



CITY COUNCIL VOTING MEETING MEETING

VOTING MEETING MINUTES

TUESDAY, MARCH 23, 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 Sischa, Councilman

Clark Tenney, Councilman

MINUTES OF THE VOTING MEETING OF THE PRESCOTT CITY COUNCIL VOTING MEETING HELD ON MARCH 23, 2021, IN THE 201 S. CORTEZ STREET PRESCOTT, AZ 86303 CITY COUNCIL CHAMBERS.

1. CALL TO ORDER

Mayor Mengarelli called the meeting to order at 3:01 p.m.

2. INTRODUCTIONS / ANNOUNCEMENTS

Mayor Mengarelli commented on the loss of Prescott Firefighter Tye Seets. Losses like this are always hard, he'd coached Tye in Little League and was there for his badge pinning. This has been a difficult week for the city and he asked that everyone lift Tye's family up in prayer. He commended the Fire Department on their arrangement of services.

Chief Light thanked the Mayor for his comments and added that the Department is honoring their fallen. Tye's Memorial will take place at 10 am on Saturday at Heights Church.

Mayor Pro Tem Scholl welcomed County Supervisor Oberg and others in the audience.

3. INVOCATION

Rev Chris Christy with St. Luke's Episcopal Church was not present

4. PLEDGE OF ALLEGIANCE

Councilman Sischka

5. ROLL CALL

Greg Mengarelli	Mayor
Alexa Scholl	Mayor Pro Tem
Steve Blair	Councilman
Phil Goode	Councilman
Cathey Rusing	Councilmember
Steve Sischka	Councilman
Clark Tenney	Councilman

6. PROCLAMATIONS

A. National Vietnam War Veterans Day - March 29th

Councilman Good presented the Proclamation.

B. National Service Recognition Day - April 6th

Mayor Pro Tem Scholl presented the Proclamation.

7. 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 7.A. THROUGH 7.I., EXCLUDING ITEMS 7.E. AND 7.H. WHICH WERE PULLED FROM THE CONSENT AGENDA FOR FURTHER DISCUSSION; SECONDED BY MAYOR PRO TEM SCHOLL: PASSED [7 – 0].

- A. Approval of Minutes from the March 9, 2021 Executive Session, the March 9, 2021 Study Session, and the March 9, 2021 Voting Meeting.
- B. Approval of City Contract No. 2021-140 with ePlus Technology Incorporated for Endpoint Detection and Response Software in a Three Year Amount not to Exceed \$50,823.29 using NCPA Contract Number 01-97 Pricing. Funding is Available in the Software Fund.
- C. Approval of Water Service Agreement Application No. WSA21-001. Applicant: Dana Fonseca on Behalf of Property Owner NCC Prescott LLC. Location: APNs 114-01-025A, 114-01-035E, 114-01-036B, 114-01-038A, 114-01-038B, 114-02-085, and 114-

02-092A, for a Total of 3.45 Acres, at 401 North Pleasant Street (T14N, R02W, Section 34, SW¼).

- D. Approval of City Contract No. 2021-139 with Harris Auction for Sale of Items at Surplus Auction.
- E. Approval of City Contract No. 2021-062A1, an Amendment to City Contract No. 2021-062, for the Purchase of Waterworks Materials from Core & Main LP in the Amount of \$200,000 for FY21. Funding is Available in the Water Fund.

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

Councilmember Rusing asked staff for additional information regarding the capital improvement project involving expansion of water infrastructure to Zone 12 and Zone 110.

Public Works Director Craig Dotseth responded that the Zone 12 and 110 pipeline project is part of the intermediate pump station project. Staff needs to perform this piece sooner than entire project length in order to properly service customers.

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

- F. Approval of City Contract No. 2019-069A21, an Amendment to City Contract No. 2019-069 with Dibble Engineering for Additional Construction & Inspection Expenses Related to the Taxiway-C Relocation Project, in an Amount not to Exceed \$67,503.00. Funding is Available through Received Grant Funds.
- G. Approval of CSP21-001, a Comprehensive Sign Plan for Calvary Prescott Chapel Located at 2313 E State Route 69. Property Owner: Calvary Chapel of Prescott; Applicant: Lance Pelton of Core Displays; APN: 112-05-024H
- H. Approval of PLN20-004 a Preliminary Plat for Westwood Subdivision, Phases 6 and 7 (Deep Well Ranch 1.48) Located West of Willow Creek Road and North of the Westwood Subdivision. Site Zoning: Special Planned Community (SPC); Property Owner: Dorn Homes; Applicant: Lyon Engineering, Scott Lyon; APN: 102-19-001D, 102-04-001T and 102-19-001C.

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

Councilmember Rusing commented on her concerns regarding a water and gas main line that traverse the plat.

Public Works Director Craig Dotseth responded stating that the easements related to the water mains will be abandoned and the new distribution system will be built to serve the properties. The language

included is boiler plate and all water and sewer reports have been created to verify the system is appropriate for services to the subdivision. He stated that he cannot speak to the gas line, however, the developer will work with necessary utilities as necessary.

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

- I. Approval of Removal of Member from the Industrial Development Authority Board.

8. CONSENT ORDINANCE

MOTION BY COUNCILMAN SISCHKA TO ADOPT CONSENT ORDINANCE ITEMS 8.A. AND 8.B.; SECONDED BY COUNCILMAN BLAIR: PASSED 7 – 0].

- A. Adoption of Ordinance No. 2021-1749 Authorizing the Acceptance of a Public Drainage Easement Agreement from Pronghorn Land L.L.C.
- B. Adoption of Ordinance No. 2021-1748 Authorizing the Abandonment of Unused Portions of Willow Creek Road Right-of-Way.

9. REGULAR AGENDA

- A. Second Public Hearing and Adoption of Resolution No. 2021-1769 for Alternative Expenditure Limit "Home Rule" Ballot Proposition.

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, PROPOSING AN EXTENSION OF THE ALTERNATIVE EXPENDITURE LIMITATION

Finance Director Mark Woodfill provided a presentation regarding the background of Home Rule expenditure limits and reviewed the formula for the expenditure limitation for a period of four years. This will allow the Council to set the expenditure limit through the budget process annually, and lasts for four years.

Timeline Following the Closure of Today's 2nd Public Hearing:

- * Adoption of Resolution placing the alternative expenditure limit on the August 3, 2021 ballot
- * Public record of Council vote and other required information
- * Supporting and opposing arguments are due to the City Clerk by May 4th
- * Voted on at the August 3, 2021 Primary Election

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

**MOTION BY MAYOR PRO TEM SCHOLL TO ADOPT RESOLUTOIN NO. 2021-1769;
SECONDED BY COUNCILMAN SISCHKA: PASSED [7 – 0].**

- B. Approval of City Contract No. 2021-145 Accepting an Arizona Department of Transportation Grant for the Runway 3L/21R Lighting and Signage Project at Prescott Regional Airport - Ernest A. Love Field.

Airport Director Robin Sobotta provided a presentation to Council regarding the lighting project at the airport on the parallel runway. Funding for this project is coming 61% from state funds and a 39% local share. She hopes that additional funding of up to 90% will still be coming. The city's portion is coming from reallocation of previously awarded funds as well. This project will help to create a standardized look for all lighting and signage at the airport.

Councilman Goode thanked Dr. Sobotta for her work in obtaining so much state and federal funding on projects at the airport. This is an example of improvements to public safety for passengers & staff, and new airlines here as well. He is proud of the capacity and improvement of airport operations.

Dr. Sobotta added that the total for grant funding in the last three years at Prescott Regional Airport is \$26 million.

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

- C. Approval of City Contract No. 2021-143, a with Prescott Downtown Partnership for Downtown Management.

Community Outreach Manager John Heiney provided a presentation to Council regarding the contract with Prescott Downtown Partnership for support of Summer Concert Series on the Plaza and future events. Earlier this year the previous contract was scheduled to expire and this new contract increases the previous contract amount by approximately \$20,000 which was presented to the Tourism Advisory Committee who voted to recommend approval for a period of one year with the hope of future funding sources from other places.

PDP President MJ Smith continued the presentation with an overview of the previous agreements between PDP and the City dating back to 2006. PDP no longer collects the fee for events and funding has changed over the years. Get info from slides for each year.

Summer Concert Series:

- * Began in 2007
- * Concerts are held June through August on Tuesdays, Thursdays and Fridays
- * Initially bands played for free, then the fee went to \$200 and is now \$300 per performance
- * 2019 Costs for 28 dates - \$45,300
- * 2020 Costs for 18 dates - \$31,500

- * 2020 Series - had 18 total dates with 18,600 attendees and 30,000 unique views on social media
- * COVID-19 Precautions - continuous restroom monitoring and cleaning, continuous monitoring and replacement of plaza trashcans, purchase and placement of sanitizer and hand wash stations, purchase and placement of Yavapai Community Health Services "stay healthy" signage throughout the plaza

Summer Concert Series Live Streaming:

- * Available to view on Facebook, Instagram and YouTube
- * First concert on June 4 - 674 unique views with one static camera
- * Final September Concert - 3000 views per show with two static cameras and one operated camera
- * Prescott Pro Sound sponsored the livestream at no cost
- * 29,976 people tuned in

2021 Summer Concert Series:

- * 28 dates planned
- * Tuesday Jazz Night and Thursday Prescott Sings
- * 3rd Thursday Big Bands
- * Friday Night Rock
- * Juneteenth Jazz Festival
- * June 1 - August 27
- * Cost Increases - additional charges from Prescott Pro Sound due to ownership changes and inflation of costs since last change in 2003 totaling \$27,500

Mayor Mengarelli thanked Ms. Smith for her dedication and for continuing these special events in light of the pandemic, these are the things that make Prescott special.

Councilman Tenney commented on being part of the Tourism Advisory Committee meeting and added that the city has been getting this at a tremendous value over the last many years so this increase has really paid for itself. This is a huge part of the history of Prescott, it is #3 of the American Planning Association events.

Councilmember Rusing added that her parents retired here in the 1970s and bought a home on Park and loved to walk downtown to go to these events and it is important to continue it.

Mayor Pro Tem Scholl thanked Ms. Smith and PDP for their work, this is an important part of the Prescott Summer. She is happy to support it.

Councilman Goode echoed Council comments. The Summer Concert Series impressed him when he first moved here.

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

D. Discussion and Possible Action Regarding the City of Prescott Temporary Parklet

Program.

Mayor Mengarelli commented that the Parklet program was put into place in order to help our local businesses through COVID-19 restrictions. Staff worked diligently to put something together and come up with the best possible solutions, he commended staff for hard work and ingenuity during all of this. As numbers are going down and some restrictions are being lifted he felt it was important for council to take another look at the temporary program.

Community Outreach Manager John Heiney provided a presentation to Council regarding the background of the program and added that before them today is a choice to either select a date to sunset the current temporary program or continue it as is. Many restaurants still have limited occupancy because of social distancing requirements.

Mayor Mengarelli asked for confirmation that if a sunset date is selected, businesses would be given 30 days from that time to remove their parklet.

Staff confirmed.

Councilmember Rusing thanked staff for moving ahead with the parklet idea to help our downtown restaurants stay in business and provide a safer environment for their customers and staff. She added that she volunteers at the vaccination clinic at Sears and they plan to continue vaccinations through the summer so it makes sense to her to extend the program for 60 days and have them parklets removed by the end of May.

Councilman Tenney echoed Councilmember Rusing's comments about staff's work on the temporary program, but added that he has often seen the parklets empty but surrounding parking spots full. He feels that terminating the program sooner rather than later would be his preference.

Councilman Goode commented that the intentions were good but in his opinion the benefits to a few establishments didn't counteract the detrimental impacts to others. He has had numerous conversations with business owners who have been negatively impacted with valuable parking spaces being taken away for many months. His recommendation would be to sunset the current program effective April 1st and have the parklets removed by the end of April.

Councilman Sischka added that we allowed the parklets to continue through the winter when they weren't going to be used and echoed comments from other Councilmembers. He feels it is time to sunset the parklets, and added that if something like this continues in the future it is on the taxpayers dime and the restaurants should have to pay for the increased space. With regard to a sunset date, he believes by the end of May the parklets should be down.

Mayor Pro Tem Scholl thanked staff for their work, she commented that it has been disappointing to see the division between some of the downtown businesses over this. She prefers eating outside, but it is

time to sunset the program and look at something more permanent for the future. She asked about the to-go parking spots for restaurants and if those will continue.

Mr. Heiney responded that they are continuing, however, businesses have been notified that they'll go down to only one spot and then to zero after April 15th.

Councilmember Rusing commented that we all agree that it needs to be sunset but the thoughts on dates are different.

City Clerk Sarah Siep read the following comments from members of the public:

The Palace - "Our preference, and all the other Whiskey Row merchants on the petition signed last year, is that the parklet be taken down permanently. We totally understand that the initial intent of the city in approving it was well intentioned to help out businesses in unchartered waters. We do not believe this has been the case. If the council decides to continue the temporary permit for the parklet on the Row, we would suggest that it be required to be open during all regular business hours (barring extreme inclement weather.) It has been closed completely for almost three months, and was only open for very limited hours before that. If the business cannot afford to open it, or sales do not justify the minimal staffing it requires, then we contend that any appreciable financial benefit to that business does not exist, yet the impact on the other merchants is ongoing. One business taking up that many parking spaces all day, everyday, for a space that is never, or hardly ever used is, we are sure, is not what was intended. As has been brought up before if we remember correctly, the retail value to merchants is about \$35,000 per parking space per year. (Forgive us if this number isn't exact.) That is a huge loss in sales for all the other businesses and is, we believe, benefiting no one. We appreciate your time in reading this, and look forward to your comments."

Sherrie Rabellino - "We would like to kindly request removing the Jersey Lilly Parklett on Whiskey Row as soon as possible. We do not support this parklett remaining or reappearing as a seasonal business that only benefits one merchant. We, as fellow business merchants on Whiskey Row, were happy to support our fellow business owners when last year when the Pandemic affected us all. Now that the emergency and panic is over and most businesses have returned to normal, there is no need to award one single business a benefit that affects us all in a negative way. Article 9, Section 7 of the Arizona Constitution, referred to as the Gift Clause, provides: Neither the state, nor any county, city, town, municipality, or other subdivision of the state shall ever give or loan its credit in the aid of, or make any donation or grant, by subsidy or otherwise to any individual, association or corporation. The city has elected to gift public property to one individual. It is not fair to the businesses it blocks and sits in front of. Please keep in mind, this parklet even in the early days was closed more than it was open. It currently has not been used at all for at least 3 months. Yet, every day and night, it takes up valuable parking, blocks several businesses store fronts and is simply not necessary. It benefits only one at the detriment to others. Please feel free to contact me if further information is needed."

Member of the Public Josh MacKraver addressed Council regarding the temporary program, he added that bars are different than restaurants and is only able to use the parklet during specific hours. He feels it would be helpful to have the parklets during the summer months, and for the city to allow music on them as well. He stated that businesses below him had informed him that their books have not been impacted by the parklet and that The Palace has seen great numbers during the pandemic. Other businesses had the same opportunity to apply for the program just as he did but chose not to do so and he feels Council is jumping the gun at getting rid of the temporary program because we don't know if there will be another spike and the 6ft regulations are still limiting occupancy. Additionally, he stated that his contractor has informed him it would be unrealistic to have the parklet removed by the end of April. He would like the program to sunset after the summer or until all restrictions have been lifted.

Member of the public David Caldwell addressed Council regarding his businesses in downtown and his opposition to the parklets. He feels they are rarely used but are always taking up spots, and all businesses on Cortez are struggling. Parking is a very big deal and has people comment on that regularly.

Member of the public & Manager at Kickapoo Linda Jackson addressed Council regarding the impacts to their business, and said they are lucky to be open at this point. The parklet is not open enough to help the businesses, it was there in the winter which is a problem. She also takes issue with parklets being allowed on a state highway.

Councilman Blair stated that he has never been a fan of these and believes that that property owners didn't work hard enough to find other options. Whiskey Row Alley should be utilized and he doesn't understand how the heaters are allowed on the decks. He echoed Councilman Goode's comments regarding timing for sunseting the program.

Councilman Sischka commented that he would like to see staff work with the businesses to come up with a more permanent option.

MOTION BY COUNCILMAN GOODE TO SUNSET THE TEMPORARY PARKLET PROGRAM EFFECTIVE APRIL 1ST AND PROVIDE NOTICE TO THE BUSINESSES THAT PARKLETS MUST BE REMOVED WITHIN 30 DAYS OF THAT DATE; SECONDED BY COUNCILMAN BLAIR: PASSED [6-1] COUNCILMEMBER RUSING DISSSENTING.

E. Legislative Update.

Assistant to the City Manager Tyler Goodman provided a presentation to Council regarding the ongoing legislative session. This is the last week for bills to be heard in committees of the opposite chamber and budget discussions are currently underway. There is talk of a large tax cut, but details have not yet been shared.

Local Authority:

- * HB2551 (Weapons/Public Places) - allows concealed carry permit holders to bring weapon into government buildings unless the entity installs metal detectors and security guards at all entry points. The expected cost of this would be \$130,000 per entry per building (for City of Prescott, each building including City Hall and the Airport). Passed House 31-29 and is awaiting Senate Rules Committee
- * HB2716 (Building Permits) - passed House 33-26-1
- * SB1379 (Vacation Rentals) - awaiting House floor action
- * HB2618 (Public Nuisance/Noise) - passed House 31-28
- * HB2696 (Government Assistance Point of Contact) - passed House 59-1
- * HB2804 (Public Meetings/Executive Sessions) - stalled in the Senate

Preserve Local Funding:

- * HB2152 (Body Camera Redactions) - passed House 31-29, awaiting floor action
- * SB1146 (Motor Vehicle Dealers TPT Exemption) - would allow anyone to not pay AZ taxes if they claim the vehicle is for use out of state; could possible create a substantial loss for cities/towns

Miscellaneous:

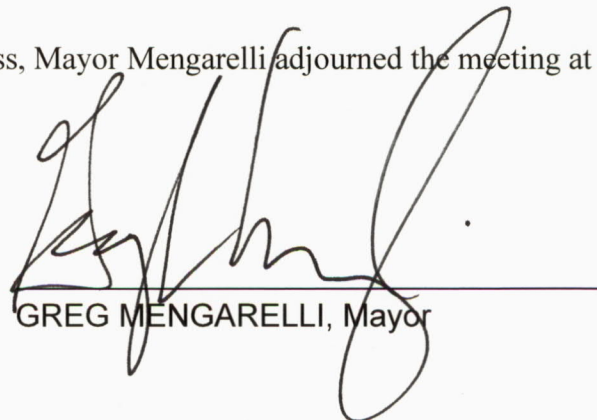
- * HB2691 (Surface Water Protection Program) - passed House 31-26, awaiting Senate floor action
- * SB1101/HB2161 (Tourism Marketing Authorities) - passed House 38-20
- * SB1451 (Cancer Presumption) - League is working with legislators on funding mechanism; passed Senate 22-8 and House Committee 12-1
- * HB2049 (Eminent Domain Existing Contracts) - held in Senate Rules Committee
- * HB2682 (Tobacco Bill) - strike everything amended bill in Senate Appropriations this week

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

10. ADJOURNMENT

Quote: "I am not afraid of an army of lions lead by a sheep; I am afraid of an army of sheep lead by a lion." - Alexander the Great

There being no further business to discuss, Mayor Mengarelli adjourned the meeting at 4:32 p.m.



GREG MENGARELLI, Mayor

ATTEST:



SARAH M. SIEP, City Clerk

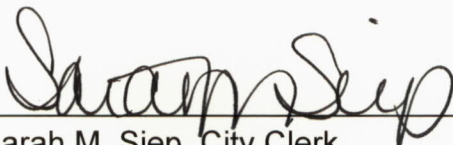
CERTIFICATION

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 March 23, 2021. I further certify the meeting was duly called and held and that a quorum was present.

Dated this 12 day of April, 2021.

AFFIX
CITY
SEAL





Sarah M. Siep, City Clerk