



CITY COUNCIL VOTING MEETING

VOTING MEETING MINUTES

TUESDAY, FEBRUARY 22, 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

MINUTES OF THE VOTING MEETING OF THE PRESCOTT CITY COUNCIL VOTING MEETING
HELD ON FEBRUARY 22, 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 commented on the Household Hazardous Waste program during the month of March, and added that Bowling for Eden will take place for the Police Department emotional support dog at Plaza Bowl on February 27.

3. INVOCATION from Rabbi Elie Filler with Chabad of Prescott

4. PLEDGE OF ALLEGIANCE - Councilman Sischka

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. John Mrgudich Centennial Celebration - March 1st

Mayor Goode presented the Proclamation.

7. OPEN CALL TO THE PUBLIC

a. Nancy Bewley – Willow Creek Inn

Addressed Council regarding the Willow Creek Inn project again. She stated that the fire hydrant issues have been addressed and bridge specialists have been hired, her legal representative spoke with Community Development last week. She has drafted a business plan and submitted to the Department, she needs to not fail and wants to open the Willow Creek Inn.

8. CONSENT AGENDA

MOTION BY COUNCILMAN SISCHKA TO APPROVE CONSENT AGEND ITEMS 8.A. THROUGH 8.E.; SECONDED BY COUNCILMAN MONTTOYA: PASSED [7 – 0].

- A. Approval of Minutes from the February 8, 2022 Executive Session, the February 8, 2022 Study Session and the February 8, 2022 Voting Meeting.
- B. Approval of City Contract No. 2022-151 for the Purchase of a Replacement Generator for Prescott Regional Communications Center (PRCC) in the Amount of \$54,504.00 Including Applicable Taxes using Sourcewell Contract 120617-CAT. Funding is Available in the PRCC Budget.
- C. Approval of City Contract No. 2019-222A1, an Amendment to City Contract 2019-222 with Test America Laboratories, Inc. to Assign Eurofins Environment Testing, LLC as Affiliate Company for Water and Wastewater Analytical Services. Funding is Available in the Water and Wastewater Funds.
- D. Approval of City Contract No. 2022-155 with Amer-X Security for Building Safety Enhancements to the Police Department in the Amount of \$197,000 using State Contract No. CTR056375. Funding is Available in the General Fund.
- E. Approval of City Contract No. 2022-150 for the Purchase of Residential Garbage and Recycle Containers from Rehrig Pacific Company using Sourcewell Contract No. 041521-REH in the Amount of \$330,000.00 Annually. Funding is Available in the Solid Waste Fund.

9. LIQUOR LICENSES

- A. Public Hearing and Consideration for an Acquisition of Control Series 12 Restaurant Liquor License Application from Scott Allen Butler, Applicant, for Rosatis. Location: 207 W Willis Street.

Applicant Scott Allen Butler was present and commented that he purchased the restaurant in December, will be keeping things as they are just taking over.

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

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

10. REGULAR AGENDA

A. Legislative Update.

Deputy City Manager Tyler Goodman provided a presentation to Council regarding the ongoing Legislative Session.

Bill Overview:

HB2674 – Municipal Zoning: was held in Committee, strike everything amendment bill was offered. Went to committee and establishes a 10-member subcommittee in the legislature and establishes budgets to address Affordable Housing in the state. No issues with the new bill and will continue to keep Council informed.

* SB1634 – Affordable Housing: strike everything bill; this is the version created by the League with much city input. Cities/Towns over 100k population select four of twenty-one strategies to address affordable housing.

* SB1198 – Local Governments/Lobbying

* HB2609 – Ambulance Services: Certificate of necessity issuing process

Vacation Rental Related Bills:

- SB1168

- HB2234

- HB2625

- HB2663 – gives ability to limit vacation rentals based on available housing stock

- HB2711

* HB2276 – State Law/Violation: expands SB1487 which is onerous on cities because if Council makes a decision they feel violates state constitution any state legislature could require investigation and then lose state revenue. Passed out of committee

* SB1082 – ASRS: employers able to prepay contributions directly to ASRS for deposit into the Trust Fund or Section 115 Section

Finance Director Mark Woodfill expanded upon the discussion and stated that prepaying individually wouldn't normally be beneficially but with this it would be. Guaranteed option or open option, guaranteed would come with bond issues for 25 year period giving 5.75% earnings reducing annual contribution requirements. Will discuss during the budget process if this passes through the legislature. Council could borrow taxable money and the differential would reduce pension costs while liability is eliminated.

* PSPRS Drop Bills are not expected to pass, but they have gotten out of committee so staff will continue to track

- SB1268 – DROP Plan

- HB2337 – DROP Reinstatement

- * SB1245 - Tobacco
- * HB2316 – Guns in public buildings
- * SB1275/HB2226 – Fireworks: would allow city to regulate when fireworks are used within city limits, specific to dates and times.

Mr. Goodman commented that Lobbyist Barry Aarons shared bills related to water oversight for statewide infrastructure projects, governed by nine-member board which they will continue to track. There is one in the House and one in Senate. The legislation is brief, but it would give authority over “any water providers” which is what we are, but we aren’t sure what it would mean necessarily.

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

- B. Adoption of Ordinances for Public Trail Easements in the Granite Creek Corridor as Follows: 1) Ordinance No. 2022-1792 with Prescott Unified School District No. 1; and 2) Ordinance No. 2022-1793 with Rusing Properties.

Mayor Pro Tem Rusing recused herself from discussion on this Item due to a conflict of interest.

Deputy City Manager Tyler Goodman provided a presentation to Council regarding these easements related to the Granite Creek Corridor revitalizations. This has been an ongoing process; the state has advised that the easements were an issue because they needed to confirm that the property will be in the city’s possession. The project has been postponed to FY23 due to those issues. This item will rectify the easement issues related to the project so staff can resubmit grant applications and secure funding to go back out to bid for the projects later this year.

Councilman Montoya asked if there are other easements needed.

Mr. Goodman responded these are the only easements that need to be obtained.

Member of the public Edward Bowe addressed Council expressing his interest in being the Project Manager on the project.

Interim City Attorney Matt Podracky commented that this is outside the scope of the agenda item.

Member of the public Tom Rusing addressed Council regarding the easement previously granted easements related to Granite Creek, they are excited about the project and its benefit to the community and are happy to provide greater access to the area.

**MOTION BY COUNCILMAN TENNEY TO ADOPT ORDINANCE NO. 2022-1792;
SECONDED BY COUNCILMAN MONTOYA: PASSED [6 – 0]. MAYOR PRO TEM
RUSING RECUSED.**

**MOTION BY COUNCILMAN TENNEY TO ADOPT ORDINANCE NO. 2022-1793;
SECONDED BY COUNCILMAN MONTOYA: PASSED [6 – 0]. MAYOR PRO TEM
RUSING RECUSED.**

C. Approval of FNP21-006, the Final Plat of Granite Dells Estates Phase 5.

Planning Manager George Worley provided a presentation to Council regarding the Final Plat for Granite Dells Estates Phase 5. This is the last phase of development in the southwest corner of the area. Zoned SF-9, there are also unsubdivided areas in the development. Only change was turning one cul-de-sac into a two-branch cul-de-sac, but it is in substantial conformance with the preliminary plat. No additional dwelling units or boundary changes and avigation easements will be required before permits are issued.

Councilman Moore asked about the 43% open space and if it will be undisturbed during the construction process.

Mr. Worley responded that it will be undisturbed by the development unless there is something related to utility development.

Mayor Goode asked about the purpose of the redesign of the single cul-de-sac that was split into two.

Mr. Worley responded that a benefit of the change is that there will be less grading into the open space, as well as shorter streets and extensions of water services.

Architect Kevin Horton with Lyon Engineering addressed Council and stated that the topography provided some issues that required the adjustment and it required less grading and impact to the area.

Discussion regarding placement of Fire Stations in the area.

**MOTION BY COUNCILMAN SISCHKA TO APPROVE ITEM 10.C.; SECONDED BY
COUNCILMAN TENNEY: PASSED [7 – 0].**

D. Water Service Application No. WSA21-019, Submitted by Granite Dells Estates Properties, Inc., Prescott. Location: APN 103-04-009X, Comprising 98.87 Acres, in Township 14 North, Range 01 West, Section 6, SE ¼ and SW ¼, in Part.

Deputy Public Works Director Gwen Rowitsch provided a presentation to Council regarding the approval of water for 67 individual family homes in FNP21-006. Council has approved 1300 units, and this will bring the total in at one less total dwelling units that was approved. This item went before the Water Issues Subcommittee and passed forward unanimously.

Councilman Montoya asked how the proposed policy would impact this application.

Ms. Rowitsch responded this would not be part of the water budget because it already has a development agreement.

MOTION BY COUNCILMAN SISCHKA TO APPROVE ITEM 10.D.; SECONDED BY COUNCILMAN MONTOYA: PASSED [7 – 0].

- E. Approval of City Contract 2019-161A6, an Amendment to City Contract No. 2019-161 with Fann Environmental/Fann Contracting Joint Venture, for Construction Manager at Risk Services to Construct the Intermediate Pump Station and Site Infrastructure, in an Amount not to Exceed \$14,160,643.55; and Approval of City Contract No. 2019-160A3 with Water Works Engineers for Post Design Services for the Intermediate Pump Station Construction Project in an Amount not to Exceed \$1,318,993.00. Funding is Available in the Water Fund.

Public Works Director Craig Dotseth provided a presentation to Council regarding the project which is significant in magnitude and in improvements to water production in the area.

Project Progression:

- * Offsite Water Main Phase I
- * Offsite Water Main Phase II
- * GMP #4 Tanks & Piping
- * GMP #5 Materials Procurement
- * GMP #6

This station will send water from airport zone into the full city system and bring water from Chino site in, serving the entire corridor on the western side of Willow Creek Rd and the dual need. Designed to work in tandem with the Chino Valley project that is currently underway and changes the dynamics of the water that is coming into town. APS conduit and power supply will be a final item for approval in order to complete the project. Funding has been budgeted over multiple years and is available through debt service and the water fund.

Mayor Goode asked for clarification on the moving of the pump station location.

Mr. Dotseth commented that the land swap moved the pump station to a more convenient and advantageous location two years ago with a land swap. This topography and height is better than former site with regard to interaction with the airport. Will serve Trinity School, Willow Creek Corridor and out to the west as well as with change of Pinion Oaks, Whispering Rocks, Embury Riddle making for better use of energy.

Mayor Rusing commented that the total cost estimates have been mentioned at \$30,000,000 and asked if this is still accurate.

Mr. Dotseth responded that this is for \$14 million, \$10.5 million on materials and \$11.5 million on tank and piping so it will be more but Finance is working with WIIFA regarding increases.

MOTION BY COUNCILMAN TENNEY TO APPROVE CITY CONTRACT NO. 2019-161A6; SECONDED BY COUNCILMAN MONTOYA: PASSED [7 – 0].

MOTION BY COUNCILMAN TENNEY TO APPROVE CITY CONTRACT NO. 2019-160A3; SECONDED BY COUNCILMAN SISCHKA: PASSED [7 – 0].

- F. Approval of City Contract No. 2022-154 Proposal for Continued Ephemeral Stream-flow Monitoring Within the Big Chino Sub-basin with Salt River Valley 154154 Water Users' Association and Salt River Project Agricultural Improvement and Power District (SRP) in the Amount of \$157,735.00

Water Resources Administrator Leslie Graser provided a presentation to Council regarding the proposed contract which will replace a previous contract and its amendments to drop down to one piece of equipment at each location and updates as needed. This is a split agreement.

Councilman Sischka asked if this is a process that will continue to be ongoing.

Ms. Graser responded that it is part of the model and can be ongoing after that is completed because it would be beneficial to maintain those partnerships. The model to be rerun every three years. Ephemeral is water that comes down a creek that is typically dry.

Councilman Montoya asked about the deadline or timeline for the modeling.

Ms. Graser responded that the contract ends July 2022, which is when the model/its report will become available.

Mayor Pro Tem Rusing asked about the data management portion of the agreement and stated that if taxpayer dollars are going toward the study everyone should have access to the data.

Ms. Graser responded that they will allow access, but the website is secured by SRP in order to keep track of who is looking at the information.

MOTION BY COUNCILMAN MONTOYA TO APPROVE ITEM 10.F.; SECONDED BY COUNCILMAN SISCHKA: PASSED [7 – 0].

- G. Approval of City Contract No. 2022-152 with FCI Constructors for the Northeastern Stair Tower Replacement in the Amount of \$523,374.00 using the City of El Mirage Contract No. PW19-JOC03. Funding is Available in the General Fund Capital Budget.

Deputy Director of Recreation Services Tim Legler provided a presentation to Council regarding the stairs at the parking garage remaining to be replaced. This is the last stair set in the garage that need to be replaced and they are very deteriorated. Should begin in mid-March and finish by the end of July. Will impact access from the alley but there will be access from the other stairwells.

Mayor Goode commented that the stairs are in bad shape and need to be updated.

**MOTION BY COUNILMAN MONTOYA TO APPROVE ITEM 10.G.; SECONDED BY
MAYOR PRO TEM RUSING: PASSED [7 – 0].**

- H. Adoption of Ordinance 2022-1790 Amending Prescott City Code, Chapter 9-1-7(A) and Adding a New Subparagraph to Chapter 9-1-7(E) Specific to Methods of Parking and Enforcement.

Deputy Police Chief Brambilla provided a presentation to Council regarding city code related to parking in city limits. The Police Department receives complaints regarding a variety of issues related to parking and their patrollers see issues as well. This has not been updated since the 1970s. Section A will address parking stalls in downtown and then the 400 block of Beach Avenue which has had many evolutions over the years. Currently one way and have issues with cars parking the wrong way.

Councilman Moore asked why we don't put parking blocks in so vehicles cannot pull through on Union Street.

Mr. Brambilla responded that that could probably be done but asked Public Works staff to discuss any potential issues.

Public Works Director Craig Dotseth commented that one of the main issues would be maintenance, particularly during snow events and plowing in the area.

Councilman Montoya asked what the cost for these types of violations is and for confirmation that these changes will fully address the issues that police are experiencing.

Mr. Brambilla responded that the fines are set by the Court.

Interim City Attorney Matt Podracky confirmed that the revisions will address all of the issues the Police Department is experiencing.

Councilman Moore asked how staff will educate the public about these changes.

Staff will work to put up signage and educate the public on these issues.

Mayor Goode commented that many feel there is no enforcement going on and so they simply don't park the way they should and that with the size of the vehicles makes it hard to get into the parking spaces and navigate out. Consistent enforcement is important, supports redefining our code to make sure it is enforceable.

Member of the public Steve Blair addressed that consistent enforcement is important, these people are impeding traffic flow and violators should receive tickets.

**MOTION BY COUNCILMAN MONTOYA TO ADOPT ITEM 10.H.; SECONDED BY
MAYOR PRO TEM RUSING: PASSED [7 – 0].**

- I. Approval of FNP21-001, the Final Plat for Ridge View Subdivision Located at Gateway Boulevard and State Route 69, a 25-lot Subdivision. Location: APN 103-20-570K and 103-20-570K; Site Zoning: Business Regional (BR).

Community Planner Tammy Dewitt provided a presentation to Council regarding the plat. These will be patio style townhomes, proposing 32% open space with reduced setbacks, private streets coming off main driveway from the mall. No safety concerns, plenty of access and meets all requirements. In substantial conformance to the preliminary plat, water service was previously approved as well.

Councilman Moore asked what the open space will be and stated that he thinks of a more natural environment that is available to everyone is an appropriate use of open space in developments.

Ms. Dewitt responded that it will be amenities for the residents; more of a park and landscaping area for that.

Mayor Goode commented that he would expect them to stabilize the slope on the back side of the development. Will likely create customers for the mall which will be beneficial without extending our services.

Ms. Dewitt responded that if it is their property they will, otherwise would need to work with public works on what is city right of way. Would likely want to beautify the area.

MOTION BY COUNCILMAN MOORE TO APPROVE ITEM 10.I.; SECONDED BY COUNCILMAN MONTOKA: PASSED [7 – 0].

- J. Approval of RVP22-001, a Revision of Plat to Reconfigure Lots and Add Un-subdivided Land to the North End of Block 6; Abandonment of Approximately 266 Square Feet of Right-of Way; and the Dedication of Approximately 123 Square Feet of Right-of-Way. Location: APNs 113-10-001, 113-10-002, 113-10-003, and a Portion of 113-10-057; Site Zoning: Industrial Light (IL).

Councilman Sischka recused himself from this Item due to a conflict of interest.

Community Planner Tammy Dewitt provided a presentation to Council regarding the plat revision. This is a very complicated area with right of way issues along Miller Valley Road, this revision will resolve the issues and make the lot lines clean to eliminate surveying issues of the past.

Mayor Goode asked if this is all private property. Obvious that this needs to be done and should have been some time ago.

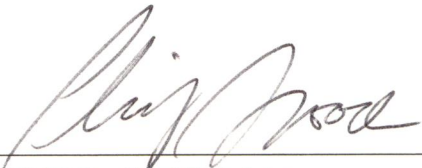
Ms. Dewitt confirmed and added that there were small pieces where the surveys didn't close and when the properties were split over the years it created the issues. There is no dispute with any of the property owners that are impacted by the plat revision.

MOTION BY COUNCILMAN MONTOYA TO APPROVE ITEM 10.J.; SECONDED BY COUNCILMAN TENNEY: PASSED [7 – 0].

11. ADJOURNMENT

Quote: "The American dream lives, not only in the hearts and minds of our countrymen but in the hearts and minds of millions of the world's people in both free and oppressed societies who look to us for leadership. As long as that dream lives, as long as we continue to defend it, America has a future and all of mankind has reason to hope."

There being no further business to discuss, Mayor Goode adjourned the meeting at 4:47 p.m.



PHILIP R. GOODE, Mayor

ATTEST:

 for:

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 February 22, 2022. I further certify the meeting was duly called and held and that a quorum was present.

Dated this 11th day of March, 2022.



 for:

Sarah M. Siep, City Clerk