

City of Prescott
**Mayor's Commission on Water Policy
Review & Monitoring**



May 16, 2023 | 11:00 AM
201 N. Montezuma Street
Council Chambers, 3rd Floor
Prescott, AZ 86301

AGENDA

The following Agenda will be considered by the **Mayor's Commission on Water Policy Review & Monitoring** to be held **May 16, 2023**. Notice of this meeting is given pursuant to Arizona Revised Statutes, Sec-tion 38-431.02.

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **DISCUSSION & ACTION ITEMS**
 - A. Approval of April 18, 2023 Meeting Minutes
Recommended Action: MOVE to approve the April 18, 2023 minutes as presented.
 - B. Commission's Text and Other Comments on the 2022 Policy
Recommended Action: For discussion purposes only.
5. **GENERAL ANNOUNCEMENTS**
6. **ADJOURNMENT**

Upon a public majority vote of a quorum of the Board, the Board 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)).

CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Prescott City Hall on May 12, 2023 at 1:30 p.m. in accordance with the statement filed by the Prescott City Council with the City Clerk.

Sarah M. Siep

Sarah M. Siep, City Clerk



TO: MAYOR AND CITY COUNCIL
AGENDA: May 16 Mayor's Commission on Water Policy Review & Monitoring
DATE: May 16, 2023
DEPT: Public Works
ITEM #: 4.A
SUBJECT: Approval of April 18, 2023 Meeting Minutes

ITEM SUMMARY

Attached for approval are the Mayor's Commission on Water Policy Review & Monitoring minutes for the April 18, 2023 meeting.

BACKGROUND

None

FINANCIAL IMPACT

None

RECOMMENDED ACTION

MOVE to approve the April 18, 2023 minutes as presented.

ATTACHMENTS

1. Minutes_MCWPRM_04182023



City of Prescott
**Mayor's Commission on Water Policy
Review & Monitoring**

April 18, 2023 | 11:00 AM
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Prescott, AZ 86301

MINUTES

1. CALL TO ORDER

Chairman Jim Lamerson called the meeting to order at 11:00 a.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Phil Goode – Mayor	Present
James (Jim) Lamerson – Chairman	Present
Robert (Bob) Roecker – Vice Chair	Present
Gary Beverly – Member	Excused
Gillian Haley-Meierbachtol – Member (Items 4, B.2 – adjournment)	Present
Peter Kroopnick – Member	Present
Michael Taylor – Member	Present
Gary Worob – Member	Present

4. DISCUSSION & POSSIBLE ACTION ITEMS

A. Approval of Meeting Minutes from March 21, 2023

**MOTION BY MEMBER WOROB TO APPROVE THE MARCH 21, 2023
MEETING MINUTES; MOTION SECONDED BY VICE CHAIR ROECKER:
PASSED (5-0)**

B. Proposed Recommendations for 2022 Water Management Policy, Polices 1-22.

Staff Liaison, Leslie Graser, addressed the commission and referred to the agenda structure and goals for this meeting, including motions for recommendations by the commission. She continued and referred to the commission continually learning and reviewing the various aspects and needs of the current Water Policy, and reiterated that the recommendations continue to be draft and are to provide Council with update on activity by the commission.

Member Michael Taylor commented on the detailed summarization and how well the comments were captured. He added that feedback from the Council on the recommendations to be presented at the May 9th Council Study Session would be beneficial. Ms. Graser agreed.

Member Gary Worob inquired about cisterns being considered wells. Ms. Graser clarified that no, they are not.

Member Peter Kroopnick requested of Chairman Lamerson to further review the last page of the draft recommendations synopsis provided to the members. Chairman Lamerson declined the request, and recommended that the primary focus be on the current agenda item.

A brief discussion took place regarding proper motion and voting actions with City Assistant Legal Attorney, Chris Resare. Following, Ms. Graser presented the proposed draft recommendations.

1. Policy 1

Commission recommendation:

City Council seek a recommendation from Community Development for how to resolve this City process to better serve the applicant and allow for an improved process for City staff.

MOTION BY VICE CHAIR ROECKER TO APPROVE THE POLICY 1 RECOMMENDATION; MOTION SECONDED BY MEMBER TAYLOR: PASSED (4-1) MEMBER KROOPNICK DISSENTING

2. Policy 3

Commission recommendation:

Protect the allocation and in turn the City's future ability to handle unforeseen circumstances by setting a water allocation figure for residential based on the WRMM's City-wide residential usage number with a .5 increase. For example, $0.17 + (.17 \times .5) = 0.26$ AF/SFR and $0.10 + (.10 \times .5) = 0.15$ AF/MFR. NOTE: Hold this steady until either WRMM averages change by 0.5 (up or down) OR the City's D&O modification is completed and this needs to be reassessed. Alternatively, "If a project is using more than planned, staff should investigate and take corrective action, which should be determined and might include: a substantial water rate surcharge, improved water conservation measures, reductions in landscape water use, or offset actions."

Council seek a recommendation from Community Development to determine the area of Code (Landscape Development Code) that needs to be updated to allow for further reduced landscaping (more than the use of the ADWR low-water use plant list) and what those redlines to the code should be extending to the sun setting of the irrigation requirements of the long-term plan. Is the Council in agreement to reduce landscaping understanding possible implications (i.e., Counter to Tree City USA discussion at GP, heat island effects, etc.)

Correct the 2022 policy to state how the WRMM averages are determined and when they should be presented to the City's Elected in Council or Subcommittee meetings. If recommendation 1 of this section is applied, annual updates to the elected body may not be necessary.

The Council should verify if the WRMM is being use when new applications come in for either Residential or Non-Residential that may seek densities higher than what the WRMM shows. For example, if the WRMM identifies a parcel for 22 MFR, but the new application for water seeks 100 MFR, what does the city do?

Conduct an analysis of landscape water use

Member Kroopnick inquired about the 0.5 increase justification. Ms. Graser commented that these are draft recommendations, in response.

MOTION BY VICE CHAIR ROECKER TO APPROVE THE POLICY 3 RECOMMENDATION; MOTION SECONDED BY MEMBER TAYLOR: PASSED (6-0)

3. Policy 4

Commission recommendation:

City Council seek examples for how the Water Resource Management Model (WRMM) is being used to meet this policy and then make adjustments to policy as needed.

MOTION BY VICE CHAIR ROECKER TO APPROVE THE POLICY 4 RECOMMENDATION; MOTION SECONDED BY MEMBER TAYLOR: PASSED (6-0)

4. Policy 5

Commission recommendation:

City will need to determine when a cost-benefit analysis is necessary such as a very specific list of requirements, the grading criteria for when a project qualifies for this type of applicant expenditure, and also how the responses will be assessed by Staff and Council. Policy statements that that City doesn't act upon gives the community a false understanding of the efforts the City makes for water resource allocation and how they manage limited supplies. Policies that don't have clear procedures for staff and the applicant may need to be removed until such time procedures are in place and can be enforced fairly.

MOTION BY VICE CHAIR ROECKER TO APPROVE THE POLICY 5 RECOMMENDATION; MOTION SECONDED BY MEMBER TAYLOR: PASSED (6-0)

5. Policy 6

Commission recommendation:

City Council verify the City has a process for identifying which applications have meet this policy and how they will be identified in the City's databases so they can be addressed. Policy language may need to be adjusted for larger projects which typically have longer timetables. Consistency or clarification needs to be added between this policy and Policy Attachment 5.

Member Taylor commented that further study will be needed regarding permitting timeframes. Member Gillian Haley-Meierbachtol concurred. Ms. Graser noted

the request.

**MOTION BY MEMBER WOROB TO AMEND THE POLICY 6
RECOMMENDATION TO INCLUDE FURTHER STUDY; MOTION SECONDED
BY VICE CHAIR ROECKER: PASSED (6-0)**

**MOTION BY MEMBER WOROB TO APPROVE THE AMENDED POLICY 6
RECOMMENDATION; MOTION SECONDED BY VICE CHAIR ROECKER:
PASSED (6-0)**

6. Policy 7

Commission recommendation:

To be determined.

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

7. Policy 8

Commission recommendation:

City Council seeks the tracking of properties that have redeveloped from the July 22 to Dec 2022 timeframe. If a portion or all of this policy doesn't provide meaningful water management or doesn't have tracking, then the policy may need to be reassessed.

City Council request information from the staff about how the WRMM tracks water conservation effectiveness. Pending how it is determined will then provide frequency of reporting to Council and potentially how much conservation must yet be achieved but note that this discussion of conversation deviates from the thrust of policy 8 and 9 so a separate conversation appears to be needed.

**MOTION BY MEMBER WOROB TO APPROVE THE POLICY 8
RECOMMENDATION; MOTION SECONDED BY VICE CHAIR ROECKER:
PASSED (6-0)**

8. Policy 9

Commission recommendation:

City Council seeks from the 2022 policy development team a comprehensive list of the City's obligations at the time of the 2022 policy enactment. Total volume allocated, volume per unit type, number of units, special conditions, etc should also be made available for each commitment that was deemed "existing". Further what is the timeframe and definition for existing?

**MOTION BY MEMBER WOROB TO APPROVE THE POLICY 9
RECOMMENDATION; MOTION SECONDED BY MEMBER TAYLOR:
PASSED (6-0)**

9. Policy 10

Commission recommendation:

City Council seeks further information from the policy development team to address the items noted. If a policy is not attainable, not able to be monitored, or is inconsistent with other documents then it will need to be

addressed with a full understanding of the situation and defensible data.

Member Kroopnick commented that the issue does not have a timeframe as to when the requirement is to be met or justification for the figure of 75%. He added that Member Beverly had submitted information to staff regarding the information as well. Per Ms. Graser in response, Member Beverly was excused and not present for today's meeting, and therefore unable to represent himself. However, staff received his comments, have been incorporating them, and can further investigate.

MOTION BY MEMBER TAYLOR TO APPROVE THE POLICY 10 RECOMMENDATION; MOTION SECONDED BY VICE CHAIR ROECKER: PASSED (5-1) MEMBER KROOPNICK DISSENTING

10. Policy 13

Commission recommendation:

To be determined.

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

11. Policy 14

Commission recommendation:

City Council seek to roll any unused volumes to the following 6-month period. However, it would caution the transferring of commercial water budget to the residential water budget until there is clear information from Community Development and possibly other departments that the residential already approved had the complimentary support services (upsizing existing commercial, added commercial, job creation, fire and police, etc.) planned and their water needed.

The appeal process needs to be more specific, having some distinct, non-negotiable requirements, as well as deducting the volume granted from the remaining volume the City has to allocate.

MOTION BY VICE CHAIR ROECKER TO TABLE THE DISCUSSION FOR THE POLICY 14 RECOMMENDATION; MOTION SECONDED BY CHAIRMAN LAMERSON: PASSED (6-0)

12. Policy 15

Commission recommendation:

To be determined.

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

13. Policy 16

Commission recommendation:

City Council request from the policy development team how this policy is being managed and provide the supporting information (tables, etc.).

MOTION BY VICE CHAIR ROECKER TO APPROVE THE POLICY 16 RECOMMENDATION; MOTION SECONDED BY MEMBER TAYLOR: PASSED (5-1) MEMBER KROOPNICK DISSENTING

14. Policy 18

Commission recommendation:

To be determined.

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

15. Policy 19

Commission recommendation:

Develop City practices to address landscaping both before and post installation.

Member Kroopnick commented that he would recommend that trained building inspectors be required to perform indoor and outdoor inspections, repeating in 3-5 year intervals. Member Taylor commented there is not adequate staff to do so. Chairman Lamerson commented that it may not be appropriate to considering motioning for resources we may not have. Member Taylor commented that he agrees with the recommendation as presented. Member Haley-Meierbachtol commented that it may be beneficial to look into real-time monitoring options for water users to aid in understanding the policy and practices. Member Worob expressed concern for lack of water harvesting.

MOTION BY VICE CHAIR ROECKER TO APPROVE THE POLICY 19 RECOMMENDATION; MOTION SECONDED BY MEMBER TAYLOR: FAILED (3-3) MEMBER HALEY-MEIERBACKTOL, MEMBER KROOPNICK, MEMBER WOROB DISSENTING

16. Policy 20

Commission recommendation:

City Council seeks from the policy development team what was prepared to execute this policy. If there was no procedure in place or prepared to manage this policy, then that needs to be addressed.

MOTION BY VICE CHAIR ROECKER TO APPROVE THE POLICY 20 RECOMMENDATION; MOTION SECONDED BY MEMBER TAYLOR: PASSED (6-0)

17. Policy 21

Commission recommendation:

City Council seeks from the policy development team what practices were in place or would be in place for staff to follow this policy. If a policy doesn't have the practices in place, then it should not be included in a document to give the impression that certain actions are taking place that aren't.

Member Kroopnick requested clarification regarding exempt wells. Per Ms. Graser, in the City D&O and within State statutes, if someone is served by a well and the well is abandoned to receive water from the City, a groundwater allowance increase may be sought.

Member Haley-Meierbachtol commented that the allocation is understood,

however, it appears that based on staff comments there is no accurate measurement and therefore the statute would appear arbitrary.

Following Ms. Graser's clarification, Member Haley-Meierbachtol added that there still may be complications with private property owners and pushback may be encountered. Per Ms. Graser, when larger properties are involved, they are typically part of a development agreement or a contract.

Additional discussion took place regarding legalities and enforcement. Per Assistant Legal Attorney Resare, the specifics would be included in the contract or agreement.

Ms. Graser reiterated that the recommendations determined in this meeting are all drafts for City Council to review what has been accomplished, and through discussion, determine which items would be the primary focus of the commission.

Chairman Lamerson commented on property owners needing to work with municipalities to determine rights to water and distribution. Member Taylor suggested input from Mayor Goode, to determine whether or not the item being discussed should be tabled.

Per Mayor Goode in response, City Council would appreciate receiving recommendations that have some clarity rather than vague and ambiguous, as that then puts the responsibility on the Council to deliberate and make a decision. The recommendations should first be clarified and then brought before Council.

MOTION BY VICE CHAIR ROECKER TO TABLE THE DISCUSSION FOR THE POLICY 21 RECOMMENDATION; MOTION SECONDED BY MEMBER WOROB: PASSED (6-0)

C. Draft Synopsis of Recommendations related to the 2022 Water Management Policy

Ms. Graser presented the draft synopsis of recommendations.

Commission recommendation:

It is recommended the City continue with the 2022 policy as it is more effective than the 2019 policy for managing finite water supplies; however, it should remove or correct any language that the City doesn't or can't actually act upon. Some policies that don't have clear procedures for staff and the applicant may need to be removed until such time procedures are in place and can be enforced fairly.

It is recommended the City begin the process to develop a long-term water management plan, incorporating the water resource management model and appropriate legal documents. With the Commission identifying disconnects in the 2022 policy, i.e. recommendations for or concerns with 16 of 22 policies, within the documents text (pages 1-15 and attachments), as well as other comments, it is evident the City is lacking a long-range water management plan to carry the City's water health and safety when there are changes from one elected and leadership bodies to another. The 2022 policy may bridge the City while a long-term plan is developed and aligns with its pending Decision and Order of Assured Water Supply (DAWS) which is currently under review with ADWR. Alignment with the City's 2025 General Plan will also be important. Note that the City's service area extends outside of its General Plan area.

It is recommended the City develop procedures for the use of the Water Resources Management Model (WRMM) that are not currently reflected in the policy. The WRMM appears to be a tool that needs to be fully employed as part of the City's long-term planning tools; however, it is evident there is limited understanding and use of it when the 2022 water policy is examined. It may be important for a team within the City to examine it and set forth meaningful and reproducible tasks from it which inform City elected and leadership, and aid in long-term planning. It is concerning as it appears the 2022 water policy is allocating supplies beyond the WRMM as filed with the City's pending DAWS. That is, it appears policy allocates before those uses are verified in the WRMM. Further, the WRMM is updated starting in January of each year.

MOTION BY MEMBER HALEY-MEIERBACKTOL TO APPROVE THE DRAFT SYNOPSIS OF RECOMMENDATIONS; MOTION SECONDED BY MEMBER WOROB: PASSED (6-0)

D. May 9th Council Study Session Presentation

The Council Study Session for the Draft Recommendations Presentation has been rescheduled from April 25th to May 9th.

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

E. Next Meeting: May 16, 2023

The next commission meeting will take place at 11:00 a.m. on Tuesday, May 16, 2023. Anticipated discussion is to include outcome and feedback from the May 9th Study Session, as well as continued review for the text pages and attachments in the current Water Policy.

Members expressed interest in staff from the City's Community Development Department and the Water Issues Subcommittee attending future meetings. Interest in working with staff liaisons with the General Plan Review Committee was expressed as well.

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

5. ADJOURNMENT

There being no further business to discuss, Chairman Lamerson adjourned the meeting at 12:05 p.m.

JIM LAMERSON, Chairman

ATTEST:

MARIKAY WHISENAND, Administrative Specialist

Date



TO: MAYOR AND CITY COUNCIL
AGENDA: May 16 Mayor's Commission on Water Policy Review & Monitoring
DATE: May 16, 2023
DEPT: Public Works
ITEM #: 4.B
SUBJECT: Commission's Text and Other Comments on the 2022 Policy

ITEM SUMMARY

Early in the review process, Commission members provided input on the 2022 Policy beyond policies 1-22 related to text in sections 1-4 (Introduction, State and City Water Management, Physical Water Supplies, Water Management - Integrating Supplies within the Framework of State Law and other Legal Obligations), and other items not directly mentioned in the Policy which members deemed important for data review to determine policy effectiveness. The Commission will have the opportunity to provide additional input to areas outside of the 2022 Policy's , policies 1-22,

BACKGROUND

In the July-September 2022 timeframe, the Commission was reviewing all text in the 2022 Policy and as part of those efforts for determining effectiveness, staff asked what data sets would be important? Many Commissioners provided specific page references related to questions or concerns in the text. Staff was also provided a list of datasets that would be helpful for determining policy effectiveness. These items were listed in the working Commission draft document titled, Mayor's Commission for Water Policy Review and Monitoring – DRAFT Recommendations on the 2022 Water Management Policy, version date 4/7/2023. Those items both in text and requested data needs have been consolidated for the Commission review and provide additional input, see memo Attachment A.

FINANCIAL IMPACT

No financial impact

RECOMMENDED ACTION

For discussion purposes only.

ATTACHMENTS

1. Draft Recommendations_05102023_txt_data

ATTACHMENT A – to Commission Agenda Memo 4.C.

Mayor’s Commission for Water Policy Review and Monitoring – DRAFT Recommendations on the 2022 Water Management Policy

BACKGROUND INFORMATION:

City Clerk’s Commission Documentation: The Mayor’s Commission for Water Policy Review was established in May 2022. The purpose for establishing the Mayor’s Commission for Water Policy Review is for review and monitoring of the City’s updated Water Policy, adopted by Council on April 26, 2022.

The Committee consists of eight (8) members appointed by the Mayor for the term of his office. The membership term is Mayor’s Term. The Committee will meet on the third Tuesday of each month, starting on June 21, 2022. <https://www.prescott-az.gov/board/water-policy-review-monitoring-commission/>

2022 Water Management Policy: <https://www.prescott-az.gov/water-sewer/water-management/water-policy/>

DRAFT TEXT Concerns

Section 1: Introduction

Commission Concern: None provided at this time

Section 2: State and City Water Management

Commission Concern: None provided at this time

Section 2.a: State Water Management Requirements

Commission Concern: It is not clear how much water remains in each of the portfolio blocks shown in Figure 2. I don’t hear that the City continues to allocate “alternative” supplies to reduce their dependency on groundwater supplies, that is, to reduce overdraft. How much of the Big Chino Groundwater has been placed into contract or is committed? How will the policy help in the use of Big Chino supplies to help the Prescott area reach safe-yield?

Basic Water Data:

Monthly report of the data that is included in the annual report to ADWR, for entire system: pumping volume, WWTP recovery volume, surface water collection volume, direct reuse volume, total recharge volume, leak ratio, system gpcd.

Section 2.b: City Water Management Requirements

Commission Concern:

Water Management:

It is critical to budget and manage our water portfolio to take into consideration the cause and effect, and consequences for police, fire, trash pickup, sewer capacity, road infrastructure and water delivery ability. Water is the key to sound growth management and lucid planning. We should not plan to grow beyond our capacity to provide service.

Water Budget:

Monthly water awards (including administrative) vs budget with running total and balance.

Section 3: Physical Water Supplies

Commission Concern:

Water Quality:

We should track water quality, including the PFOA contamination issue in the airport wells, as reports are received.

Permanent Recharge Water Volume (Prop 400):

Water delivered and wastewater volume returned, by month, by each annexed area.

Wastewater Return (Policy 10):

Water delivered and wastewater volume returned, by month, for each development.

Section 4: Water Management – Integrating Supplies within the Framework of State Law and other Legal Obligations

Commission Concern: None provided at this time

Section 4.a: Water Management and the City of Prescott General Plan

Commission Concern: Has the City followed the 2015 General Plan? For example, water has been provided to two locations outside of the plan boundary in the past few years? How will the upcoming General Plan efforts coordinate with the water policy? Will there be enough water to serve the General Plan area? What GPCD will be needed to serve the General Plan area?

Staff Concern: Correct language about the WRMM using a 5-year rolling average

Section 4.b: Water Management and Conservation Planning

Commission Concern: What GPCD is the city striving to reach in the long-term? What ADWR requires or something lower? Will the GPCD need to be lower than the regulatory requirement to serve the entire GP area?

Water Conservation program:
Monthly incentive payments by type and water saved.
Educational outreach activity.

Landscape Water use:
For the entire system, analyze seasonal water use patterns (similar to graph below).
For post-2022 code developments, similarly, analyze seasonal water use.
For Prop 400 annexations, similarly, analyze seasonal water use.
List of enforcement events (both advisory and citation) of landscape code violations.

Section 4.c: Water Management and Drought Planning

Commission Concern: Does the City have back up supplies for times of drought?

Section 4.d: - Assured Water Supply and Infrastructure Planning

Commission Concern: None provided at this time

Section 5: Available Water Supplies and City Policies

Commission Concern(s): Is 1,978.44 AF sufficient to meet the proposed 2025 general plan? Does the City have additional commitments that may need to be carved out from this volume or when an appeal is requested and approved?

Figure 8 - I was just looking at the water portfolio issue, section 4 and Figure 8. Note that we are currently allocating 100 AF per year for new development. Over 100 yrs, that comes to 10,000 AF. That is considerably more than our current portfolio. Of course, you could add in the 8,000 AF from the Big Chino. The Policy does not address the issue of the 100 yr D&O.

WRRM:
I suggest updating the WRRM much more frequently than annually. This is already an extremely useful tool, and it can become even more useful in monitoring usage trends.
Water use by sector (e.g. commercial, residential, multi-family, industrial, etc);
Number of connections;
Volume by rate tiers;
High water use events (big leaks by system or customers)