the Purchase of Calcium Hypochlorite Tablets as Follows: 1) City Contract No. 2022-193 with Hill Brothers Chemical Company in an Amount not to Exceed \$160,000 Annually for a Period of Two Years; and 2) City

Contract No. 2022-194 with Applied Products Group in the Amount of \$20,000 for Applied Products. Funding is Available in the Water Fund.

- F. Approval to Auction Items at Surplus Auction with Harris Auction.
- G. Approval of Appointment of Branden Nunez, Human Resources Director, to the Yavapai Combined Trust Board in Place of Retiring Director Joyce Lira.
- H. Approval of Acceptance of a Certified Local Government Pass-through Grant with no City Match for \$12,000 to be Used for the Historic Preservation Master Plan Update Project.
- I. Approval of City Contract No. 2022-198 with JC Cullen Incorporated DBA Niles Radio for Radio Equipment in an Amount Not to Exceed \$41,554.11 Using State of Arizona Contract No. CTR046831 Pricing. Funding is Available in the IT Budget.
- J. Adoption of Resolution No. 2022-1816, Approving City Contract No. 2022-196 an Intergovernmental Agreement Between the Phoenix Police Department and the Prescott Police Department for Access to the Department of Justice Internet Crimes Against Children Grant.

## **9. REGULAR AGENDA**

### **A. Legislative Update.**

Deputy City Manager Tyler Goodman provided an update on the ongoing Legislative Session. Budget negotiations have put most everything on hold. They have attempted to pass a “skinny budget” which failed and are still negotiating.

Mayor Goode commented that the League weekly call was cancelled this week due to the fight over the budget.

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

### **B. Adoption of Resolution No. 2022-1812 Setting the Policy for Contracts with City Officials and City Employees for 2022-2023.**

Interim City Attorney Matt Podracky provided a presentation to Council regarding this annual Resolution as set by state statute, not to exceed \$1,000 with each expense not to exceed \$200.

Finance Director Mark Woodfill added that this is tracked in Accounts Payable and part of annual audit process, in a community our size you may need to do business with employee or spouse who has outside business, and this sets the guidelines for that.

Mayor Pro Tem Rusing commented that the last sentence lists an amount outside of statute.

Mr. Podracky responded that this allows them to bid and follow standard bid and procurement process.

Mr. Woodfill confirmed.

Councilman Montoya asked how many of these we had last year.

Mr. Woodfill said there was one close, it was an employee's sister, but added that it doesn't come up often, but it does from time to time.

**MOTION BY COUNCILMAN SISCHKA TO ADOPT ITEM 9.B.; SECONDED BY COUNCILMAN MONTOYA: PASSED [6 – 1] MAYOR PRO TEM RUSING DISSENTING.**

- C. Approval of City Contract No. 2022-197, an Employment Contract with New City Attorney.

HR Director Branden Nunez provided a presentation to Council regarding the new City Attorney.

Councilman Montoya commented that he has been well vetted, and he looks forward moving forward with replacing the City Attorney.

Mayor Goode concurred; this is a satisfactory agreement.

Councilman Tenney echoed Councilman Montoya's comments. He will be one of the higher paid people in Prescott, but this is a competitive package for this position and a good value for Mr. Young's qualifications.

**MOTION BY COUNCILMAN MOORE TO APPROVE ITEM 9.C.; SECONDED BY COUNCILMAN TENNEY: PASSED [7 – 0].**

- D. Approval of City Contract No. 2022-200 with Titan Power for IT Data Center Electrical and HVAC Engineering, Equipment, and Installation in an Amount not to

Exceed \$404,426.08 Using State of Arizona Contract No. ADSP018-176583 Pricing. Funding is Available in the IT Fund.

IT Director Nate Keegan provided a presentation to Council regarding the project, will cover electrical and HVAC nuts/bolts. These items are going up in price regularly so he would like to move forward quickly.

Councilman Montoya thanked staff for their thorough information provided in his memos and presentations.

**MOTION BY COUNCILMAN MONTOYA TO APPROVE ITEM 9.D.; SECONDED BY COUNCILMAN SISCHKA: PASSED [7 – 0].**

- E. Public Hearing Regarding the City of Prescott Draft 2022 CDBG Annual Action Plan to 1) Accept CDBG Entitlement Funds from the US Department of Housing & Urban Development (HUD) for the Approximate Amount of \$251,857; 2) Approve the 2022 CDBG Annual Action Plan and Authorize Staff Submittal to HUD; and 3) Close the Public Hearing.

Director of Community Development Bryn Stotler introduced a presentation to Council regarding the CDBG Entitlement Community, part of their program which awards funds annually.

Block Grant Coordinator Michelle Chavez continued the presentation with the requirements for the Block Grant spending. The city has a seven-member Citizens Advisory Committee that meets monthly to review applications and make recommendations, annual action plan will be submitted to HUD following Council approval. Process began back in October.

Annual Program Overview:

- \* Approximately \$251,857
- \* Grant allocations are approved by the Citizens Advisory Committee
- \* 65% spend on Construction, 20% on Administration and 15% on Public Service
- \* This year they received three new applications (one funded = MATFORCE)
- \* New Minor Home Repair Program for LMI Residents (Managed by Prescott Chamber Foundation)
- \* Accessible nature trails at Community Nature Center
- \* New Housing for Vets at the VA Campus

Ms. Chavez reviewed the proposed projects for 2022 including – People Who Care, AZ Service of Prescott College, Polara Health, MATFORCE, Yavapai Big Brothers Big Sisters, New Horizons Disability Empowerment Center, Prescott Chamber of Commerce Foundation, Solari Inc., US Vets, City of Prescott, and Agape House.

Next Steps:

- \* Submit to HUD for approval
- \* Work with agencies on bids, agreements, reports and environmental reviews
- \* Begin work after all reviews and agreements are signed

Mayor Goode commented that he is happy to see new applicants for the program. He asked about the Senior-Peer Mentoring at Polara Health.

Ms. Chavez responded that this helps seniors who are living in isolation, connects them with other older adults to help with those issues.

Mayor Pro Tem Rusing asked if the amount varies annually.

Ms. Chavez responded that it does vary by a few thousand dollars.

**MOTION BY MAYOR PRO TEM RUSING TO ACCEPT CDBG ENTITLEMENT FUNDS IN THE APPROXIMATE AMOUNT OF \$251,857 FROM HUD; SECONDED BY COUNCILMAN TENNEY: PASSED [7 – 0].**

**MOTION BY MAYOR PRO TEM RUSING TO APPROVE THE 2022 CDBG ANNUAL ACTION PLAN AND AUTHORIZE STAFF SUBMITTAL TO HUD; SECONDED BY COUNCILMAN SISCHKA: PASSED [7 – 0].**

**MOTION BY MAYOR PRO TEM RUSING TO CLOSE THE PUBLIC HEARING; SECONDED BY COUNCILMAN SISCHKA: PASSED [7 – 0].**

- F. Approval of City Contract No. 2022-175 with Fann Contracting, Inc. for the Penn Avenue / Eastwood Drive Improvements Project in the Amount of \$10,947,777. Funding is Available in the Streets, Water, Wastewater and Yavapai County Flood Control District Funds.

Construction Services Manager Tim Sherwood provided a presentation to Council regarding the project which includes Penn from Gurley to Carleton, and Eastwood from Carlton to Nevada/Deveroux and intersecting cul-de-sacs. This project is very comprehensive and includes a regional detention basin to alleviate downstream flow issues. Partial funding in the amount of \$840k from Yavapai County Flood Control District

Mayor Pro Tem Rusing asked about the Detention Basin and how many cubic feet it will be. She asked what happens to the dirt that is removed.

Mr. Sherwood said he doesn't have the specific number but will be larger than the one done in recent years at Acker Park. The removed dirt is hauled by the contractor.

Mayor Goode commented that the residents in that area have been very patient as this project has been taking place, happy to see us moving forward.

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

- G. Approval of Multiple Contracts for Chino Valley Tank Coating as Follows: 1) Approval of City Contract No. 2022-187 to Professional Piping Systems, LLC for the Surface Preparation and Coating of the 5MG Chino West Tank Project in the Amount of \$946,550.00; and 2) Approval of City Contract No. 2022-188 with RFI Consultants LLC for Hold Point Coating Inspection Services in the Amount of \$32,148.00. Funding is Available in the Water Fund.

Construction Services Manager Tim Sherwood provided a presentation to Council regarding the project which involves two tanks in Chino Valley that the city operates. The Chino West Tank was originally installed in 1993 and was recently taken out of service/drained to match the east tank which was constructed in 2013. The West Tank requires surface preparation of interior and exterior.

Mayor Pro Tem Rusing asked what the coating is made of.

Mr. Sherwood responded that it has to be NSF Certified when it touches potable water.

Councilman Tenney asked about the number of bids that were received for this project and why there is such a large differential between the low and high bid.

Mr. Sherwood responded that this is a specialized application, and this is rare to see but perhaps that is why.

Mayor Goode asked what the cost of improvements was on the East Tank.

Mr. Sherwood responded that it was approximately \$3.2 million several years ago.

**MOTION BY MAYOR PRO TEM RUSING TO APPROVE CITY CONTRACT NO. 2022-187; SECONDED BY COUNCILMAN MOORE: PASSED [6 – 0].  
COUNCILWOMAN HALL WAS ABSENT FOR THE VOTE**

**MOTION BY MAYOR PRO TEM RUSING TO APPROVE CITY CONTRACT NO. 2022-188; SECONDED BY COUNCILMAN MOORE: PASSED [6 – 0].  
COUNCILWOMAN HALL WAS ABSENT FOR THE VOTE**

- H. Approval of City Contract No. 2017-064A10, an Amendment to City Contract No. 2017-064 with Fann Contracting for Solid Waste Hauling Services in the Amount of \$1,200,000.00 Annually. Funding is Available in the Solid Waste Fund.

City Traffic Engineer Ian Mattingly provided a presentation to Council regarding an amendment for hauling services in FY23, extending the Contract to FY27. Transportation of waste and recycling materials from the transfer station. The amount of the agreement is not changing, future funding will be used upon extension.

Councilman Moore asked about the increase in cost over three years.

Mr. Mattingly responded that there have been stepped increases over the years, primarily based on additional materials to be hauled and also CPI increases.

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

- I. Approval of Multiple Contracts Associated with the Airport Ruger Road Sewer Trunk Main Project as Follows: 1) Approval of City Contract No. 2022-189 to Fann Contracting, Inc. for the Upsizing Phase 1 Project in the Amount of \$3,122,697.00; and 2) Approval of City Contract 2022-001A1, an Amendment to City Contract 2022-001 with Lyon Engineering & Surveying Inc. for Post Design Services in the Amount of \$121,560.00. Funding is Available in the Wastewater Fund.

Construction Services Manager Tim Sherwood provided a presentation to Council regarding the project to accommodate future wastewater flows in the airport area and replacement of a trunk main. Beginning at reclamation facility and ending at southwest border of the airport and realign the trunk main and widening of Melville Road.

Mayor Pro Tem Rusing asked how many phases there will be and what the total costs will be.

Mr. Sherwood responded that there will likely be two more phases of the project, with similar costs anticipated but that can change.

**MOTION BY COUNCILMAN SISCHKA TO APPROVE CITY CONTRACT NO. 2022-189; SECONDED BY COUNCILMAN MONTOKA: PASSED [7 – 0].**

**MOTION BY COUNCILMAN SISCHKA TO APPROVE CITY CONTRACT NO. 2022-001A1; SECONDED BY COUNCILMAN MONTOYA: PASSED [7 – 0].**

- J. Approval of City Contract No. 2022-157A1, an Amendment to City Contract No. 2022-157 with Fann Contracting, Inc. for the FY22 Pavement Rehabilitation Project Phase 2 in an Amount not to Exceed \$325,000.00. Funding is Available in the Street Fund.

Construction Services Manager Tim Sherwood provided a presentation to Council regarding funding for additional pavement removal and improvements on Rainbow Ridge and Windemere Circle. The project will include curb and gutter improvements as well and will encompass a total of 7,800 square yards of additional pavement.

Mayor Pro Tem Rusing commented on the community concerns regarding removal of planters and trees.

Mr. Sherwood responded that he met with residents and feels they came to a good resolution on their concerns.

Councilman Moore asked why this wasn't approved with the original scope of work.

Mr. Sherwood responded that additional areas were identified and determined to be added on to better connect future areas that will be improved.

Mayor Goode asked if there is a long-term improvement project planned for that area.

Mr. Sherwood responded that there is, will likely work from the back out to Lee Road with a flow to not impact the roads that have already been improved. There is a five-to-seven-year plan on this but it all depends on funding.

**MOTION BY MAYOR PRO TEM RUSING TO APPROVE 9.J.; SECONDED BY COUNCILMAN TENNEY: PASSED [7 – 0].**

- K. Adoption of Resolution No. 2022-1818, Adopting the 2022 City Water Management Policy; 2) Setting the Water Use Estimates for Calendar Year 2022 from the Water Resource Management Model (*Policy 3*); 3) Approving a Water Budget for Residential Uses from January 1, 2022 to June 30, 2022 and from July 1, 2022 to December 31, 2022 (*Policy 12*); and 4) Approving a Water Budget for Non-Residential Uses from January 1, 2022 to June 30, 2022 and from July 1, 2022 to December 31, 2022. (*Policy 13*).

This item was discussed after Item 9.L.

Councilman Montoya asked staff if this policy provides better direction when issuing water.

Deputy Public Works Director Gwen Rowitsch responded that the policy is more detailed and will make it easier for staff to administer.

Mayor Pro Tem Rusing commented on Attachment 5 to the Policy and the Water Application Procedure. She believes revisions need to be made to Section 4, Portion E of the attachment related to Water Outside City Limits with an Existing Contract. She provided the example of Deep Well Ranch and stated that administrative approval needs to be approved by Council and the language in this section needs to be tightened up. She proposed an amendment to the Section to read as follows: *"Requests will be scheduled for Water Issues Subcommittee and City Council for consideration"*.

Ms. Rowitsch responded that if that change is made Policy 15 referencing existing contracts would also need to be revised.

Interim City Attorney Matt Podracky commented that presuming there is an administrative review of all water outside city limits that would require a change, however, because Ordinance No. 2022-1787 was approved as it is written, there should not be a change to the language because it mirrors the way the Ordinance is written.

Councilman Tenney said he feels this is different than the Ordinance, however, if someone already has a contract the city is obligated to provide the water. He believes this section should be removed as it is confusing and serves as an SOP to staff only.

Mr. Podracky confirmed, stating you can't impair an existing contract.

Mayor Goode commented that pre-existing contracts that are outdated should be reviewed by Council.

Councilman Tenney asked if Council is comfortable with taking existing contracts and reframing them then dealing with the legal ramifications of that.

Councilman Moore stated that there is already a contract for providing water that will be followed, so this is a moot point.

Mayor Pro Tem Rusing said that if someone comes in with a contract from 1940s Council would never know and there could be issues with it that need to be changed.

Councilman Moore said that part of the administrative process is legal review which would address these issues.

Ms. Rowitsch confirmed, if there is something staff has a question on, they would involve legal to see if there is validity.

Councilman Montoya commented that staff understands that there is increased scrutiny around administrative approvals, and he doesn't feel they would go rogue. He feels that deleting this section would make the most sense particularly because the City Attorney is telling Council that it is unnecessary.

Mr. Podracky confirmed that the cleanest way is not to have the language in at all.

**Councilman Tenney made a motion to Amend Attachment 5 of the Water Policy to delete Section 4 Part E. This motion was withdrawn by Councilman Tenney as Council determined to discuss the policy further.**

Member of the public Leslie Hoy addressed Council thanking them and staff for crafting the updated policy and taking public input. She is looking forward to an updated conservation policy. Ms. Hoy added that she submitted her own set of suggestions throughout the process, some of which were accepted, this is an improvement from what we've had before and hopes we can get through this. There will be future opportunities to fine tune.

Member of the public Ralph Hess addressed Council stating that he has the same questions as he did for Item 9.L. which Council has not answered.

Member of the public Howard Mechanic echoed Leslie Hoy's comments. This is an important issue and added that he feels solicited public comments should be published and posted.

Member of the public Tom Rusing addressed Council stating that an issue as critical to our community as water he feels Council should not distance themselves from. Everything should come through Council so they are aware of what is playing out and what staff is doing.

Ms. Rowitsch commented that twice annually the administrative approvals will be coming before Council for their review which is already done by staff and can be posted on the city website.

Councilman Sischka stated that the 25 acre-feet (AF) water budget is cutting out large multi-family units, we aren't carrying over, so we are sending those complexes to Prescott Valley, but the jobs are here. Then folks complain that we are sending them to a different area to come back into Prescott to work. He is wondering about how that will work out in the overall scope of things.

Councilman Montoya commented that staff has stated they are confident the budget as outlined would meet the needs of applications as they are being received. There will be an ad-hoc committee and a subcommittee that can address what needs to be addressed regarding the water budget if we are not meeting the needs.

Councilman Tenney echoed Councilman Sischka's concerns and comments, doesn't want to see us become Sedona and push all high-density housing outside of our area. He asked staff to confirm Policy 14 which allows a project to appeal the 50% rule.

City Manager Michael Lamar confirmed and stated that staff and Council could still look at projects if they will be beneficial to the city.

**MOTION BY MAYOR PRO TEM RUSING TO ADOPT RESOLUTION NO. 2022-1818 AS WRITTEN; SECONDED BY COUNCILMAN MONTOYA: FAILED [3 – 4]. COUNCILWOMAN HALL, COUNCILMAN MOORE, COUNCILMAN SISCHKA AND COUNCILMAN TENNEY DISSENTING**

**MOTION BY COUNCILMAN TENNEY TO ADOPT RESOLUTION NO. 2022-1818 WITH THE AMENDMENT REMOVING ATTACHMENT 5, SECTION 4.E. FROM THE POLICY; SECONDED BY COUNCILMAN MONTOYA: PASSED [5 – 2]. COUNCILWOMAN HALL AND COUNCILMAN SISCHKA DISSENTING**

**MOTION BY MAYOR PRO TEM RUSING TO SET THE 2022 WATER USE ESTIMATES AS FOLLOWS: SINGLE FAMILY RESIDENTIAL = 0.17 AFY PER DWELLING UNIT, MULTI-FAMILY RESIDENTIAL = 0.12 AFY PER DWELLING UNIT, LANDSCAPING = 1.5 AFY PER 1 ACRE; SECONDED BY COUNCILMAN MONTOYA: PASSED [6 – 1]. COUNCILWOMAN HALL DISSENTING**

**MOTION BY COUNCILMAN TENNEY TO SET THE RESIDENTIAL WATER BUDGET FOR JANUARY 1, 2022 TO JUNE 30, 2022 AND JULY 1, 2022 TO DECEMBER 31, 2022 AT 25 AF FOR EACH PERIOD; SECONDED BY COUNCILMAN MONTOYA: PASSED [5 – 2]. COUNCILWOMAN HALL AND COUNCILMAN SISCHKA DISSENTING**

**MOTION BY MAYOR PRO TEM RUSING TO SET THE NON-RESIDENTIAL WATER BUDGET FOR JANUARY 1, 2022 TO JUNE 30, 2022 AND JULY 1, 2022 TO DECEMBER 31, 2022 AT 25 AF FOR EACH PERIOD; SECONDED BY COUNCILMAN MONTOYA: PASSED [5 – 2]. COUNCILWOMAN HALL AND COUNCILMAN SISCHKA DISSENTING**

L. Adoption of Ordinance No. 2022-1787 Amending City Code Section 2-1-8.

This item was discussed prior to Item 9.K. at the request of Mayor Pro Tem Rusing.

Interim City Attorney Matt Podracky reviewed the concerns expressed by Mayor Pro Tem Rusing who stated that she wants a sentence added to Section B as follows: “*Any provision of water outside the city limits made pursuant to this section 2-1-8- must be approved by the City Council and may not be administratively approved*”.

Mayor Pro Tem Rusing commented that she feels in the interest of public input and transparency these types of things should have to come before Council. Most applicants will be single-family one lot.

Mayor Goode clarified that any administrative approval would have to come back to Council for approval.

Councilman Montoya asked staff to confirm that the bulk of the applications of this kind are for single family homes that abut a main city line and asked how many would meet this qualification.

Deputy Public Works Director Gwen Rowitsch responded that there are significant costs associated with this so there are maybe half a dozen inquiries annually.

Mayor Goode doesn't see unexpected burdens associated with this on staff or on Council.

Councilwoman Hall commented that this is a change for single family homes and asked what the motivation is in trying to make it harder for a person who is trying to abandon a well and get on city water.

City Manager Michael Lamar responded that this is not a city process question it is a transparency question asked by Mayor Pro Tem Rusing.

Mr. Podracky added that this is a policy revision and not a legal issue.

Councilman Tenney echoed Councilwoman Hall's comments, what would be the circumstances in which we wouldn't want a single home to abandon a well and connect to city water. This is a minor issue that should be a slam dunk.

Councilman Moore stated that it is not Council's position to answer questions from the public at an administrative level, it is staff's. He added that he doesn't see why Council needs to be involved in this it should be administratively done.

Mayor Goode responded that Council will review the decision on a rare basis, these are typically very strange parcels with a long distance to the water main.

Mayor Pro Tem Rusing said she believes it gives more transparency and public input.

Councilman Sischka stated that we are dealing with water outside the city limits and one-offs basically and in his opinion not an issue. Administratively approved items coming to Council is a waste of everyone's time, the public in a lot of cases could care less about one house close to a water/sewer line. Choice is such a desirable thing in our society, but we are going out of our way to take this away and it makes no sense to him. Shutting down Prescott's options is not going to help the situation; it is going to hurt it. Prescott is the leader in water management and shouldn't build a wall around itself.

Member of the public Leslie Hoy addressed Council regarding this discussion missing the point of what we are talking about today. She supports Mayor Pro Tem's suggestion for the purpose of transparency and water awareness. She also commented that CWAG Hydrologist has been running the new ADWR models and cumulative overdraft is 6,200 AF and every time we give water to another home we are increasing the overdraft. When water is given without annexation there are none of the benefits that the city would get with annexation. She hopes the Ordinance and policy will be approved today.

Member of the public Howard Mechanic addressed Council regarding water outside the city limits and overdraft. He stated that if we connect to water outside the city limits and collect recharge, we are reducing the overdraft. Doesn't want to increase the number of units or overdraft, the city should be negotiating with property owners to maximize benefits to the city and the community. We have heard that water outside the city limits is bad and would lead to catastrophe but that is not true so why would you tie your own hands and not allow the city to do what is right on an individual basis. His assertion is this is all based on fear.

Member of the public Ralph Hess addressed Council regarding the Ordinance stating that under PCC 2-1-8(b) all connection must return 75% of water usage to recharge and asked what the remedy would be if the customer fails to return and if it be uniform or specific to particular users. He stated that PCC 2-1-8(c)(1-a) seems to set a disparity treatment of political subdivisions and provides water pursuant to an IGA to agencies except water improvement districts. He asked what the criteria and justification is for that and if a developer outside city limits be able to contract with another government agency to enter an IGA to obtain water service.

Councilman Moore commented that we should be able to provide water outside city limits but there is a major disparity because we are saying we don't want to provide water outside city limits, yet this would make that possible. Feels as if some members of Council are trying to make exceptions and being hypocritical with their own policy. Staff is here for the administrative functions.

Councilman Tenney echoed Councilman Moore's comments and said he is confident staff can make these types of decisions.

Councilman Montoya asked if there is a capacity for these to be reported to the Water Issues Subcommittee when they are tapping into the water budget. He does feel there is capacity to create so much oversight that it is an annoyance, this policy, which has taken a lot of effort from a lot of people and Council, should move forward without Mayor Pro Tem's proposed amendment. In addition, there will be an ad-hoc committee that will be reviewing the effectiveness of the policy and staff will be prepared to present the necessary information to the Water Issues Subcommittee.

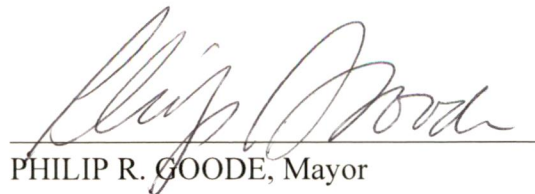
**MOTION BY COUNCILMAN SISCHKA TO ADOPT ORDINANCE NO. 2022-1787 WITH AMENDED LANGUAGE TO PCC 2-1-8(c)(1a) BY STRIKING THE LAST SENTENCE AND ADDING A NEW SENTENCE AS FOLLOWS: *"the city will consider the provision of providing water outside city limits where the council determines that a certain development project benefits the city"*. MOTION DIED DUE TO A LACK OF SECOND.**

**MOTION BY MAYOR PRO TEM RUSING TO ADOPT ORDINANCE NO. 2022-1787 AS WRITTEN; SECONDED BY COUNCILMAN MONTOKA: PASSED [5 – 2]. COUNCILWOMAN HALL AND COUNCILMAN SISCHKA DISSENTING**

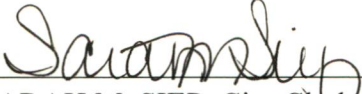
#### **10. ADJOURNMENT**

Mayor Goode thanked everyone for their time on updates to the Water Policy and stated that he is happy to see that the city has a policy that will be more deliberate in management of growth. He asked that everyone keep their eyes on the fire activity and say a prayer for the public safety personnel and residents.

There being no further business to discuss, Mayor Goode adjourned the meeting at 5:22 p.m.

  
PHILIP R. GOODE, Mayor

ATTEST:

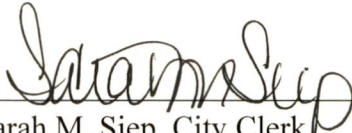
  
SARAH M. SIEP, City Clerk

### **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 April 26, 2022. I further certify the meeting was duly called and held and that a quorum was present.

Dated this 13 day of May, 2022.



  
Sarah M. Siep, City Clerk