



CITY COUNCIL VOTING MEETING

VOTING MEETING MINUTES

TUESDAY, FEBRUARY 14, 2023, 3:00 PM

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

Phil Goode, Mayor

Brandon Montoya, Mayor Pro Tem

Cathey Rusing, Councilmember

Eric Moore, Councilman

Connie Cantelme, Councilwoman

Steve Sischka, Councilman

Clark Tenney, Councilman

MINUTES OF THE VOTING MEETING OF THE PRESCOTT CITY COUNCIL VOTING MEETING HELD ON FEBRUARY 14, 2023, 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 Montoya commented that today is Arizona's statehood day and wished us a Happy 111th Birthday. He added that the Prescott Tourism Office will begin accepting applications for the Tourism Advisory Committee and Prescott Area Arts & Humanities Council Grants beginning Monday, March 6 through Monday April 10. These grants assist registered non-profit organizations hosting events between July 1, 2023 and June 30, 2024. Organizations are eligible for up to \$5,000 through Transient Occupancy (Bed) Tax, and must attend a meeting on Wednesday, March 8 at 3:30 p.m. in Council Chambers at 201 S. Cortez Street.

Also, the Council Subcommittee on Appointments is currently seeking applications for vacancies on the Fire Board of Appeals with terms ending in 2025. Finally, Mayor Pro Tem Montoya provided a reminder that the new Solid Waste rates take effect March 1st.

3. INVOCATION - Reverend Philip A. Shaw with St. Luke's Episcopal Parish

4. PLEDGE OF ALLEGIANCE - Councilwoman Cantelme

5. ROLL CALL

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

6. PRESENTATIONS

A. Recognition of Outgoing City Manager Michael Lamar.

Mayor Goode presented Michael Lamar with a plaque, recognized his dedication to the city and the significant work he has done during his six years with the city.

Mr. Lamar said it has been an honor to be the manager here and a privilege to work with the civil servants he does on a daily basis.

7. OPEN CALL TO THE PUBLIC

None.

8. CONSENT AGENDA

MOTION BY COUNCILMAN MOORE TO APPROVE CONSENT AGENDA ITEMS 8.A. THROUGH 8.K., EXCLUDING ITEM 8.J.; SECONDED BY MAYOR PRO TEM MONTOKYA: PASSED [7 – 0].

- A. Approval of Minutes from the January 24, 2023 Executive Session, the January 24, 2023 Study Session, the January 24, 2023 Voting Meeting, and the January 26, 2023 Workshop Meeting.
- B. Approval of Appointments of Members to the Airport Advisory Committee, the Board of Adjustment, the Building Safety Advisory & Appeals Board, the Planning & Zoning Commission, the Prescott Preservation Commission and the Tourism Advisory Committee.
- C. Adoption of Resolution No. 2023-1846 Providing Notice of the August 1, 2023 Primary Election and the November 7, 2023 General Election.
- D. Approval of City Contract 2023-150 with ESRI Incorporated for a Three-Year GIS Enterprise Licensing Agreement in an Amount not to Exceed \$42,100 Per Year Using State of Arizona Contract No. ADSPO15-097108 Pricing. Funding is Available in the IT Budget.
- E. Approval of City Contract No. 2022-168A9, an Amendment to City Contract No. 2022-168 with Dibble for On-Call Planning & Engineering Services at Prescott Regional Airport - Ernest A. Love Field to Prepare an Airport Concessions (ACDBE) Program & Update the

Disadvantage Business Enterprise (DBE) Program in an Amount not to Exceed \$89,825.00. Funding is Available in the Airport Fund.

- F. Approval of City Contract No. 2005-293A3, an Amendment to City Contract No. 2005-293 with Waste Management for Solid Waste Disposal Services to Reflect Updated Annual Disposed Tonnage. Funding is Available in the Solid Waste Fund.
- G. Approval of City Contract No. 2017-064A12, an Amendment to City Contract No. 2017-064 with Fann Contracting for Solid Waste Hauling Services to Reflect Updated Annual Hauled Tonnage. Funding is Available in the Solid Waste Fund.
- H. Approval of an Amendment to the Intergovernmental Agreement (IGA) Between the City of Prescott and Yavapai County for the Prescott Area Regional Landfill, to Terminate the 1991 IGA to Procure a City of Prescott Regional Landfill Site by Mutual Agreement.
- I. Approval of City Contract No. 2023-100 a Professional Services Agreement with CivicPlus LLC for Agenda and Meeting Management Software in Total Amount of \$34,146 for Two Years. Funding is Available in the City Clerk Department Fund.
- J. Approval of Opioid Settlement Disbursements.

Mayor Goode pulled this Item from the Consent Agenda to propose specific language for the motion.

MOTION BY MAYOR GOODE TO APPROVE CONSENT AGENDA ITEM 8.J. TO RECEIVE THE ALLOCATED DEFAULT PERCENTAGE AS OUTLINED IN THE ONE ARIZONA PLAN PAID DIRECTLY TO THE CITY OF PRESCOTT, WITH THE CITY OF PRESCOTT BEING RESPONSIBLE FOR ALLOCATING FUNDS TO APPROVED STRATEGIES AS OUTLINED IN EXHIBIT A OF THE ONE ARIZONA PLAN AND WITH THE CITY PROVIDING ANNUAL REPORTS TO YAVAPAI COUNTY COMMUNITY HEALTH SERVICES AS OUTLINED IN SECTION F.5 OF THE ONE ARIZONA PLAN AND DIRECTING THAT ALL FUTURE PAYMENTS BE SENT DIRECTLY TO THE CITY OF PRESCOTT UNLESS THE CITY CONTACTS YAVAPAI COUNTY COMMUNITY HEALTH SERVICES TO REQUEST A CHANGE IN DISBURSEMENT; SECONDED BY MAYOR PROTEM MONTOYA: [PASSED 7 - 0].

- K. Approval of Multiple Contracts for the City Wide Water Main Replacement Project as Follows: 1) City Contract No. 2023-143 with Kimley Horn for Design Services for Phase 1 in the Amount of \$136,430.00; and 2) City Contract No. 2023-144 with Kimley Horn for Design Services for Phase 2 in the Amount of \$191,015.00. Funding Available in the Water Fund.

9. CONSENT ORDINANCE

MOTION BY COUNCILMAN TENNEY TO ADOPT CONSENT AGENDA ORDINANCE ITEMS 9.A. AND 9.B.; SECONDED BY COUNCILMEMBER RUSING: PASSED [7 – 0].

- A. Adoption of Ordinance No. 2023-1822 Authorizing the Purchase and Acceptance of a Public Trail Easement from The Salvation Army in the Amount of \$16,988.00 Plus Escrow Fees. Funding is Available in the Wastewater Fund.
- B. Adoption of Ordinance No. 2023-1823 Authorizing the Granting of a Utility Easement to Arizona Public Service Company.

10. LIQUOR LICENSES

- A. Public Hearing and Consideration for a New Series 07 Beer and Wine Liquor License Application from Eric Lyon Burton, Applicant, for Betsy's. Location: 211 N Granite Street.

Applicant, Eric Lyon Burton addressed Council regarding the new business bringing in high end wines from around the world for wine tasting. Betsy's will be located across from Founding Fathers.

Mayor Goode and Councilmember Rusing thanked Mr. Burton for his investment in our community.

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

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

11. REGULAR AGENDA

- A. Update Regarding the Mayor's Charter Review Commission.

City Clerk Sarah Siep provided an update to Council regarding the progress of the Commission's review of the City Charter. The group has approved amended language on Sections for Term of the Mayor, Qualifications for Council, Mayor Pro Tem, Stipend for Mayor & Council, Attendance Policy, and Consideration for Petitions. These and others will be presented during a Study Session in April for Council review and comments and pending Council approval they will be added to the 2023 General Election Ballot.

Mayor Goode commented that the group is making significant progress and it is important for them to focus on the primary amendments; focus on language housekeeping will be done at future meetings.

Councilmember Rusing asked who someone not on the Commission should go to if they would like to submit comments and suggestions.

Ms. Siep said they can be sent to her to be passed along to the Commission.

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

B. Legislative Update.

Interim City Manager Tyler Goodman provided an update to Council regarding the ongoing Legislative Session. He stated that HB2518 for the appropriation regarding Glassford Dells Regional Park has made it out of Committee, and thanked Mayor Goode, Joe Baynes, Barry Aarons and partners from Prescott Valley for the efforts on this.

There are multiple near mirror bills in the House and Senate related to taxes and local jurisdiction income. Mr. Goodman stated that the further these bills get in the session the bigger the bargaining tool will become so we don't want it to go that far. However, it is anticipated that the Governor would veto if they do move forward.

- * HB2061 – Food/Municipal Tax/Exemption: annual \$6mill loss for the city of Prescott; did pass 6-4 out of the House
- * SB1063 – Food/Municipal Tax/Exemption
- * HB2067 – Residential Leases/Municipal Tax Exemption: \$2mill
- * SB1184 – Residential/Municipal Tax Exemption both have passed out of their respective chambers
- * HB2004 – Corporate Income Taxes/Rates: \$1mill annual loss for the City of Prescott; passed out of Committee and should go through rules/onto floor of the house (this would go into the General Fund)
- * SB1245 – VLT/Cities and Towns/Counties: failed out of Committee (would mandate funding for road projects from vehicle license tax monies)
- * HB2418 – Law Enforcement/Response Times/Requirements discussed and held in Committee, study
Committee will happen over the summer

Councilwoman Cantelme commented that she has been following HB2418, as much as there is a desire for meeting these standards, funding is needed to allow that to happen.

Mayor Pro Tem Montoya asked if there has been communication regarding the impacts these types of bills would have.

Mr. Goodman commented that there has; Mr. Aarons is there in person regularly to communicate that.

Additional Proposed Legislation Being Followed:

- * SB1011 – Municipalities/Partisan Elections; passed through Committee and Senate and has been sent to the House
- * SB1012 – Inspections/Sober Living Home; will go to Senate Floor (allowing cities to conduct inspections on Sober Living Homes for fire code/zoning violations)

Councilman Tenney asked, if there is reasonable cause for a violation, would cities be prohibited from investigating at this point.

Mr. Goodman responded they may be however, the legislature has prohibited local jurisdictions from even knowing about sober living homes and that is likely the reason for the push on this.

City Attorney Joseph Young added that not knowing how many people are in the property would prohibit the city from making those types of investigations.

Fire Chief Holger Durre stated that occupancy classification and private homes are excluded from Fire Codes and that makes it difficult to apply to a Sober Living Home because the determination of where it falls is hard to establish.

* SB1025 – Political Signs/Tourism Zones; municipalities are limited to 10% of the total area of the municipality for a sign free zone based on a "reock score" of 0.20 or more (anti-gerrymandering type of score) passed out of Committee and will go to Senate floor

* SB1103 – Administrative review of approvals/developments (mirror bill in the House): result of study Committee over the summer to give cities the option to pass an Ordinance authorizing administrative personnel to review/approve site plans/development plan/preliminary and final plats without a public hearing, etc. Passed out of Senate Committee and will be heard on the Floor

* HB2536 (mirror bill for SB1103)

* SB1117 – Strike Everything for Municipal Platting/Technical Correction: Mr. Aarons said this bill contains too much for one bill and is largely divided on party lines, if it does get any forward momentum, it would be a long battle and many things would need to be amended or removed, the League is in strong opposition to this

Councilmember Rusing asked if there is a lobbying group behind these bills.

Mr. Goodman responded there are a number of groups that are looking at these issues, additionally the significant issues with affordable/workforce housing are also causing people to look at legislative means to address these matters.

Councilman Moore commented on the Daily Courier article regarding HB2518.

Mr. Goodman stated that budget bills passed out of the House yesterday and should not affect this bill because it is going through a different process and will then be folded into the budgets.

Mayor Goode thanked staff for the update, seems like every year the state legislature wants to micromanage our communities without really understanding the implications that would have.

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

- C. Approval of City Contract No. 2022-168A11, an Amendment to City Contract No. 2022-168 with Dibble for Planning & Environmental Services - Land Acquisition Support Services (Appraisals) in the Vicinity of Prescott Regional Airport - Ernest A. Love Field in an Amount not to Exceed \$107,051.00 Funding is Available in the Airport Fund.

Airport Director Robin Sobotta provided a presentation to Council regarding acquisition of property in the vicinity of the Airport. Council previously approved a contract for appraisal services five months ago, and since that time the city has been engaged in negotiations with stakeholders related to this and there have been changes for the number and size of parcels. Actual funding to be determined at a later date. This amendment is not budgeted but appropriations are available in the airport fund due to project postponements of other items.

Councilmember Rusing commented that the main purpose of these land acquisitions is public safety.

Mayor Goode stated that this is an ongoing challenge and finding reasonable compromises is difficult. It is unfortunate that the city must look at land acquisitions, but this is a legitimate issue.

Councilmember Rusing asked staff to address who owns the property that is being appraised.

City Attorney Joseph Young responded that it is Chamberlain Development, Ron James Deep Well Ranch, Arizona Eco Development (AED) and Chino Valley Irrigation District (CVID).

Councilman Sischka asked how high land acquisition reimbursement is on the Federal Aviation Administration (FAA) list of funding to municipalities and asked if the extension of the runway would be a higher priority for the FAA.

Dr. Sobotta responded that land acquisition is low on their priority list adding that entitlements are at the determination of the city so funds received could go through that and as the runway extension is done there could possibly be funds to go toward land acquisition, those these aren't guaranteed. The FAA sets standards for distance off the runway.

Councilman Sischka asked what the timing would be on any potential reimbursements.

Dr. Sobotta said it depends, currently funding is intertwined with other projects and expenses. She stated also that Arizona Department of Transportation (ADOT) also ranks land acquisition higher than FAA so there may be opportunity for funding through the state.

Councilman Tenney asked staff to clarify that ADOT ranks land acquisition higher than the FAA. He added that while everyone is interested in protecting land around the airport there are many facets to public safety the Council needs to consider and if these funds are possibly years down the road that is a difficult decision for Council to make.

Dr. Sobotta confirmed.

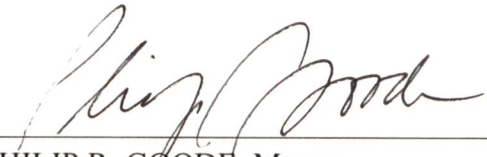
Councilmember Rusing said we need to get serious about passing the Airport Vicinity Overlay District (AVO).

Councilman Moore commented that Council just discussed public safety and it is critical to keep focused on the big picture of the entire city and not just the airport.

MOTION BY COUNCILMAN SISCHKA TO APPROVE ITEM 11.C.; SECONDED BY COUNCILMAN TENNEY: PASSED [7 – 0].

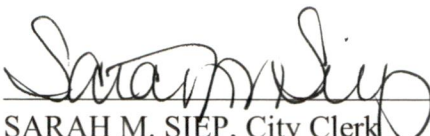
12. ADJOURNMENT

Mayor Goode thanked Mr. Lamar again for her service to the City of Prescott and wished him well in his new endeavor, and there being no further business to discuss, adjourned the meeting at 3:54 p.m.



PHILIP R. GOODE, Mayor

ATTEST:



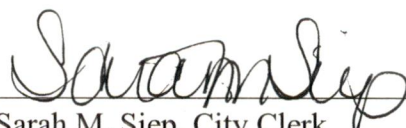
SARAH M. SIEP, City Clerk

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 February 14, 2023. I further certify the meeting was duly called and held and that a quorum was present.

Dated this 2 day of March, 2023.





Sarah M. Siep, City Clerk