



COUNCIL SUBCOMMITTEE ON WATER ISSUES MEETING

REGULAR SUBCOMMITTEE MEETING AGENDA

TUESDAY, SEPTEMBER 7, 2021, 9:30 AM

201 S Cortez Street
Prescott, AZ 86303
Council Chambers

Councilman Steve Blair - Chairman

Councilman Phil Goode - Member

Councilman Steve Sischka - Member

The following Agenda will be considered by the Prescott Council Subcommittee on Water Issues at Regular Subcommittee Meeting pursuant to the Prescott City Charter, Article II, Section 13. Notice of the meeting is given pursuant to Arizona Revised Statutes, Section 38-431.02. One or more members of the Council may be attending the meeting through the use of a technological device.

Viewing & Participation

This meeting may be viewed on Channel 64, Facebook Live or on the City's Website: [Live City of Prescott Videos](#)

Or via Zoom by registering in advance: [Zoom Registration Link](#)

Comments from the public for the Subcommittee may be submitted through the City website: [Public Comment Form](#)

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC COMMENT

Public comment will be accepted following each agenda item and are limited to three (3) minutes. Please complete a comment card and return it to the City Clerk, speakers will be called in the order received.

4. ACTION ITEMS

A. Approval of the August 3, 2021 Meeting Minutes.

Recommended Action: MOVE to approve the August 3, 2021 minutes as presented.

- B. Recommendation for WSA21-011, a Water Service Agreement Application Submitted by Kimley-Horn of Prescott, on Behalf of Owner Shipping Yard, LLC, Prescott. Located on Parcel Nos. 113-15-059 and 113-15-061, in Township 14 North, Range 2 West, Section 33, SE $\frac{1}{4}$, SW $\frac{1}{4}$, NE $\frac{1}{4}$.

Recommended Action: MOVE to recommend forwarding WSA21-011 to Council for approval

- C. Recommendation for WSA21-012, a Water Service Agreement Application Submitted by Michael Lafferty on Behalf of Property Owner Dells View Apartments, and City Contract No. 2017-009A3 an Amendment to City Contract No. 2017-009. Location: 2051 Willow Lake, LLC; Assessor's Parcel Number: 106-13-031H, Comprising 7.47 acres in T14N, R2W, Section 13, SW $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$.

Recommended Action: MOVE to recommend forwarding WSA21-012 & City Contract No. 2017-009A3 to Council for approval

5. DISCUSSION ITEMS

- A. Infrastructure Topic - Pumping vs. Recharge 2021 Update.

Recommended Action: This item is for discussion only. No formal action will be taken.

- B. Infrastructure Topic - Static Water Levels Measurements at City Water Production Wells.

Recommended Action: This item is for discussion only. No formal action will be taken.

- C. Overview of the Conservation Incentive Program in Fiscal Year 2021 (July 1, 2020 to June 30, 2021).

Recommended Action: This item is for discussion only. No formal action will be taken.

- D. Discussion Regarding Possible Amendments to City Code 2-1-9 Utilities Division; Abbreviations and Definitions and 2-1-24 Utilities Division; Water Meters to Add Submetering.

Recommended Action: This item is for discussion only. No formal action will be taken.

6. GENERAL ANNOUNCEMENTS FROM STAFF

7. ADJOURNMENT

EXECUTIVE SESSION

Upon a public majority vote of a quorum of the City Council, the Council may hold an executive session, which will not be open to the public, regarding any item listed on the agenda but only for the following purposes:

- (1) Discussion or consideration of personnel matters (A.R.S. §38-431.03(A)(1));
- (2) Discussion or consideration of records exempt by law (A.R.S. §38-431.03(A)(2));

- (3) Discussion or consultation for legal advice with the city's attorneys (A.R.S. §38-431.03(A)(3));
- (4) Discussion or consultation with the city's attorneys regarding the city's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions conducted in order to avoid litigation (A.R.S. § 38-431.03(A)(4));
- (5) Discussion or consultation with designated representatives of the city to consider its position and instruct its representatives regarding negotiations with employee organizations (A.R.S. §38-431.03(A)(5));
- (6) Discussion, consultation or consideration for negotiations by the city or its designated representatives with members of a tribal council, or its designated representatives, of an Indian reservation located within or adjacent to the city (A.R.S. §38-431.03(A)(6));
- (7) Discussion or consultation with designated representatives of the city to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property (A.R.S. §38-431.03(A)(7)).

THE CITY OF PRESCOTT ENDEAVORS TO MAKE ALL PUBLIC MEETINGS ACCESSIBLE TO PERSONS WITH DISABILITIES. With 72 hours advanced notice, special assistance can be provided for sight and/or hearing-impaired persons at this meeting. Reasonable accommodations will be made upon request for persons with disabilities or non-English speaking residents. Please call the City Clerk (928) 777-1272 to request an accommodation to participate in this public meeting. Prescott TDD number is (928) 445-6811. Additionally, free public relay service is available from Arizona Relay Service at 1-800-367-8939 and more information at www.azrelay.org

Confidentiality

Arizona statute precludes any person receiving executive session information from disclosing that information except as allowed by law. A.R.S. §38-431.03(F). Each violation of this statute is subject to a civil penalty not to exceed \$500, plus court costs and attorneys' fees. This penalty is assessed against the person who violates this statute or who knowingly aids, agrees to aid or attempts to aid another person in violating this article. The city is precluded from expending any public monies to employ or retain legal counsel to provide legal services or representation to the public body or any of its officers in any legal action commenced for violation of the statute unless City Council takes a legal action at a properly noticed open meeting to approve of such expenditures prior to incurring any such obligation or indebtedness. A.R.S. §38-431.07(A)(B).

CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Prescott City Hall on _____ at _____ m. in accordance with the statement filed by the Prescott City Council with the City Clerk



Sarah M. Siep, City Clerk

**COUNCIL AGENDA MEMO**

MEETING TYPE/DATE: **REGULAR SUBCOMMITTEE MEETING** **09- 7-21**

DEPARTMENT: **City Clerk**

AGENDA ITEM: Approval of the August 3, 2021 Meeting Minutes.

ITEM SUMMARY

Attached for approval are the Council Subcommittee on Water Issues minutes for the August 3, 2021 meeting.

BACKGROUND

None.

FINANCIAL IMPACT

None.

Recommended Action: MOVE to approve the August 3, 2021 minutes as presented.

ATTACHMENTS

1. [August 3, 2021 Meeting Minutes.docx](#)



COUNCIL SUBCOMMITTEE ON WATER ISSUES MEETING

REGULAR SUBCOMMITTEE

MEETING MINUTES

TUESDAY, AUGUST 3, 2021, 9:30 AM

201 S Cortez Street
Prescott, AZ 86303
Council Chambers

Steve Blair, Councilman - Chairman

Phil Goode, Councilman – Member

Steve Sischka, Councilman - Member

MINUTES OF THE REGULAR SUBCOMMITTEE MEETING OF THE PRESCOTT COUNCIL
SUBCOMMITTEE ON WATER ISSUES HELD ON AUGUST 3, 2021, IN THE 201 S CORTEZ STREET
PRESCOTT, AZ 86303 COUNCIL CHAMBERS.

The following Agenda will be considered by the Prescott Council Subcommittee on Water Issues at Regular Subcommittee Meeting pursuant to the Prescott City Charter, Article II, Section 13. Notice of the meeting is given pursuant to Arizona Revised Statutes, Section 38-431.02. One or more members of the Council may be attending the meeting through the use of a technological device.

1. CALL TO ORDER

Chairman Blair called the meeting to order at 9:30 a.m.

2. ROLL CALL

Chairman Steve Blair
Member Steve Sischka
Member Goode

3. PUBLIC COMMENT

4. DISCUSSION & ACTION ITEMS

Public Comment will be accepted following each agenda item and limited to three (3) minutes. Please complete a comment card and return it to the City Clerk, speakers will be called in the order received.

A. Approval of the July 6, 2021 Meeting Minutes.

**MOTION BY MEMBER SISCHKA TO APPROVE ITEM 4.A; SECONDED BY
MEMBER GOODE: PASSED [3-0].**

B. Infrastructure Topic – Pumping vs. Recharge 2021 Update

Water Resource Project Manager Leslie Graser presented the Monthly Water Pumped Report as well as the preliminary total pumped and the preliminary total delivered to the recharge facility in Calendar Year 2021 January 1 – June 30 in acre feet (AF):

- Effluent Deliveries for June, 2021 – 14.62 AF
- Surface Water Deliveries for June, 2021 – 48.83 AF
- Total Water Pumped for June, 2021 – 793.54 AF
- Preliminary Total Pumped in calendar year 2021 – 3,597.68 AF
- Preliminary Total Delivered to Recharge Facility in calendar year 2021 – 1,331.34 AF
 - o Reclaimed Effluent – 1,100.09 AF
 - o Surface Water – 231.52 AF
- Percent pumped in 2021 vs. Water Delivered to Recharge Facility – 8%

Member Sischka asked if the effluent deliveries are net of what is sent out to the golf courses and other sites in need of water this year.

Ms. Graser confirmed.

Member Goode commented that given the recent monsoons, it will be interesting to see July's numbers.

Ms. Graser replied that preliminarily surface water is about 63 AF, Willow Lake water level rose by approximately one foot and Watson water level rose about three feet, but are still below the conservation level the city would prefer.

Member Sischka asked if Willow Lake comes up more slowly than other lakes.

Ms. Graser confirmed.

Chairman Blair asked if Goldwater Lake is full.

Ms. Graser responded that Upper Goldwater Lake is full and spilling.

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

C. Water Production in the Chino Valley vs. Airport Areas

Ms. Graser provided a presentation on the groundwater pumping that occurs at the city's Chino Valley area wells and the Airport area wells, as well as an overview on the local groundwater system and pumping that has occurred since 2007. She requested that the Subcommittee comment on whether they would like this topic to remain as a standing item.

Chino Well Field:

- Has five (5) production wells within the Little Chino sub-basin aquifer
- Well depths range from 535' to 690'
- Pumping capacity ranges from 850 to 3,100 gallons per minute (gpm)
- Static Water Levels in 2020 ranged from 170' to 250' below land surface (bls)

Airport Well Field

- Has three (3) production wells within the Little Chino sub-basin aquifer
- Well depths range from 895' to 950'
- Pumping capacity ranges from 640 to 1,600 gpm
- Static Water Levels in 2020 ranged from 430' to 480' bls

Ms. Graser presented well drill logs from Chino Valley Well # 1 and Airport Well #3 that depict what types of materials have been found at what depth as well as the production data table for both wells from 2008 to 2020.

Member Goode inquired about the decrease in Chino production in the year 2019.

Ms. Graser replied that the decrease may be due to the fact that Airport production increased that year, however she is unsure and will get additional information to confirm.

Ms. Graser showed the 2020 Arizona Department of Water Resources (ADWR) Annual Report on total pumped from the Chino and Airport Wells:

- Airport Well #2 – 825.49 AF
- Airport Well #3 – 278.60 AF
- Chino Well #1 – 0 AF (was not being used due to repairs)
- Chino Well #2 – 1,314.57 AF
- Chino Well #3 – 1, 011.39 AF
- Chino Well #4 – 2,173.09 AF
- Chino Well #5 – 1,876.63 AF

Member Sischka noted that the production wells are fairly static despite population growth.

Ms. Graser commented that gains have been made through conservation measures and tightening up the system.

Chairman Blair asked if there is a number attributed to the amount of water saved by changing out water meters and water lines.

Public Works Director Craig Dotseth responded that the lost and unaccounted for number has dropped by 23-26% due to water conservation, maintenance and replacement of water lines and parts.

This item is for discussion only. No formal action will be taken.

D. Decision and Order No. 86-401501.0001 Modification Presentation

Ms. Graser provided an update to the ongoing Decision and Order Modification process which will be brought to the Subcommittee every couple of months. The city is in the process of preparing for a pre-application meeting with the State.

Member Sischka asked what the purpose of the pre-application meeting is.

Ms. Graser responded that it is the start of the communication process; a chance to review expectations and ask questions.

Chairman Blair asked for an explanation of the Water Resource Model (WRMM).

Ms. Graser replied that the WRMM, originally termed the long-term management tool, was built many years ago with the expectation that Prescott would have to modify its assured water supply. The WRMM allows for cleaner, more organized data to provide to the State.

Ms. Graser continued with the Decision and Order Modification presentation reviewing the following topics:

Pre-Application Meeting

The city is scheduled for its first Pre-Application Meeting on August 25, 2021, and a second meeting approximately two weeks later. The first meeting will focus on the WRMM and its use for the Decision and Order demand estimates to be used in the groundwater model to meet physical availability requirements. It is important to convey to the State that the WRMM is the tool the city would prefer to use, otherwise will have to use the State's demand estimate model which projects a little higher than the WRMM.

Member Sischka asked if the Pre-Application meeting is only for designated assured water suppliers.

Ms. Graser responded that pre-application meetings are for certificates, or anything that is going to require the assured water supply program of the State.

Groundwater Allowance

Groundwater allowance consists of the highest groundwater withdrawn from service area from 1995-1998 multiplied by 100 years (resulting in 653,700 AF), replacement of wells in existence on or before August 21, 1998 to city water service (.5 AF per well), preliminary plats approved by the city on or before August 21, 1998, and extinguishment credits not previously pledged.

Chairman Blair asked if Yavapai Hills and Prescott Lakes are close to their allocated cap on water usage, and if the city will receive credit if they have used less than the allocated amount.

Ms. Graser responded that they are in the process of reviewing that information.

Demand Estimate

Current Demand is 7,512.71 AF and is based on the 2020 Annual Water Withdrawal and Use Report. Committed and Projected Demand is a projected 450 new connections per year, taking into account the newer Development Agreements. Growth is projected to be predominately to the North with some infill within the city.

Groundwater Model Update

The groundwater model is generally ready to run, however when the State released the new PrAMA model on June 23rd, the city's consultant found there were missing files as well as some necessary corrections. Once these fixes are made, the 100-year aspect will be added to the model and the city's

assured water supply model will be ran to ensure it meets the Assured Water Supply Program criteria for a 20-year projection.

Schedule

The city is on schedule to submit the application, however there is still some time if adjustments need to be made to the schedule.

- August 25th – first Pre-Application meeting with another to follow approximately two weeks later for the modeling team
- September 22nd – Application adjustments and/or additions
- October 27th – seek approval from Council to submit the application
- November 24th – submit the application

Member of the public Leslie Hoy asked about the presentation on the supplies requested at the July 6th Water Issues Meeting.

Ms. Graser stated that it is still a forthcoming discussion; they are waiting to see how the modeling team brings the information into the Groundwater Flow Model.

Member of the public Peter Krupnick asked if the pre-application meetings will be open to the public and asked about the population projection Ms. Graser mentioned.

Ms. Graser replied there is no open-meeting law requirement, and she will report outcomes at the next Subcommittee meeting. The population projection was changed to connections information as it provides more data. The connections data is provided by Utility Billing.

Member of the public Larry Meads asked if the projected 450 connections are all residential.

Ms. Graser responded it will be a mix of residential and non-residential.

This item is for discussion only. No formal action will be taken.

5. General Announcements from Staff

Public Works Water Resource Project Manager Kay Sydow announced that the city sponsored a plant sale through the Highland Center; \$4200 was given for spring and another \$4200 will be spent for fall. Approximately 2,000 plants were sold. Two new radio ads were created as a reminder of City Code time of day watering restrictions, as well as an available rebate for turf removal. City paid \$800 for a Water Smart ad in YCCA – Building Yavapai magazine.

Ms. Graser reviewed upcoming memberships that will require Council approval:

- FY22 dues payment to the Upper Verde Watershed Coalition in the amount of \$60,000
- FY22 NAMWUA Board and Chair positions to be filled

Chairman Blair asked about the necessity of membership to each group and asked for an update on the Upper Verde Watershed Coalition projects.

Ms. Graser responded that the groups are different in their purpose but both are important to secure grants and to help follow policy at the State level. Ms. Graser agreed to bring a presentation forward to the Subcommittee on current UVWC projects.

Ms. Graser reviewed the latest water funding legislative session highlights and provided a link to amwua.org to view those.

Member of the public Leslie Hoy commented that more citizen education on water, rain gardens and terrain would be useful and is important.

6. ADJOURNMENT

There being no further business to discuss, Chairman Blair adjourned the meeting at 10:51 a.m.

Steve Blair, Chairman

ATTEST:

Jennifer Wiita, Deputy City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular Subcommittee Meeting of the Council Subcommittee on Water Issues of the City of Prescott, Arizona held on August 3, 2021. I further certify the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 2021

AFFIX
CITY SEAL

Jennifer Wiita, Deputy City Clerk



COUNCIL AGENDA MEMO

MEETING TYPE/DATE: **REGULAR SUBCOMMITTEE MEETING** **09- 7-21**

DEPARTMENT: **Public Works**

AGENDA ITEM: Recommendation for WSA21-011, a Water Service Agreement Application Submitted by Kimley-Horn of Prescott, on Behalf of Owner Shipping Yard, LLC, Prescott. Located on Parcel Nos. 113-15-059 and 113-15-061, in Township 14 North, Range 2 West, Section 33, SE¼, SW¼, NE¼.

ITEM SUMMARY

Water Service Application No. WSA21-011 was submitted on July 20, 2021. Applicant is seeking potable water supplies to serve a single parcel with seven (7) food truck stations, located at 204 N. Montezuma Street.

BACKGROUND

City of Prescott Water Management Policy (WMP), adopted November 19, 2019, includes a water connection policy. Projects within the City Limits requiring more than two (2) acre-feet per year of potable water are to be reviewed by the Subcommittee on Water Issues prior to submission to City Council.

The project site is currently vacant with no structures or site improvements. This is largely due to it being located within the FEMA floodway and Zone AE, the 100-year flood zone. The proposed use, food trucks, are mobile and can be moved or removed in advance of a storm event. In addition to the food trucks, the project also includes temporary parking for patrons and a seating area with moveable picnic tables. Portable toilets will be ADA compliant. There will be one water meter with seven hookups; each station will have its own hose bib. A sewer yard line will be installed on the site with a single grease trap located near the alley.

A water demand analysis prepared by Kimley-Horn estimates 14 employees in seven trucks will serve 40 meals per truck, per day, generating a potable demand of 2,296 gallons per day, equal to 2.6 acre-feet per year.

Applicant has completed the following:

Pre-Application Conference	April 18, 2019
Application Received	July 20, 2021
Submitted All Documents	August 20, 2021
Present to WIC	September 7, 2021
Present to City Council	September 28, 2021

FINANCIAL IMPACT

N/A

Recommended Action: MOVE to recommend forwarding WSA21-011 to Council for approval

ATTACHMENTS

- 1.[Application.pdf](#)
- 2.[Water Demand Analysis.pdf](#)
- 3.[Utility Site Plan Exhibit.pdf](#)
- 4.[Food Truck Aerial.pdf](#)
- 5.[FEMA Floodplain.pdf](#)



WATER SERVICE AGREEMENT APPLICATION

Public Works – Permit Center
201 S. Cortez St., Prescott, AZ 86303
(P) 928.777.1269

Water Service Agreement Applications are submitted in accordance with City Water Management Policy (Resolution NO. 2019-1722). Submit all required documents directly to the Permit Center at 201 S. Cortez St, Prescott, AZ 86302. Please print your contact information legibly.

APPLICANT INFORMATION

Applicant:	Kimley-Horn (Prescott)	Contact Person:	Andrew Baird
Address:	201 N Montezuma St	City/State/Zip:	Prescott, AZ 86301
Phone:	928-458-7121	Email:	andrew.baird@kimley-horn.com

Property Owner:	Shipping Yard, LLC	Contact Person:	Shawn & Holly Reddy
Address:	1125 Piñon Oaks Dr	City/State/Zip:	Prescott, AZ 86305
Phone:		Email:	

PROJECT SITE

Address:	204 N Montezuma Street Prescott, AZ 86301		
Current Zoning:	M	Proposed Zoning:	M
Assessor's Parcel Number(s) of Existing Property:	113 - 15 - 059 113 - 15 - 061 - - - - - -		
Existing Water Service (Y/N):	Y	Existing Sewer Service (Y/N):	N
Existing Well (Y/N):		If Yes, Well Registry No.:	

PROJECT DESCRIPTION

Is the project Residential or Commercial? Commercial

Please provide brief description:
Temporary Parking and Facility for food trucks equipped with water, sewer and electrical hookups; ADA and regular portable toilets for bathroom facilities, and a seating area for patrons.

# of Proposed Units:	1 Meter, 7 Hookups	# of Proposed Lots:	N/A
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Has a Water Demand Analysis been completed (commercial)?	Yes
Has a building permit application been submitted?	N/A
Has a Planning and Zoning Recommendation been made?	N/A

Applicant Signature: _____

Date: 7/20/21

OFFICE USE ONLY

Assigned Tracking No. WSA _____ - _____	Date entered _____
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Table 1 Average Day Water Demands

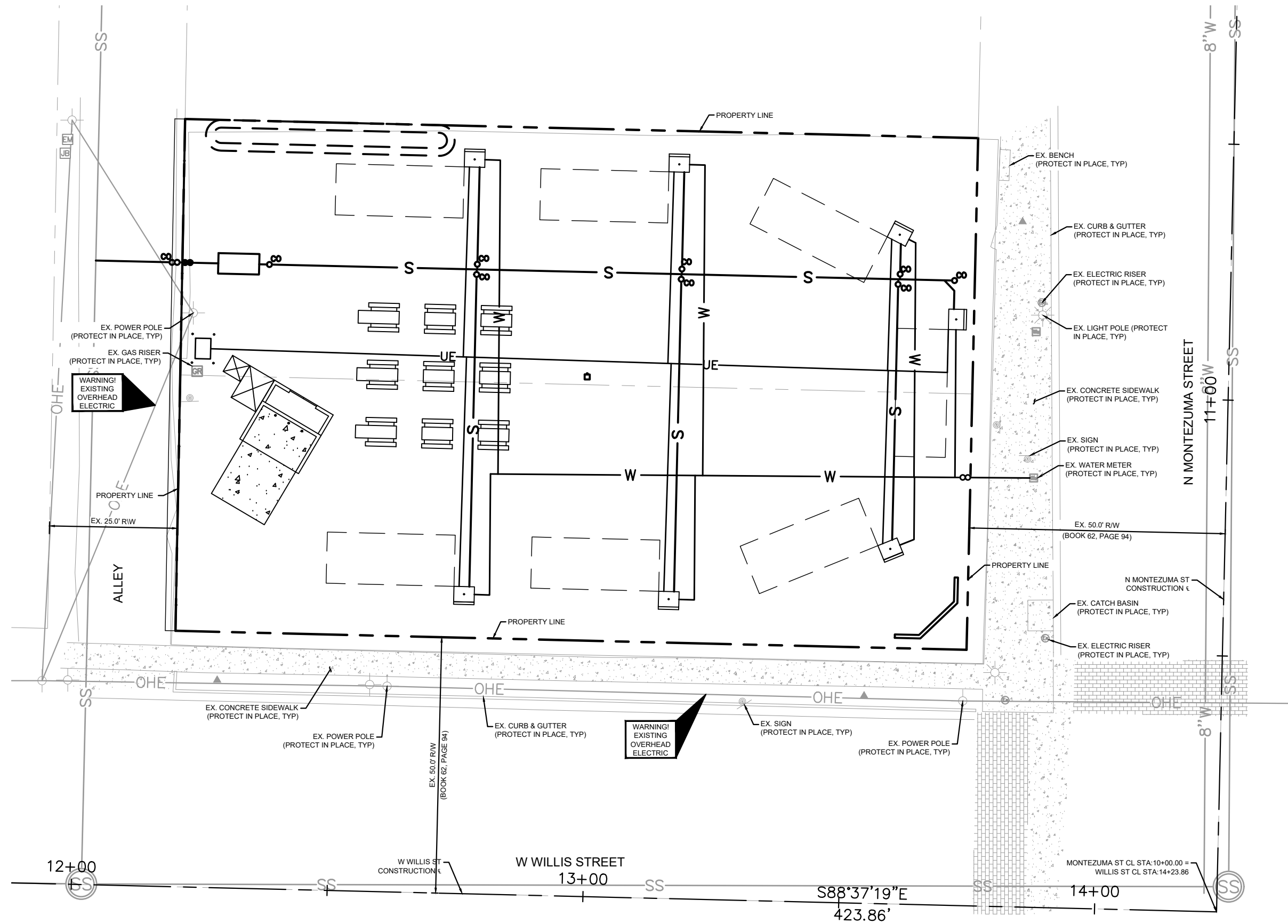
Building	Use	Water Demand Rate		Demand Criteria		Water Design Flow [GPD]	Water Design Flow [GPM]
		gpd	unit		unit		
7 Food Trucks	Restaurant/Cafeteria	24	Employee	336	Employees (7 Trucks x 2 Employees per Truck)	336	0.23
	Kitchen Waste	7	Meal	1960	Meals (7 Trucks x 40 Meals per Truck per day)	1960	1.36
Total						2,296	1.59

Table 2 Max Day Water Demands

Building	Use	Peaking Factor	Water Design Flow [GPD]	Water Design Flow [GPM]
7 Food Trucks	Restaurant/Cafeteria	1.8	605	0.42
	Kitchen Waste	1.8	3528	2.45
Total			4,133	2.87

WASTEWATER SYSTEM ANALYSIS AND RESULTS

The average and max daily demand analysis were performed for the proposed water infrastructure. Using the water meter sizing chart, it was determined that the existing 1-inch meter is sufficient for the proposed site. The proposed water infrastructure will add a max of 4,133 GPD to the existing water system and is sufficient enough to meet the required domestic water demand for the proposed Food Truck Park.



FOOD TRUCK SITE

APNs 113-15-059, 113-15-061

0.35 acres

204 N Montezuma St

Google Earth

© 2021 Google

4000 ft



National Flood Hazard Layer FIRMette



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE)
Zone A, V, AE, AO, AH, VE, AR
- With BFE or Depth Zone AE, AO, AH, VE, AR
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile (Zone X)
- Future Conditions 1% Annual Chance Flood Hazard (Zone X)
- Area with Reduced Flood Risk due to Levee. See Notes, Zone X
- Area with Flood Risk due to Levee (Zone D)

OTHER AREAS

- NO SCREEN
- Area of Minimal Flood Hazard (Zone X)
- Effective LOMRs
- Area of Undetermined Flood Hazard (Zone X)

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES

- 20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
- 17.5 Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS

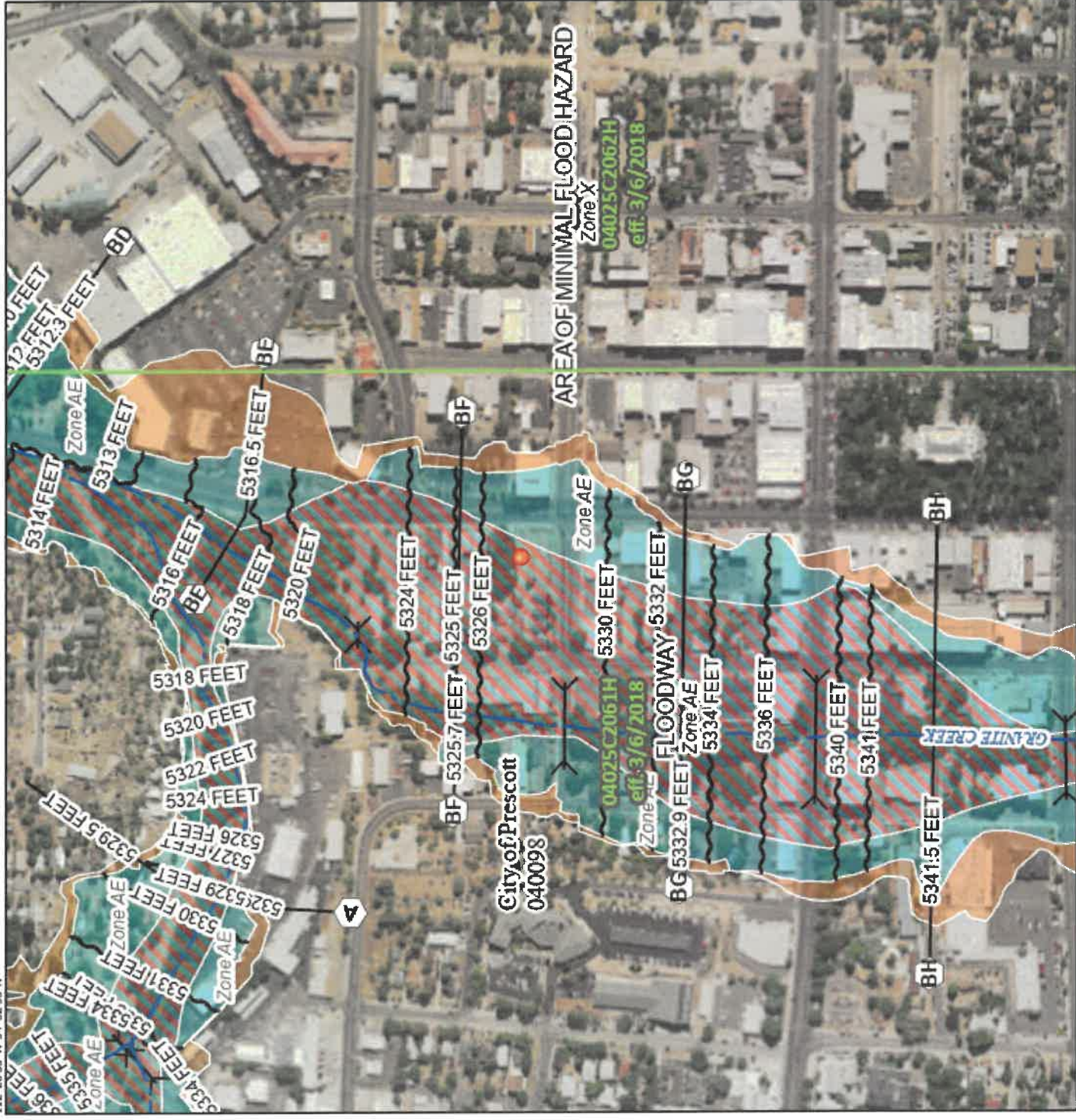
- Digital Data Available
- No Digital Data Available
- Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 8/30/2021 at 4:46 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



112°27'55"W 34°32'24"N

1:6,000

Feet

2,000

1,500

1,000

500

250

17



COUNCIL AGENDA MEMO

MEETING TYPE/DATE: **REGULAR SUBCOMMITTEE MEETING** **09- 7-21**

DEPARTMENT: **Public Works**

AGENDA ITEM: Recommendation for WSA21-012, a Water Service Agreement Application Submitted by Michael Lafferty on Behalf of Property Owner Dells View Apartments, and City Contract No. 2017-009A3 an Amendment to City Contract No. 2017-009. Location: 2051 Willow Lake, LLC; Assessor's Parcel Number: 106-13-031H, Comprising 7.47 acres in T14N, R2W, Section 13, SW ¼, NW ¼, SW ¼.

ITEM SUMMARY

Water Service Application WSA21-012, was submitted on August 5, 2021, requesting Amendment No. 3 to existing City Contract 2017-009 to renew potable supplies to serve Dells View Apartments, Phase 2, a 200 dwelling unit, multi-family apartment complex.

BACKGROUND

This project was originally allocated water under City Contract No. 2017-009. Since that time the City adopted a new Water Management Policy (WMP), on November 19, 2019, which no longer requires allocation of water. Projects within the City Limits requiring more than two (2) acre-feet per year of potable water are to be reviewed by the Subcommittee on Water Issues prior to submission to City Council.

This project was initially allocated water under City Contract No. 2017-009, on December 5, 2016, to serve construction of Phase 1, for 99 dwelling units. Amendment No. 1 to the contract, approved February 17, 2017, allocated water for an additional 101 units to be built, for a project total of 200 dwelling units. Amendment No. 2 approved August 29, 2017, granted a one-year extension of the contract to obtain a building permit(s), which expired on December 5, 2018.

Water Service Application 21-012 and Amendment to City Contract No. 2017-009A3 has been requested by the applicant to amend the timeline for issuance of building permit(s) and Certificate of Occupancy of the remaining buildings; to remove the language prohibiting a lot split, and to provide water for Phase 2, within the revised timeline agreement.

Currently, Buildings 3 and 4 have completed construction, containing 104 dwelling units. Buildings 1 and 2 are scheduled to begin construction in 2021 containing an additional 96 units, for a project total of 200 units.

A Water Demand Analysis was submitted by Granite Basin Engineering, Inc., on August 14, 2018. The City estimates a total water demand of 24.0 acre-feet for the 200 unit apartment complex, 1.40 acre-feet for the clubhouse, and 0.84 acre-feet for irrigation, for a total estimated water use of 26.24 acre-feet.

Applicant has completed the following:

Pre-Application Conference	March 10, 2016
Application Received	August 5, 2021
Submitted All Documents	August 20, 2021
Present to WIC	September 7, 2021
Present to City Council	September 28, 2021

FINANCIAL IMPACT

N/A

Recommended Action: MOVE to recommend forwarding WSA21-012 & City Contract No. 2017-009A3 to Council for approval
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ATTACHMENTS

- 1.[Application- Updated.pdf](#)
- 2.[City Contract No. 2017-009 Recorded 1.5.2017.pdf](#)
- 3.[Amendment No. A1 Recorded 4.17.2021.pdf](#)
- 4.[Amendment No. A2 Recorded 9.18.2017.pdf](#)
- 5.[Amendment No. A3.pdf](#)
- 6.[Site Plan.pdf](#)
- 7.[Area Map.pdf](#)



WATER SERVICE AGREEMENT APPLICATION

Water Resource Management Division
201 S. Cortez St., Prescott, AZ 86303
(P) 928.777.1645 (F) 928.777.1255

Please complete the form and submit a legible legal description on a separate sheet of paper as well as a site plan of the subject property with proposed improvements. Submit all documents and the filing fee directly to the Community Development Department at 201 S. Cortez St, Prescott, AZ 86302.

APPLICANT INFORMATION

Applicant:	<u>Michael Lafferty</u>	Contact Person:	<u>Kaline Hutchinson - Kaline@granitebasinengineering.com</u>
Address:	<u>3800 E. Lincoln Dr. #24</u>	City/State/Zip:	<u>Phoenix, AZ 85018</u>
Phone:	<u>(602) 628-7733</u>	Email:	<u>mike@laffertyco.com</u>

Property	<u>Dells View Apartments</u>	Contact Person:	<u>Kaline Hutchinson - Kaline@granitebasinengineering.com</u>
Owner:	<u>2051 Willow Lake, LLC</u>	City/State/Zip:	<u>Prescott, AZ 86301</u>
Address:	<u>2051 Willow Lake Road</u>	Email:	<u>mike@laffertyco.com</u>
Phone:	<u>(602) 628-7733</u>		

PROJECT SITE

Address: 2051 Willow Lake Road, Prescott, AZ 86301

Current Zoning: _____ Proposed Zoning: _____

Assessor's Parcel Number(s) of Existing Property:

106 - 13 - 031H _____ _____ _____

Existing Water Service (Y/N): Y

Existing Sewer Service (Y/N): Y

Existing Well (Y/N): N

If Yes, Well Registry No.: _____

PROJECT DESCRIPTION

Is the project Residential or Commercial? Multi-family commercial project

Please provide brief description:

of Proposed Units: 200 units # of Proposed Lots: N/A

Has a Water Demand Analysis been completed (commercial)? N/A

Has a building permit application been submitted? N/A

Has a Planning and Zoning Recommendation been made? N/A

Applicant Signature: 

Date: 08/25/2021

OFFICE USE ONLY

DATE:	PERMIT #: WSA18-_____	FEE PAID:	ACCELA:	Legal Attached:
SITE PLAN:	BUILDING PERMIT:	PRELIMINARY PLAT:		

WHEN RECORDED, PLEASE RETURN
INTEROFFICE TO:

Prescott City Clerk's Office
201 S. Cortez
City Hall

2017-0000781 AG Page: 1 of 9
01/05/2017 03:30:44 PM
Leslie M. Hoffman
OFFICIAL RECORDS OF YAVAPAI COUNTY \$9.00
CITY OF PRESCOTT



Water Service Agreement No. 16-008
Prescott Lake Villas
City Contract No. 2017-009

DO NOT REMOVE
THIS IS PART OF THE OFFICIAL DOCUMENT

AGREEMENT FOR POTABLE WATER (WSA No. 16-008)

**RAN & Associates
City Contract No. 2017-009**

WHEREAS, RAN & Associates (herein referred to as "Applicant"), is the owner of certain real property within the City of Prescott; and

WHEREAS, the Applicant wishes to obtain provision of potable water for the property described herein from the City of Prescott (herein referred to as "City"); and

WHEREAS, the Applicant contemplates constructing ninety-nine (99) dwelling units comprising Phase I of a project on the Property anticipated to consist of a total of two hundred (200) multi-family dwelling units; and

WHEREAS, twenty-five (25) residential units on the Property were served by a water well in 2007, the date of the 2007 Application to Modify the Decision and Order of the City was submitted to the Arizona Department of Water Resources; and

WHEREAS, the Applicant will be required to abandon the well in accordance with Arizona Department of Water Resources procedures and requirements; and

WHEREAS, the Applicant will be credited 0.5 acre-foot of groundwater per residence pursuant to Arizona Department of Water Resources Decision and Order No. 86-401501.0001 Attachment A.3.b.vi., for a total of twelve and one-half (12.5) acre-feet of water; and

WHEREAS, PCC Section 2-1-12(G) requires that an agreement be reached between the City and the Applicant in order to provide potable water; and

WHEREAS the City Council finds that compliance with this Agreement by the Applicant shall result in:

1. The project or development being consistent with and conforming to, furthering the implementation of, and not being contrary to, the adopted Water Management Policy of the City; and
2. The project or development being consistent with and conforming to, furthering the implementation of, and not being contrary to the adopted General Plan of the City; and
3. The project or development being consistent with and conforming to, furthering the implementation of, and not being contrary to any applicable adopted plans, including but not limited to Specific Area Plans, Circulation Plans, Capital Improvement Plans, Open Space and Trail Plans, Neighborhood Plans, Local Historic District Plans, growth planning or growth management plans, and redevelopment plans; and
4. The project being in accord with the duly adopted Prescott Water Budget and availability within its Water Portfolio.

NOW, THEREFORE, in consideration of the covenants contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by each party to the other, it is hereby agreed as follows:

1. That this Agreement shall relate to that property identified as Yavapai County Assessor Parcel Number 106-13-031H, more particularly described by the attached Exhibit "A" (hereinafter referred to as the "Property") and depicted by Exhibit "B".

2. That the City will set designate and provide a maximum of 24.75 acre-feet annually of potable water to serve the Property, consisting of 12.50 acre-feet of groundwater and 12.25 acre-feet of alternative water, subject to the following:

A. As a condition of water service, the Applicant shall connect the Property to the City's Sanitary Sewer System, and shall be responsible for any and all costs associated therewith.

B. Any change in use of the Property exceeding a total of 99 multi-family dwelling units for Phase I shall result in termination of this Agreement.

C. The quantity of 24.75 acre-feet annually of potable water shall be reserved for the Property for a period of one (1) year from the date of this Agreement, which quantity shall be made available upon issuance by the City of a building permit for 99 residential dwelling units. In the event the Applicant has not satisfied all requirements for issuance of said building permit within said one (1) year period, this Agreement shall automatically terminate, and in such case neither the Applicant shall have any entitlement to, nor shall the City have any obligation to provide, potable water to the Property.

D. Said quantity of 24.75 acre-feet annually of potable water shall continue to be reserved for the Property for a period of three (3) years from the date of building permit approval, which quantity shall be vested upon issuance by the City of a certificate of occupancy for 99 residential dwelling units. In the event the Applicant has not satisfied all requirements for issuance of said certificate of occupancy within said three (3) year period, this Agreement shall automatically terminate, and in such case neither the Applicant shall have any entitlement to, nor shall the City have any obligation to provide, potable water to the Property.

E. In the event that the 99 multi-family dwelling units identified on the site plan are reduced in the final approved site plan, then and in that event, the amount of potable water set aside for the Property pursuant to this Agreement shall be reduced by 0.25 acre-foot for each such dwelling unit not constructed, and the Applicant shall not have any right to any such reduction for future development purposes.

F. That the installation of any new well on the Property, or the use of water on the Property from any other exempt well (less than 35 gpm), shall result in the termination of this Agreement.

G. The Property shall not be split.

3. This Agreement shall run with the land, and shall be binding upon the Applicant's successors in interest and assigns.

4. Pursuant to A.R.S. Section 38-511, the City of Prescott may cancel this Agreement, without penalty or further obligation, if any person significantly involved in initiating, negotiating, securing, drafting or creating this Agreement on behalf of the City is, at any time while the Agreement or any extension of the Agreement is in effect, an employee or agent of any other party to the Agreement in any capacity or a consultant to any other party of the Agreement with respect to the subject matter of the Agreement. In the

This certificate is attached to a 7 page document dealing with/entitled Agreement For Potable Water LSA No 16-008 and dated 11/29/16.

California ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of San Diego

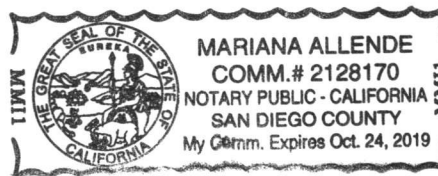
On November 29, 2016 before me,

Mariana Allende (notary public) (here insert name and title of the officer),

personally appeared Rick Alan Nestor, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Mariana Allende (Seal)

Rev. 2014-2015

DATED this 5th day of Dec., 2016.

Harry B. Oberg
HARRY B. OBERG
Mayor

ATTEST:

Dana R. DeLong
DANA R. DeLONG
City Clerk

APPROVED AS TO FORM:

Jon Paladini
JON PALADINI
City Attorney

MATTHEW PODRACHY, FOR

STATE OF ARIZONA)
) ss.
COUNTY OF YAVAPAI)

SEAL

Exhibit A
RAN and Associates

All that portion of the Southwest quarter of Section 13, Township 14 North, Range 2 West, of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, described as follows:

BEGINNING at the Southwest coner of said Section 13;

THENCE North 00° 56 ' East, 1265.00 feet to the TRUE POINT OF BEGINNING;

THENCE North 00° 56 ' East, 423.9 feet;

THENCE North 73° 56 ' East (recorded 73° 57'), 443.46 feet to the Southerly right-of-way line of the Granie Dells Road (now Willow Lake Road), as recorded in Book 10 of Maps, page 52, Yavapai County Recorder's Office;

THENCE South 57° 37 ' 30 " East, 642.28 feet along the Southerly line of said Granite Dells Road, to the P.C. of the curve to the left, said curve having a radius of 5754.58 feet;

THENCE Southeasterly along said curve a distance of 147.31 feet to the P. T. of said curve;

THENCE South 59° 05 ' 30 " East, 247.85 feet, along said right-of-way line to the P.C. of a curve to the right, said curve having a radius of 312.03 feet;

THENCE Southeasterly, along said right-of-way curve, a distance of 8.04 feet;

THENCE North 89° 44 ' West (recorded as 89 degrees 41 minutes), 1320.40 feet to the TRUE POINT OF BEGINNING, and

EXCEPT that portion as conveyed in Book 1943 of Official Records, page 901, and in Book 2800 of Official Records, page 652, records of Yavapai County, Arizona, and

EXCEPT the following described parcel:

A strip of land South of the adjacent to the south right-of-way of the Willow Lake Road;

BEGINNING at the Southwest corner of Section 13, Township 14 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona;

THENCE North 00° 56 ' East for 1265.00 feet;

THENCE North 00° 56 ' East for 423.90 feet;

THENCE North 73° 57 ' East for 436.78 feet to the TRUE POINT OF BEGINNING of this description;

THENCE North 73° 57 ' East for 6.68 feet to a point on the Southerly right-of-way line of the Willow Lake Road as recorded in Book 10, page 52 of Maps and Plats in the office of the Yavapai County Recorder;

THENCE South $57^{\circ} 32'$ East along the Southerly right-of-way of the Willow Lake Road for 642.28 feet to the P.C. of a 0.9956 degrees curve to the left said curve having a radius of 5745.58 feet;

THENCE Southeasterly along said curve for 147.31 feet to the P.T. of said curve;

THENCE South $^{\circ} 00'$ East for 347.55 feet along said Southerly right-of-way line to the P.C. of a 17 degrees curve to the right said curve having a radius of 312.03 feet;

THENCE Southeasterly along said curve for 8.04 feet;

THENCE North $89^{\circ} 41'$ West for 29.40 feet to a point which is 15 feet South of the Southerly right-of-way line of the Willow Lake Road;

THENCE North $59^{\circ} 00'$ West for 233 feet to Station 111+09;

THENCE North $31^{\circ} 00'$ East for 10.00 feet;

THENCE North $59^{\circ} 00'$ West for 3.81 feet to the P.T. of a 0.9947 degree curve having a radius of 5754.58 feet;

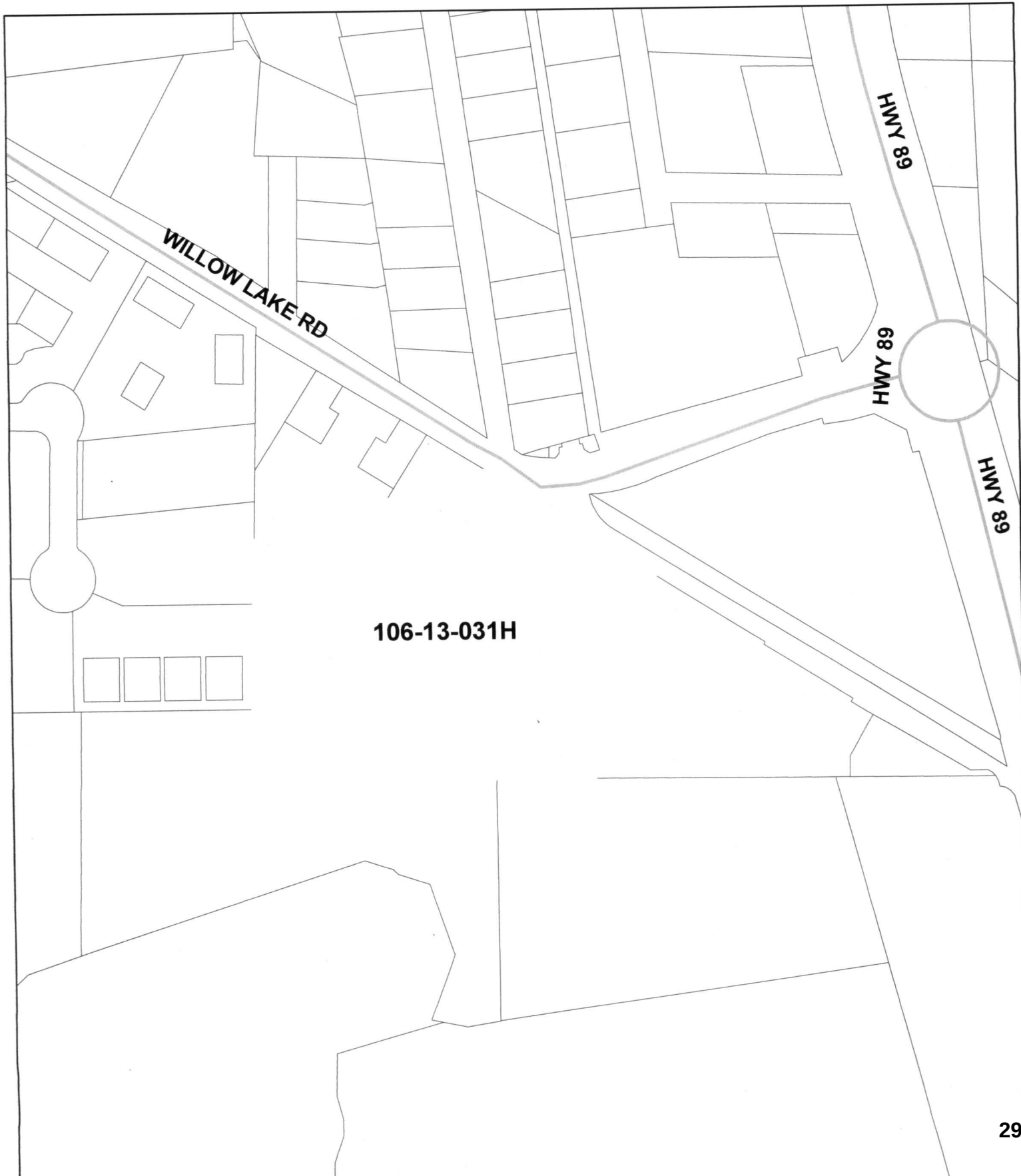
THENCE along said curve for 147.45 feet to the P.C. of said curve;

THENCE North $57^{\circ} 32'$ West for 646.71 feet to the POINT OF BEGINNING.

Legal Description

Exhibit B Prescott Lakes Villas

0 200 400 Feet



WHEN RECORDED, PLEASE INTEROFFICE TO:

Prescott City Clerk's Office
201 S. Cortez
City Hall
Prescott, AZ

**Amendment No. 1 to Agreement for Potable Water
RAN & Associates, City Contract No. 2017-009A1**

**City Contract No. 2017-009 Previously Recorded
2017-0000781**

**DO NOT REMOVE
THIS IS PART OF THE OFFICIAL DOCUMENT**

AMENDMENT NO. 1 TO AGREEMENT FOR POTABLE WATER
RAN & Associates
City Contract No. 2017-009A1

WHEREAS, RAN & Associates (hereinafter referred to as "Owner"), is the owner of certain real property which may receive water from the City of Prescott pursuant to PCC Section 2-11-4; and

WHEREAS, RAN & Associates previously entered into City Contract No. 2017-009, an Agreement for Potable Water (hereinafter referred to as the "Agreement"), for ninety-nine (99) dwelling units of a 200-unit apartment complex project; and

WHEREAS, on January 3, 2017, the Owner submitted a second Water Service Agreement Application (WSA 17-001) for the remainder of supplies necessary for the project consisting of 200 total dwelling units; and

WHEREAS, the remaining one hundred and one (101) units will require an additional allocation of 25.25 acre-feet (AF) of alternative water supplies.

NOW, THEREFORE, it is hereby agreed as follows:

1. That this Amendment No. 1 shall relate to that property described in City Contract No. 2017-009A1.
2. This Amendment No. 1 shall increase the alternative water allocated to said project by 25.25 AF, to a total allocation of 37.50 AF.
3. That all other terms and conditions of the Agreement not modified herein shall remain in force.

APPLICANT:

DATED this 18TH day of MARCH, 2017.

By:



Rick Nestor
RAN & Associates

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN DIEGO)

The foregoing instrument was acknowledged before me this _____ day of _____, 2017, by _____, personally known to me or proven to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged that he/she executed it.

[Seal]

Notary Public

CITY OF PRESCOTT:

DATED this 17 day of Feb, 2017.

Harry B. Oberg
HARRY B. OBERG
Mayor

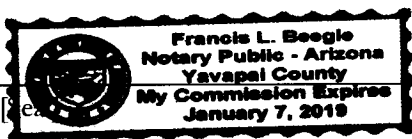
ATTEST:

Dana R. DeLong
DANA R. DeLONG
City Clerk

APPROVED AS TO FORM:
Jon Paladino
JON PALADINO
City Attorney

STATE OF ARIZONA)
) ss.
COUNTY OF YAVAPAI)

The foregoing instrument was acknowledged before me this 17 day of February, 2017, by Harry B. Oberg, personally known to me or proven to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged that he/she executed it.



Francis L. Beegle
Notary Public

CONTRACT TRACKING SHEET



CONTRACT NO: 2017-009A1

For Contract Review –

1st Step: City Clerk will assign a contract number (if Council action is required, get number first and include in Council Agenda Memo)

2nd Step: Route Contract and applicable documents through Legal Department

***** Certificate of Liability/Insurance MUST be attached. Please include the expiration date.**

PROCESS NOTE: The Legal Department MUST review all IGAs, Easements, Lease Property, Acquisition and Development Agreements as well as all Contracts. Must be reviewed and signed off by both Risk Manager & Legal Department prior to any action taken.

Please fill out this form completely or it will be returned to you prior to review, approval, or scanning in OnBase. If a response is not applicable, please use "N/A" - Do Not Leave Any Blanks.

Type (check one):

X Contract

☐ Change Order/Modification (How many change orders are connected to this contract? _____)

ORIGINAL CONTRACT NO: _____ for this change order

X Amendment (How many amendments are connected to this contract? 1)

ORIGINAL CONTRACT NO: 2017-009 for this amendment

☐ IGA

☐ General Services

☐ Professional Services

☐ Lease/Property Acquisition

☐ Development Agreement

☐ License Agreement

Other: please specify:

☐ Construction

☐ Easement

IDENTIFYING INFORMATION: (Please fill in each field)

Requesting Dept., Contact Name, Ext. #:

Water Resources, Leslie Graser, EXT 1144

Developer, or Vendor:

Rick A. Nestor (RAN & Associates)

6170 Caminito Plata

San Diego, CA 92120

(858) 382-4050

Project Name: Prescott Lakes Villas

Water Service Agreement 17-001

Brief Summary of the Services to be provided:

Water Service Agreement for Prescott Lakes Villas for 200 unit apartment complex.

Terms:

Start: **upon signature** Expire: **N/A**

Contract Amount: **50 AF**

Does contract require Council approval? ☒ Yes ☐ No

Scheduled Council Date: **02/14/2017 APPROVED**

Does document need to be recorded ☒ Yes ☐ No

ADDITIONAL COMMENTS/INSTRUCTIONS? **WSA was approved by Council on 02/14/2017.**

INSURANCE & BONDS

None Required ☐

Insurance Certificate:

☐ Attached

_____ Initial

Date: _____ Exp. Date _____

Bid Bond:

☐ Attached

_____ Initial

Date: _____

Performance Bond:

☐ Attached

_____ Initial

Date: _____

Payment Bond:

☐ Attached

_____ Initial

Date: _____

FINAL REVIEW AND APPROVAL: Please initial

☐ Legal: _____

Date: _____

Contracts/Procured Services

☐ Risk Mgmt: _____

Date: _____

Contracts and Certificates

☐ City Manager: _____

Date: _____

when required

City Clerk's Office Use

Retention Date: _____ Council approved on: ____/____/____

WHEN RECORDED, PLEASE INTEROFFICE TC



Prescott City Clerk's Office
201 S. Cortez
City Hall
Prescott, AZ

**Amendment No. 2 to Agreement for Potable Water
WSA 16-008 and WSA 17-001
Woodsman Properties, LLC
City Contract No. 2017-009A2**

**DO NOT REMOVE
THIS IS PART OF THE OFFICIAL DOCUMENT**

AMENDMENT NO. 2 TO AGREEMENT FOR POTABLE WATER
(WSA 16-008 and WSA 17-001)
City Contract No. 2017-009A2

WHEREAS, Woodsman Properties, LLC (hereinafter referred to as "Owner"), is the owner of certain real property within the City of Prescott; and

WHEREAS, City Contract No. 2017-009 and Amendment No.1 thereto, City Contract No. 2017-009A1, were executed by RAN & Associates as the developer and prospective future land owner; and

WHEREAS, by written request dated June 29, 2017, Owner requested that the Contract be further amended to reflect that the sale of the property to RAN & Associates has not occurred as envisioned; and

WHEREAS, Owner also made a separate written request on July 18, 2017, for a one-time, one (1) year extension to obtain approval of the building permit for the project to be constructed, as described by the original contract, to expire December 5, 2018.

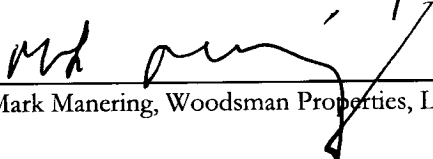
NOW, THEREFORE, it is hereby agreed as follows:

1. That this Amendment No. 2 shall relate to that property described in the Agreement as recorded in Book 3746, Page 806 of the Yavapai County Recorder's Office.

2. That all terms of the original City Contract 2017-009 and Amendment No. 1 thereto, City Contract No. 2017-009A1, shall remain in force unless modified by this Amendment No. 2.

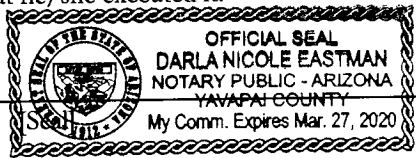
APPLICANT:

DATED this 29th day of August, 2017.

By: 
Mark Manering, Woodsman Properties, LLC

STATE OF ARIZONA)
)ss.
COUNTY OF YAVAPAI)

The foregoing instrument was acknowledged before me this 27th day of August, 2017, by Mark Manering, personally known to me or proven to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged that he/she executed it.



Darla Nicole Eastman
Notary Public

CITY OF PRESCOTT:

DATED this 29 day of August, 2017.

Harry B. Oberg
HARRY B. OBERG
Mayor

ATTEST:

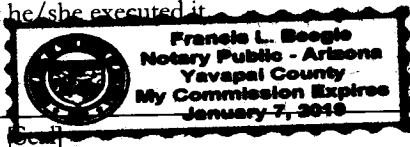
Maureen Scott
MAUREEN SCOTT
City Clerk

APPROVED AS TO FORM:

JON PALADINI
JON PALADINI
City Attorney

STATE OF ARIZONA)
)ss.
COUNTY OF YAVAPAI)

The foregoing instrument was acknowledged before me this 29 day of August, 2017, by Harry B. Oberg, personally known to me or proven to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged that he/she executed it.



Francis L. Beegle
Notary Public

AMENDED AND RESTATED AGREEMENT FOR POTABLE WATER
City Contract No. 2017-009A3

WHEREAS, DV Phase I Borrower, LLC (hereinafter referred to as “Owner”), is the owner of certain real property described herein (the “Property”) within the City of Prescott (“City”); and

WHEREAS, a predecessor in interest to Owner and the City entered into City Contract No. 2017-009 on December 5, 2016 for the provision of potable water to the first phase of the multi-family residential project located on the Property, and that contract was amended twice; and

WHEREAS, City Contract No. 2017-009 and its two amendments related to construction of a total of 200 multi-family dwelling units on the Property in two phases, and contained certain deadlines for receipt of building permits and certificates of occupancy; and

WHEREAS, deadlines for receipt of building permits and certificates of occupancy for Buildings 3 and 4 were met, however, the deadlines were not met for Buildings 1 and 2; and

WHEREAS, on December 19, 2019, the City’s Water Management Policy was updated but the administrative permitting provisions in it do not apply to the pre-existing City Contract No. 2017-009; and

WHEREAS, the 2019 Water Management Policy does not allocate specific quantities of water but rather estimates water usage and subsequently tracks water usage within the City’s Water Resource Management Model; and

WHEREAS, the City’s Water Management Policy requires a property with an existing entitlement to water from the City utilize that entitlement in full before additional water from the City can be provided, but the Owner is not requesting any additional water from the City; and

WHEREAS, rather than formally terminate City Contract No. 2017-009, the Owner and the City desire to enter into this Amended and Restated Agreement for Potable Water to clarify that water will be provided to the Property subject to certain terms and conditions contained herein.

NOW, THEREFORE, in consideration of the covenants contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by each party to the other, it is hereby agreed as follows:

1. That this Agreement shall relate to that property identified as Yavapai County Assessor Parcel Number 106-13-031H, more particularly described by the attached Exhibit “A” and depicted by Exhibit “B”. The term “Project” as used herein shall relate to the construction of 96 new dwelling units (Buildings 1 and 2) on the Property, and recognizes that 104 dwelling units (Buildings 3 and 4) currently exist on the Property.

2. The City will set aside potable water to serve the Project, subject to the following:

A. The Owner shall connect all phases of the Project to the City's Sanitary Sewer System.

B. The Owner shall be responsible for any and all costs associated with connections of the Project to the water and sewer systems of the City, and necessary for initiation of said utilities services, including applicable City fees and charges, and any line upgrades and extensions.

C. The maximum number of dwelling units on the Property shall not exceed 200 dwelling units and any change to the maximum number of dwelling units or any other change to the use of the Property will require submission of a new Water Service Application that will be processed as if the Property does not have a pre-existing entitlement to potable water.

E. In the event that there is a well on the Property, such well shall be abandoned by the Owner in accordance with Arizona law. Any installation of a new well, or use of water on the Property from any other well shall result in the termination of this Agreement.

F. In the event Owner has not: (1) received permit(s) for 96 new dwelling units (Buildings 1 and 2) within one year of the date this Amended and Restated Water Service Agreement is approved by the Prescott City Council; and (2) received Certificate(s) of Occupancy (Buildings 1 and 2) within two years of the date this Amended and Restated Water Service Agreement is approved by the Prescott City Council, then the City's commitment to provide potable water service to the Property shall automatically terminate, and in such case the Owner shall have no entitlement to, nor shall the City have any obligation to provide, potable water service to any portion of the Property that is not currently receiving potable water service.

G. The property shall comply with all City Codes regarding water use including the City of Prescott Land Development Code Section 6.5.5 and the required use of only ductile iron piping.

3. In the event the Owner chooses not to proceed with the Project, written notice of the same shall be provided to the City Manager of the City of Prescott, and this Agreement shall be terminated and future potable water service would require submission of a new Water Service Application that will be processed as if the Property does not have a pre-existing entitlement to potable water.

4. Pursuant to A.R.S. Section 38-511, the City of Prescott may cancel this Agreement, without penalty or further obligation, if any person significantly involved in initiating, negotiating, securing, drafting or creating this Agreement on behalf of the City is, at any time while the Agreement or any extension of the Agreement is in effect, an employee or agent of any other party to the Agreement in any capacity or a consultant to any other party of the Agreement with respect to the subject matter of the Agreement. In the event of the foregoing, the City of Prescott further elects to recoup any fee or commission paid or due to any person significantly involved in initiating, negotiating, securing, drafting or creating this Agreement on behalf of the City of Prescott from any other party to the Agreement arising as a result of this Agreement.

The foregoing instrument was acknowledged before me this _____ day of _____, 2021, by _____, personally known to me or proven to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged that he/she executed it.

[Seal]

Notary Public

CITY OF PRESCOTT:

DATED this _____ day of _____, 2021.

GREG L. MENGARELLI
Mayor

ATTEST:

APPROVED AS TO FORM:

SARAH M. SIEP
City Clerk

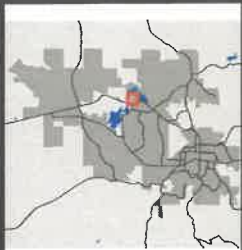
MATTHEW PODRACKY
Interim City Attorney

STATE OF ARIZONA)
) ss.
COUNTY OF YAVAPAI)

The foregoing instrument was acknowledged before me this _____ day of _____, 2021, by Greg Mengarelli, Mayor, personally known to me or proven to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged that he executed it.

[Seal]

Notary Public

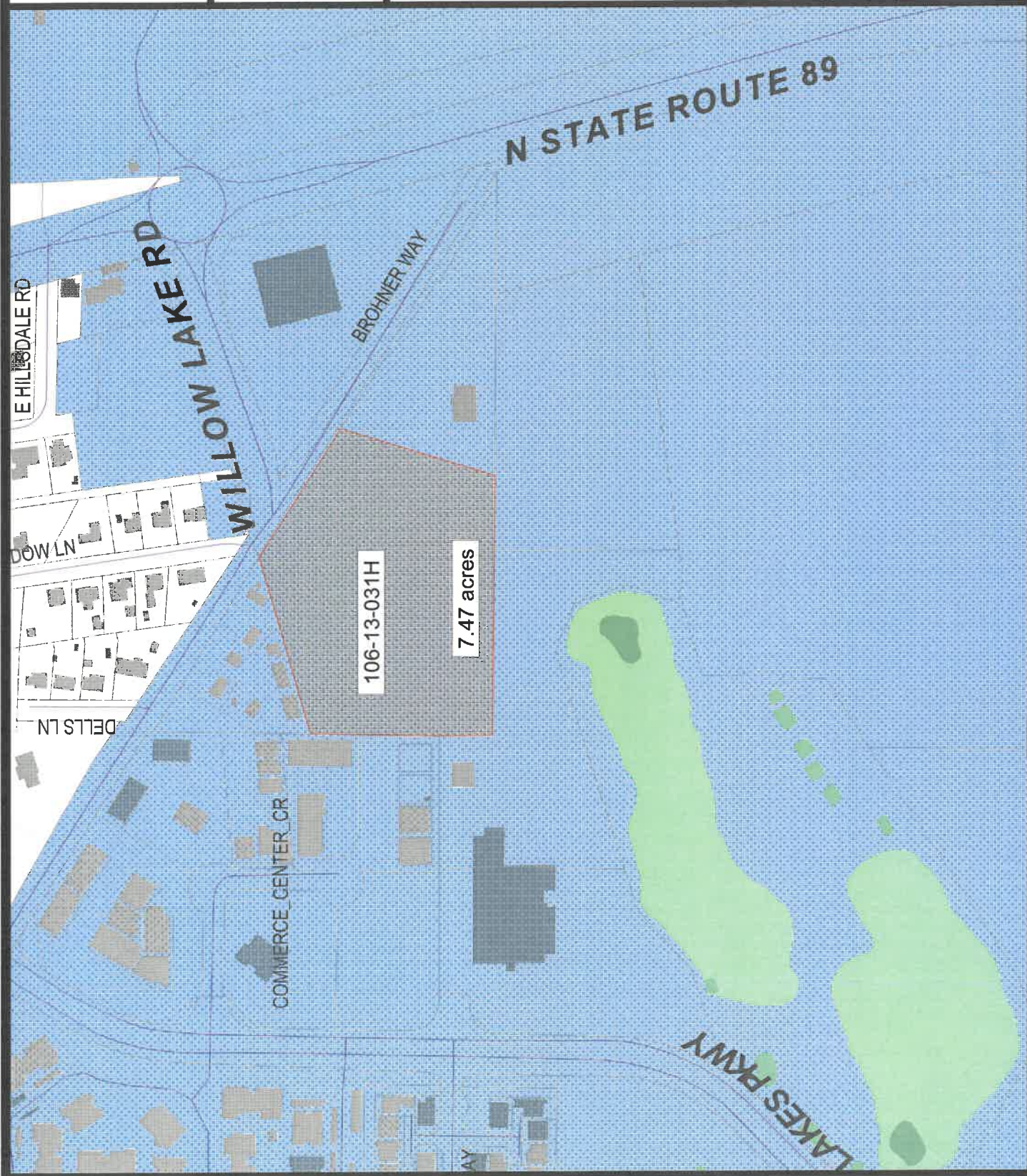


Dells View Apartments

This map is a product of
The City of Prescott



0' 1" = 322'



**COUNCIL AGENDA MEMO**

MEETING TYPE/DATE: **REGULAR SUBCOMMITTEE MEETING** **09- 7-21**

DEPARTMENT: **Public Works**

AGENDA ITEM: Infrastructure Topic - Pumping vs. Recharge 2021 Update.

ITEM SUMMARY

This is a standing item for the Subcommittee agenda that compares pumping from wells to the recharge deliveries at the City's Underground Storage Facility (recharge facility).

BACKGROUND

Every year the City collects daily information on its water and wastewater systems. This data is compiled in various formats and subsequently used to meet Annual Water Withdrawal and Use reporting requirements to the Arizona Department of Water Resources (ADWR).

As requested, this month's report will also include August's data.

The preliminary total pumped in Calendar Year 2021 (January 1-August 31) is 4,916.14 AF.

The preliminary total delivered to the recharge facility in Calendar Year 2021 (January 1 - August 31) is 2,141.68 AF. This total represents both reclaimed and surface water supplies.

See attached graph for additional information.

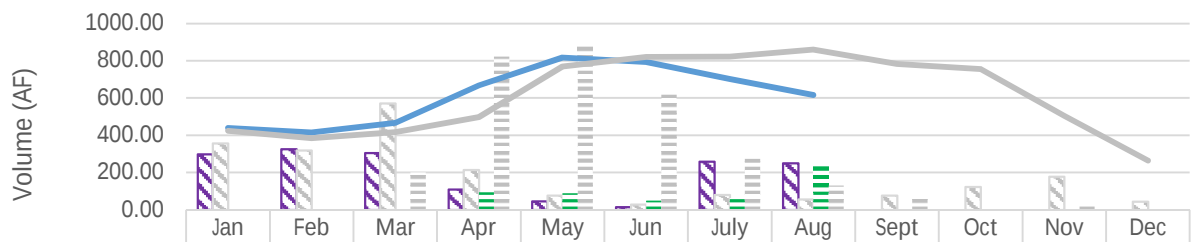
FINANCIAL IMPACT

No financial impact is related to this item.

Recommended Action: This item is for discussion only. No formal action will be taken.

ATTACHMENTS

Monthly Water Pumped (AF) vs. Recharge Deliveries (AF)
Calendar Year 2021
 (with previous calendar year in grey)



	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sept	Oct	Nov	Dec
Effluent Deliveries 2021 (AF)	298.38	326.32	305.31	109.03	46.16	14.62	258.55	250.00				
Effluent Deliveries 2020 (AF)	357.50	318.15	572.08	214.28	77.05	28.03	79.90	56.84	77.60	123.82	177.54	43.58
SW Deliveries 2021(AF)	0	0	0	93.29	89.4	48.83	63.8	237.99				
SW Deliveries 2020 (AF)	0	0	199.94	822.22	878.38	634.58	273.6	129.63	65.46	0	27.71	0
Water Pumped 2021 (AF)	439.69	414.46	466.7	666.91	816.38	793.54	701.59	616.87				
Water Pumped 2020 (AF)	423.87	384.23	417.48	496.9	769.53	820.32	822.28	860.29	783.37	755.98	503.62	263.6

Effluent Deliveries 2021 (AF)	Effluent Deliveries 2020 (AF)
SW Deliveries 2021(AF)	SW Deliveries 2020 (AF)
Water Pumped 2021 (AF)	Water Pumped 2020 (AF)

Total pumped: 4,916.14 AF

Total delivered to recharge: 2,141.68 AF

(1,608.37 AF of reclaimed effluent, and 533.31 AF of surface water)

Percent of water pumped in 2021 vs. water delivered to the recharge facility:

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Average
68%	79%	65%	30%	17%	8%	46%	79%					49%

Note 1: All volumes are deemed provisional until the City files its Annual Water Withdrawal and Use Report to ADWR in March each year. Pumping volumes are based on City production wells 1-5, and AP2 and 3. Recharge deliveries are based on meters located at the City's underground storage facility (recharge facility) which include feeds from Airport WRF, Sundog WWTP, and a surface pipeline. At this time, no evaporation losses have been applied to these volumes.

Note 2: In accordance with A.R.S. §45-851.01(B), surface water supplies,

If water is stored pursuant to a water storage permit and its use is based on a decreed or appropriative water right, the approximate recoverable amount of water stored in a month shall be recovered on or before the last day of the following month or within the same calendar year, whichever is earlier, unless the water is credited to a long-term storage account as prescribed by section 45-852.01

Note 3: The City holds a non-recoverable long-term storage account for permanent recharge volumes (City Charter, Article I, Section IV).

**COUNCIL AGENDA MEMO**

MEETING TYPE/DATE: **REGULAR SUBCOMMITTEE MEETING** **09- 7-21**

DEPARTMENT: **Public Works**

AGENDA ITEM: Infrastructure Topic - Static Water Levels Measurements at City Water Production Wells.

ITEM SUMMARY

Review of the static water level measurements taken by City staff at eight (8) production wells. Updated information has been added for Calendar Year 2021, January - July, see **Attachment 1**.

BACKGROUND

At the January 12, 2021, Council Subcommittee meeting, Chairman Blair requested information on the City's water levels at its productions wells. On March 2, 2021, the Subcommittee received an introductory presentation on the locations of the two wellfields located in the Chino Valley and Airport areas. After review of the water level charts, an update in six (6) months was requested.

Since the last presentation to the Subcommittee, the City added another production well to its water level tracking, Airport 5 (AP5). The City now has eight (8) active production wells located in the Little Chino Sub-basin. These wells have varying depths, but those clustered together generally have similar geology. Per the procedures used by the Arizona Department of Water Resources and other agencies such as the United State Geological Survey, a static water level is taken once a well's pump is halted for 8 hours or more. This is to allow the local water level to return to a "static" condition. Water levels can also be influenced by other nearby wells that may have their pump in operation. A map has been provided to show the general location of the eight (8) production wells, see **Attachment 2**.

Every year the City collects monthly information on the static water levels in their water production wells. This data is a component of the Arizona Department of Water Resources (ADWR) Annual Water Withdrawal and Use Report due no later than March 31st each year.

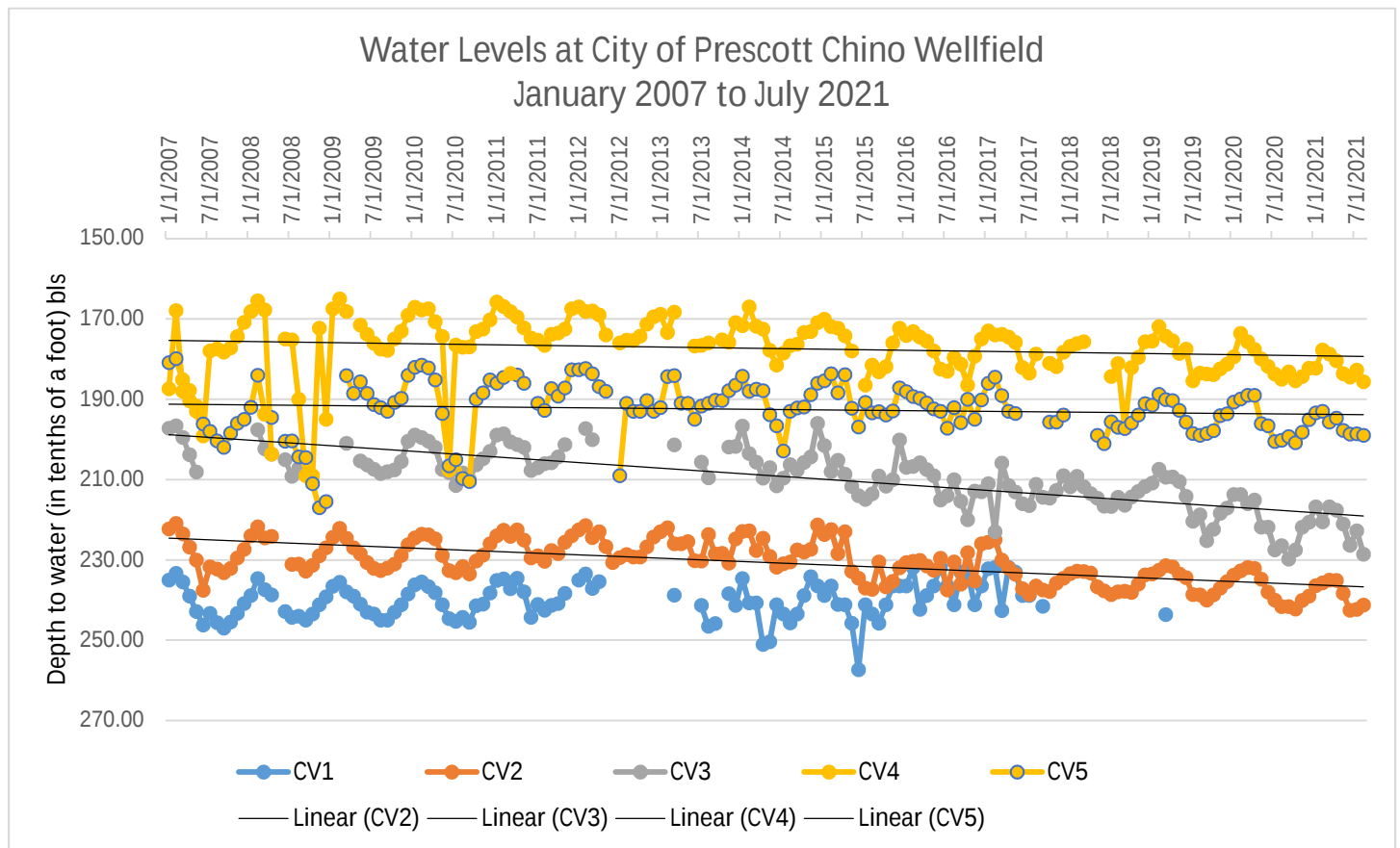
FINANCIAL IMPACT

No financial impact related to this item.

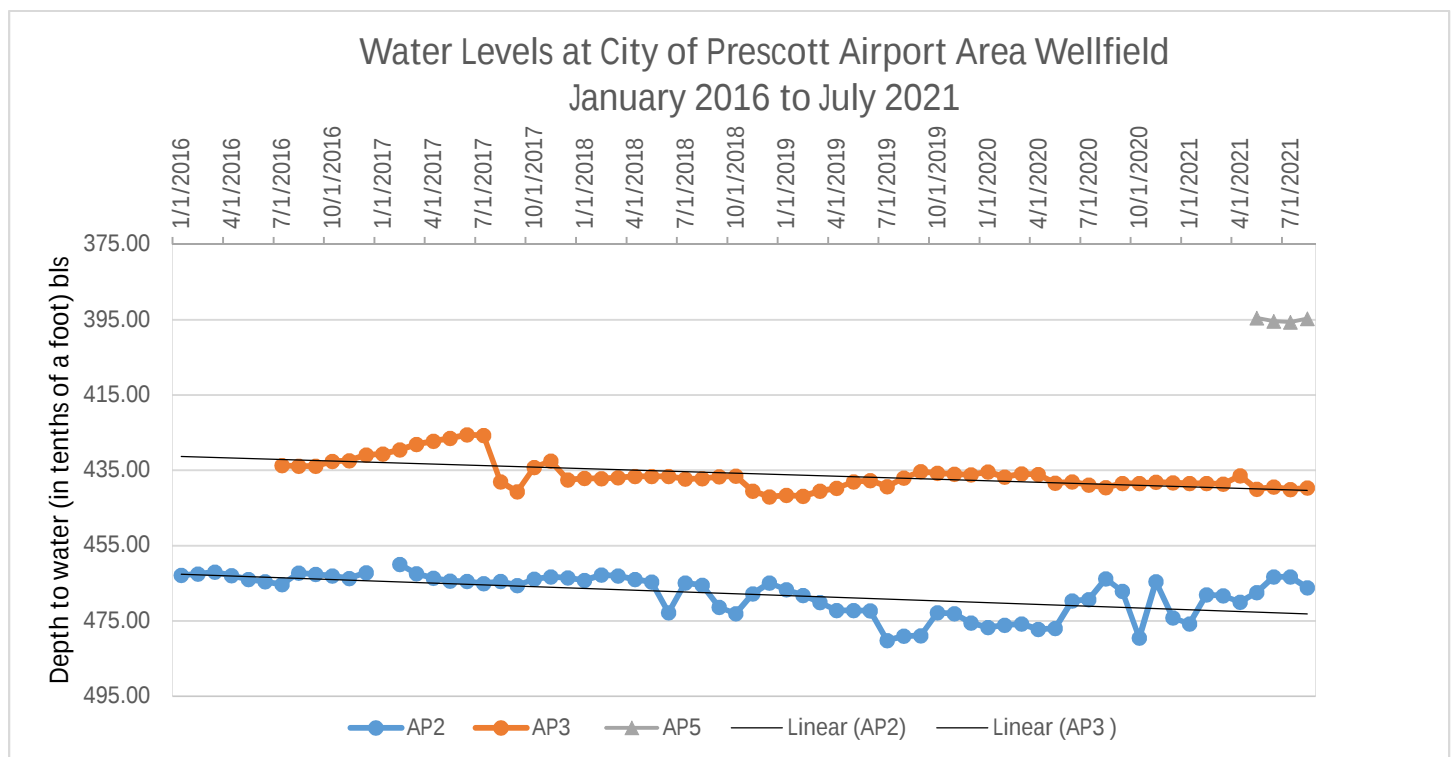
Recommended Action: This item is for discussion only. No formal action will be taken.
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ATTACHMENTS

1. [Static Water Levels_Charts_Attachment 1.docx](#)
2. [Static Water Levels_Well sites_Attachment 2.docx.docx](#)



Trend line (Linear) for CV1 not added due to limited data since mid-2017.



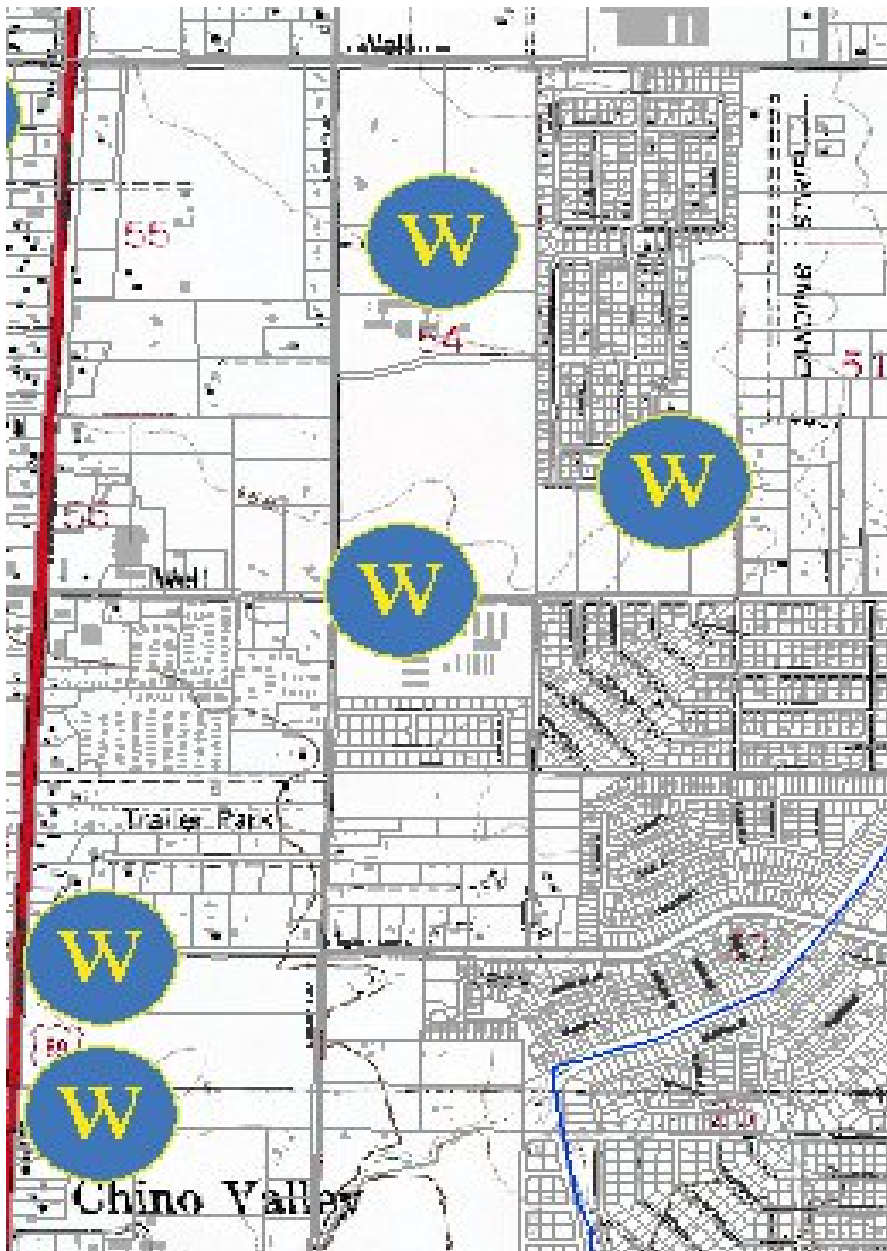
Trend line (Linear) for AP5 not added due to limited data. Record began in May 2021

Attachment 2

Chino Well Field

Basic info:

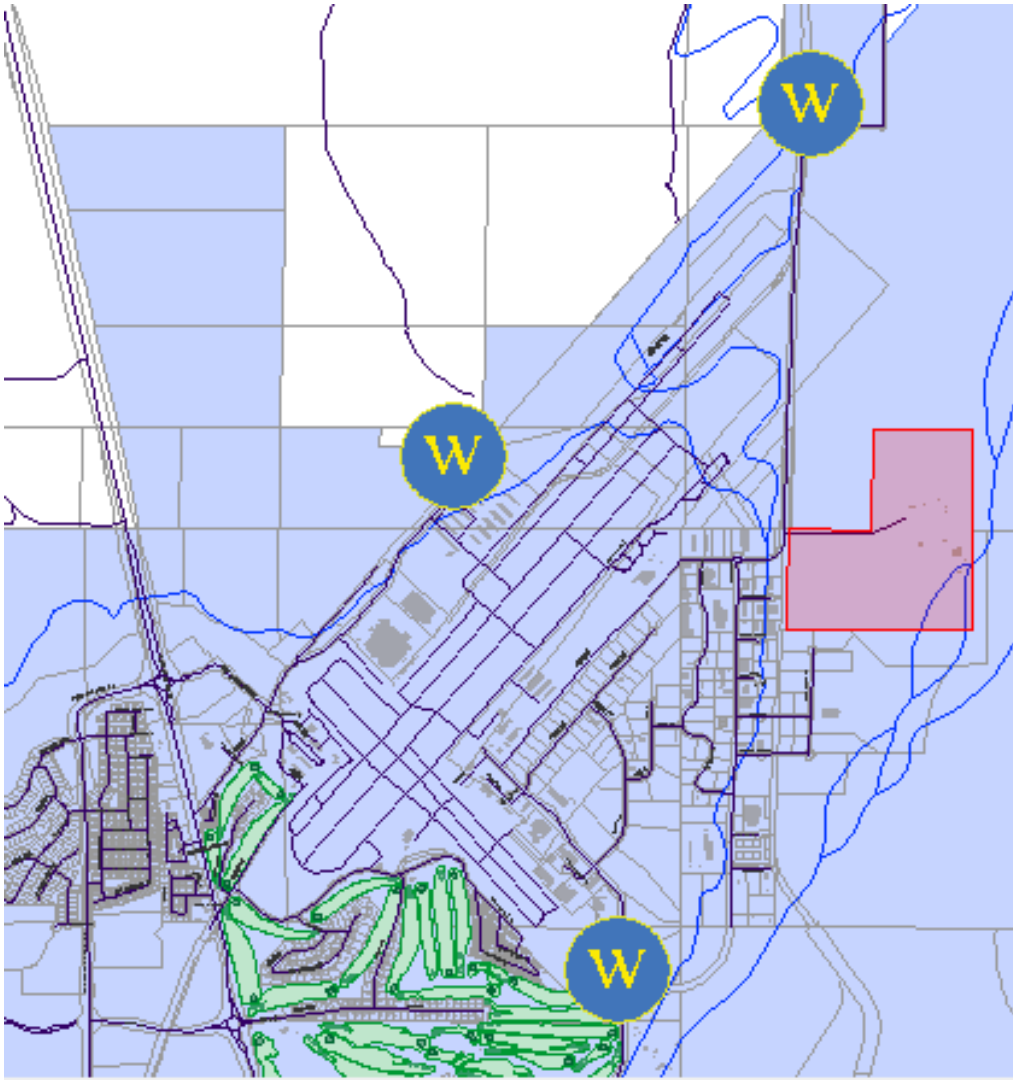
- 5 production wells in this portion of the subbasin
- Well Depths range from 535' to 690'
- Pumping Capacity ranges from 850 to 3,100 gpm
- Static Water Levels in 2020 range from 170' to 250' bls



Airport Well Field

Basic info:

- 3 production wells in this portion of the subbasin (3rd in April 2021)
- Well Depths range from 895' to 950'
- Pumping Capacity range from 640 to 1,600 gpm
- Static water level in 2020 range 430' to 480' bls





COUNCIL AGENDA MEMO

MEETING TYPE/DATE: **REGULAR SUBCOMMITTEE MEETING** **09- 7-21**

DEPARTMENT: **Public Works**

AGENDA ITEM: Overview of the Conservation Incentive Program in Fiscal Year 2021 (July 1, 2020 to June 30, 2021).

ITEM SUMMARY

This item is an overview of the Conservation Incentive Program for FY21, including the results of the septic post card mailing, the revision to Prescott City Code 3-10-8, and an outreach effort with Prescott Unified School District, Chamber of Commerce and Sharlot Hall Museum.

BACKGROUND

Since 2006, the City of Prescott has been providing rebates to water customers for purchasing water conserving devices; constructing rainwater harvesting projects, both active (rain barrels), and passive (water retaining landscaped areas); and turf removal. Rebates are credited to the homeowners' utility bills.

Chart 1 shows that the \$40,000 budget allocated annually to the Rebate Conservation Program was exceeded by almost \$7,000 in FY21. There were 187 successful applications processed this FY, resulting in an estimated water savings of almost 2.2 Million Gallons in FY21.

Table 1 provides data on the total number of rebate applications for the last ten (10) calendar years, 2012- 2021. Most years have been fairly successful, but 2020 and 2021 showed a definite increase.

Two events are responsible for the upsurge in the number of applications to the Rebate Program.

First, during the months of September and October 2020, 3,672 post cards were mailed to utility customers on septic systems. Customers who had previously been unaware of the program responded to the mailing, many of whom expressed surprise that there was a Conservation Incentive Program. Now that customers are aware, it is anticipated that more applications will be processed as people return to typical pre-COVID-19 shopping behaviors.

The success of the mail out is shown in the September to June data on Table 2: 118 low-flow toilets, and 57 washing machines, were purchased. Of these, 73 toilets were purchased by 49 septic system owners and 27 washing machines were purchased by septic system owners.

Total count for FY21 was 122 low-flow toilets purchased, 62 high efficiency washing machines, 10 turf replacements, 16 rainwater harvesting projects, and 18 irrigation controllers.

Second, Prescott City Council approved a revision to PCC 3-10-8: Water Conservation Code Incentive Program, to allow the purchase of a 1.28 single flush toilet, to be awarded a \$75 rebate, plus an additional \$50 for customers on septic systems. On April 25, 2021, twenty-eight (28) letters were sent to previously denied rebate customers notifying them that the rebate would be granted retroactively. Since that time, an additional 22 customers have purchased thirty-three (33) 1.28 single flush toilets. The 1.28 single flush toilet outsold the 1.0/1.28 dual flush toilet by a ratio of 5½:1. (Table 3.)

FINANCIAL IMPACT

A total of \$47,000 was rebated to water customers in FY21.

Recommended Action: This item is for discussion only. No formal action will be taken.

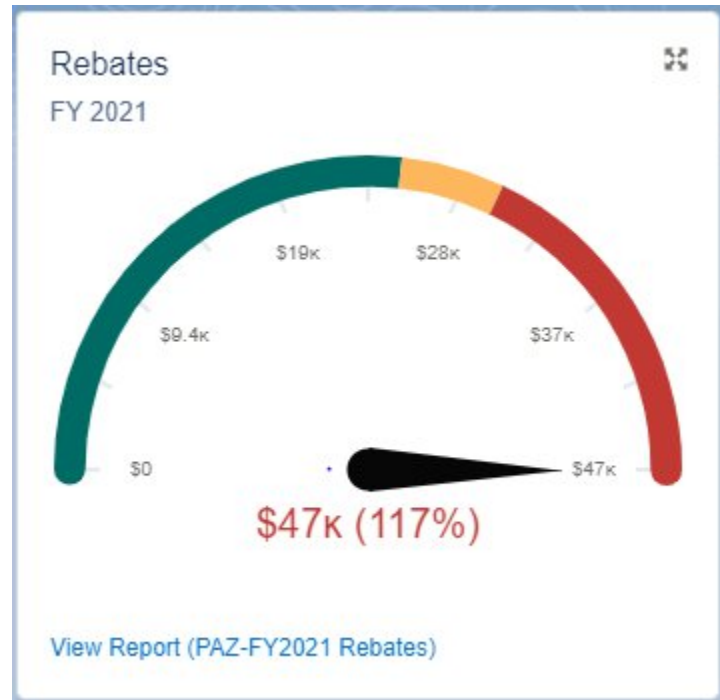
ATTACHMENTS

- 1.[Chart 1. Dashboard.docx](#)
- 2.[Table 1. 10 CY.docx](#)
- 3.[Table 2. FY21 Rebate Totals.xlsx](#)
- 4.[Table 3. SF toilets.xlsx](#)

Chart 1. Dashboard

FISCAL YEAR 2021

\$47,000, OR 117% OF BUDGET



OVER 2 MILLION GALLONS
OF WATER WERE SAVED



187 APPLICATIONS
WERE PROCESSED

Table 1. Ten Calendar Years

Number of Rebates Processed by Calendar Year 2012 - 2021

<u>Calendar Year</u>	<u>\$ amount rebated</u>	<u># of applicants</u>
☐ 2012	\$16,976.00	138
☐ 2013	\$15,376.00	123
☐ 2014	\$12,534.00	87
☐ 2015	\$7,463.00	44
☐ 2016	\$14,603.00	181
☐ 2017	\$13,147.50	96
☐ 2018	\$17,642.25	136
☐ 2019	\$18,360.00	133
☐ 2020	\$45,511.00	175
☐ 2021	\$41,950.00	172
10 YEARS	\$203,562.75	1,285

Table 2. FY21 Rebate Totals

FY 2021 Rebate Totals Items Purchased and Replaced

MONTH	TOILET low-flow	WASHING MACHINE high efficiency	TURF replacement	RAIN WATER HARVESTING	CONTROLLER
July	2	4	1	1	0
August	2	1	2	1	3
September	2	1	2	2	5
October	24	3	0	0	2
November	10	11	0	3	0
December	11	6	0	2	2
January	6	5	2	0	0
February	9	6	1	2	0
March	16	6	1	1	1
April	2	3	0	0	1
May	21	9	0	3	3
June	17	7	1	1	1
September- June Subtotal:	118	57			
GRAND TOTAL:	122	62	10	16	18
* Post Cards to septic tank customers were mailed following Labor Day, and were staggered so as not to overwhelm staff.					
Between September and June, 49 septic system customers purchased 73 low-flow toilets.					
27 septic system customers purchased 27 washing machines.					

1.28 single gpf toilet
April to June 2021

Month	Customer	\$75 toilet	septic			
APRIL	0	0	0			
MAY	12	18	4			
JUNE	10	15	4			
GRAND TOTAL:	22 Customers	33	8			
Conclusion: Twenty two (22) customers purchased thirty-three (33) 1.28 singleflush toilets.						
April 25, 2021, 28 letters were mailed to previously denied rebate customers.						
This table does not include the 28 letters.						

1.28 single gpf toilet
April to June 2021

Table 3. Single Flush

**1.28 Single Flush Toilets
Rebate Awarded
April to June, FY21**

Month	Customer	\$75 toilet	septic
APRIL	0	0	0
MAY	12	18	4
JUNE	10	15	4
GRAND TOTAL:	22 Customers	33	8
April 28, 2021, twenty-eight (28) letters were			
sent to previously denied rebate customers.			
Table 4 is in addition to those 28 letters.			

**COUNCIL AGENDA MEMO**

MEETING TYPE/DATE: **REGULAR SUBCOMMITTEE MEETING** **09- 7-21**

DEPARTMENT: **Public Works**

AGENDA ITEM: Discussion Regarding Possible Amendments to City Code 2-1-9 Utilities Division; Abbreviations and Definitions and 2-1-24 Utilities Division; Water Meters to Add Submetering.

ITEM SUMMARY

Review and discussion of proposed Amendment to City Code 2-1-9 Utilities Division; Abbreviations and Definitions and 2-1-24 Utilities Division; Water Meters to include definitions and guidelines related to the use of private water meters for submetering purposes in residential developments that use a master meter for water consumption.

BACKGROUND

At the July 27, 2021 City Council meeting, several members of the Council requested staff to research and provide information for consideration of a City Code amendment related to the use of private water meters (submetering) in residential developments that use a master meter for water consumption.

Under Arizona Revised Statutes 33-1314.01, a landlord may charge separately for gas, water, wastewater, solid waste removal or electricity by installing a submetering system or by allocating the charges separately through a ratio utility billing system (RUBS). When RUBS is used, it divides the bill among the residents based on certain criteria such as per tenant, square footage, type of unit, number of water fixtures, hot water usage or any other method that fairly allocates the charges. Administrative fees collected for submetering of utility billing in Arizona must be for "actual administrative costs only. The landlord shall not impose any additional charges."

Research showed that while several communities in Arizona encourage the use of submetering to promote water conservation, they do not require it by Code. The one exception found was the City of Sierra Vista. They require "independent unit metering" but also provide exceptions to this rule if RUBS is used per state law or the project is for low to moderate income tenants as defined by HUD.

Communities such as Phoenix, Avondale, Peoria and Mesa require a separate meter for landscaping, pools and other amenities in multifamily development, but they do not require submetering for the individual units. Staff did locate 2 other larger communities that require submetering, Portland Oregon and San Diego California.

A draft proposal for two code amendments related to the use of Private Water Meters (submetering) is attached. The first proposed amendment is to City Code 2-1-9 Utilities Division; Abbreviations and Definitions which includes two new definitions, one for "Master Meter" and one for "Private Water Meter". It also includes a change to the definition of "Consumer" to add "single-family rental unit development". The second proposed amendment is to City Code 2-1-24 Utilities Division; Water Meters which clarifies when a master meter may or may not be used as well as guidelines for the installation of a Private Water Meter.

FINANCIAL IMPACT

No financial impact related to this item.

Recommended Action: This item is for discussion only. No formal action will be taken.
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ATTACHMENTS

1. [Submetering_Info_4.docx](#)

PRESCOTT CITY CODE

2-1-9 Utilities Division; Abbreviations and Definitions:

CONSUMER: A person, firm or corporation contracting with the City for the furnishing of water or sewer services to property subject to the following classifications:

1. **Apartment Consumer:** Any apartment, house or complex which has multi-service connection through one (1) master meter. This classification shall be considered a nonresidential consumer.
2. **Commercial Consumer:** Any premises located within the service area on which a commercial business is operated, other than a home occupation business. This classification shall be considered a nonresidential consumer.
3. **Industrial Consumer:** Any commercial or industrial consumer whose water usage exceeds two hundred thousand (200,000) gallons per month.
4. **Multi-Family Consumer:** Any permanent housing unit having one (1) or more common walls within another housing unit located in a multi-family residential structure serviced by a common master meter, including a unit in a duplex, triplex, four-plex, condominium development, or townhouse development. It also includes mobile homes located in a mobile home park, single family rental unit development and other residential developments sharing a common master meter.
5. **Residential Consumer:** Any permanent housing unit located within the service area used as a residence, including but not limited to mobile home parks, apartment houses, single-family and multi-family residences.
6. **Trailer and Mobile Home Park Consumer:** A trailer park and mobile home consumer is any property, park or complex containing trailers or mobile homes which has multiservice connection through one (1) master meter. This classification shall be considered a residential consumer.

MASTER METER: A meter which measures the water usage of Multi-Family Consumer developments from the same meter. The meter is the responsibility of the landlord or owner, who then receives the bill as measured through one water meter.

PRIVATE WATER METER: A submeter or flow monitoring device owned by a party other than the City, placed behind a master meter to measure water consumption of each individual dwelling unit within a Multi-Family Consumer development, in order to monitor water consumption. A Private Water Meter is not owned, used or maintained by the City for billing purposes nor subject to Development Impact Fees.

2-1-24 Utilities Division; Water Meters

All water furnished or sold by the City shall be delivered or supplied through meter only, and every separate building supplied with the City water must have its own separate service connection and master meter or meter(s), except that two (2) or more buildings located on the same lot, on contiguous or continuous lots under the same ownership, property or block covering more than one (1) lot, may upon written permission granted by the Public Works Director, be supplied through the same connection and master meter as long as the single ownership continues. Upon change from single ownership, a new and separate connection and water meter shall be immediately made for each building or premises. No person having a water service connection shall otherwise furnish or deliver water to any other water use, whether gratuitously or for a charge.

The installation of a Private Water Meter is required for each individual dwelling unit sharing a common Master Meter for monitoring of individual water usage and to encourage water conservation in Multi-Family Consumer residential development. However a Private Water Meter is not required for apartment buildings with one common plumbing system.