CITY OF PRESCOTT

City of Prescott
City Council - Voting Meeting

July 11, 2023 | 3:02 PM
201 N Montezuma Street
City Council Chambers, 3rd Floor
Prescott, AZ 86301

MINUTES

1. CALL TO ORDER

Mayor Goode called the meeting to order at 3:10 p.m.

2. INTRODUCTIONS / ANNOUNCEMENTS

Mayor Pro Tem welcomed former State Senators Steve Pierce and Karen Fann as well as former Prescott Mayor Jack Wilson who were in the audience. He added that Stage 1 Fire Restrictions remain in effect, and stated that citizens should be aware of fire safety and preparation around their homes. Finally, he reminded citizens that he will continue his public outreach by attending the Prescott Farmer's Market next month, conducting open office hours at the Prescott Library and conducting Facebook live events.

3. INVOCATION - Rabbi Julie Kozlow with The Community

4. PLEDGE OF ALLEGIANCE - Councilman Sischka

5. ROLL CALL

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

6. PRESENTATIONS

A. Presentation to Citizens Academy Graduates

City Manager Katie Gregory announced that Amber Fraser and Mayor Pro Tem Montoya would be handing out the Certificates of Completion for participants in the most recent Citizens Academy provided by the City of Prescott.

Mayor Pro Tem Montoya recognized the participants.

B. Prescott Mountain Bike Alliance - Bean Peaks Project Presentation

City Manager Katie Gregory introduced Ximena Flores with Prescott Mountain

Bike Alliance (PMBA) and Patrick Kell from International Mountain Bicycling Association (IMBA) to provide a presentation regarding the Bean Peaks Gravity Flow Trails. This is a collaboration between the city, PMBA and the Forest Service for creation of a one-way downhill gravity flow trail.

Ms. Flores thanked the Council for their time and provided a presentation and overview regarding the project.

Project Background:
* PMBA is a volunteer organization created in 2010, and a chapter of the International Mountain Bicycling Association (IMBA) which has assisted in creating over 150 miles of multi-use trails
* PMBA received approval in 2020 to complete a gravity flow trail feasibility study
* PMBA retained IMBA Trails Solutions who developed a plan for a 17-mile bike-optimized trail system in the Bean Peaks area
* Forest Service completed a review and public commenting process from 2020-2023
* Final permit was awarded on June 21, 2023 and the full planning document is available upon request
* Fundraising goal is $1,500,000
* Trail construction will be completed by IMBA Trail Solutions in collaboration with the City of Prescott, the Forest Service & PMBA volunteers
* First trail of its kind in Arizona, will be great for residents as well as tourists
* Plan to start the project in Fall of 2023

Mr. Kell also addressed the Council, thanked the Parks & Recreation Department and Prescott National Forest for their support. This is an exciting project and opportunity.

Mayor Pro Tem Montoya thanked Mr. Kell for the work he has been doing in the community.

Councilmember Rusing asked if the trail can be used year round.

Ms. Flores responded that it can be used year round.

7. OPEN CALL TO THE PUBLIC

A. Lucy Reyna Wheat addressed Council regarding Resolution No. 1002 (Protection of Minor Children) and an incident that took place at the Performing Arts Center in June and House of Hues. Safety of children is everyone's responsibility.

B. Karen Fann addressed Council as part of the Western Values Coalition. Their goal is to work together to find solutions in the community and preserve the history of our community and have conducted Town Halls recently regarding the Rodeo Grounds. It is their stance that the proposed Master Plan will take a number of years to complete. They recommend 1) Council support funding from the State for Phase I & II; 2) Any plan for a multi-use pavilion be further investigated further while public comment is received. Look forward to working with all stakeholders.

C. Steve Pierce addressed Council and thanked them for serving the community. He expressed the benefit and positive impact of the Rodeo, he stated that the Master Plan ensures the Rodeo's viability and keeps it in Prescott where it belongs. The 1888 Buckle Club was modeled after the Cheyenne Buckle Club and others who have worked to have rodeos be successful, this lead them to present the Master Plan which was well received by the Council at that time. He presented a Petition to the Council with over 6,000 signatures to keep the doe here and improve the facilities.

D. Jack Danya Kemplin addressed Council regarding a hotel on Whiskey Row and keeping the classic/old west feel of the downtown area.

8. CONSENT AGENDA

Items listed on the Consent Agenda may be enacted by one motion and one vote. If discussion is required by members of the governing body, the item will be removed from the Consent Agenda and will be considered separately.

MOTION BY COUNCILMAN SISCHKA TO APPROVE CONSENT AGENDA ITEMS 8.A. THROUGH 8.F. EXCLUDING ITEM 8.C.; SECONDED BY COUNCILMAN MOORE: PASSED (6 - 0)

A. Approval of Meeting Minutes from the June 27, 2023 Executive Session, the June 27, 2023 Study Session and the June 27, 2023 Voting Meeting.

B. Adoption of Resolution No. 2023-1857 Designating the City of Prescott Chief Fiscal Officer for Fiscal Year 2024.

C. Approval of Acceptance of the Water Infrastructure Finance Authority Conservation Grant for $3,000,000.00.
This item was pulled for further discussion. Mayor Goode commented on the Water Augmentation Council created by Governor Ducey and stated that Andy Tobin has advocated for the award of funding to enhance the city's water meters.

Utilities Manager Steven Olfers addressed Council regarding how honored staff was to receive the grant funding from WIFA. Funds will be used in the upgrade of the city's meter infrastructure which will include an interactive app for residents/customers. Staff and residents will be able to monitor more easily and these enhancements will assist with conservation in the city. This will cover the first two years of a five-year project.

Councilmember Rusing asked if the meters can be read remotely.

Mr. Olfers confirmed.

MOTION BY COUNCILMAN SISCHKA TO APPROVE ITEM 8.C.; SECONDED BY COUNCILMEMBER RUSING: PASSED (6 - 0)

D. Approval of Request to Apply for the ADEQ Water Quality Management Planning Grant.

E. Approval of Night Work at the Southwest Corner of SR69 and Lee Boulevard.

F. Adoption of Resolution No. 2023-1849, Approving City Contract No. 2023-170, an Intergovernmental Agreement Between the City of Prescott and the Town of Chino Valley for Repair and Maintenance Services of Chino Valley Police Motorcycles.

9. CONSENT ORDINANCE

A. Adoption of Ordinance No. 2023-1831 Setting the FY24 City Property Tax Levy.
AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, LEVYING UPON THE ASSESSED VALUATION OF THE PROPERTY WITHIN THE CITY OF PRESCOTT, SUBJECT TO TAXATION, A CERTAIN SUM UPON EACH ONE HUNDRED DOLLARS ($100.00) OF VALUATION SUFFICIENT TO RAISE THE AMOUNT ESTIMATED TO BE REQUIRED IN THE ANNUAL BUDGET, LESS THE AMOUNT ESTIMATED TO BE RECEIVED FROM OTHER SOURCES OF REVENUE PROVIDING FUNDS FOR THE GENERAL MUNICIPAL EXPENSES, FOR THE FISCAL YEAR ENDING THE 30TH DAY OF JUNE, 2024
City Manager Katie Gregory introduced the item and stated that this has been discussed throughout the budget process and stated that adoption of this Ordinance will set the property tax levy for the next fiscal year.

Mayor Goode commented that there is a good deal of misinformation about how property tax is divided between the city and the county by increasing the city property tax a modest amount will produce approximately $230k per year to have a more stable revenue stream and not be completely dependent on sales tax. State cuts will impact the city budget in the general fund by $1million and streets by $1million. The maximum increase each year is 2% so it will be small, but it will help.

MOTION BY MAYOR PRO TEM MONTOYA TO ADOPT ORDINANCE NO. 2023-1831; SECONDED BY COUNCILMEMBER RUSING: PASSED (6 - 0)

10. REGULAR AGENDA

A. Discussion, Consideration and Possible Action Regarding a Petition Received by the Council at the June 13, 2023 Voting Meeting and Submitted by Ralph Hess.
City Manager Katie Gregory introduced the item to discuss a petition submitted on June 13, 2023 by Ralph Hess related to a public comment period and public hearings pertaining to the Rodeo Lease.

City Attorney Joseph Young addressed the specific requests included in the petition as follows:
* Section 4 (petitioner is open to discuss) - would require the city to solicit proposals for master planning and select consultant; and develop Master Plan (MP) with said consultant and Prescott Frontier Days for highest and best uses
* Section 5 - would require that following a Council meeting to discuss the lease (and MP) there would be a 60-day comment period with two public hearings before Council votes on the lease and MP

Mr. Young added that there is no legal requirement for a public hearing associated with lease agreements currently. However, improvements, site plans, zoning and MPs do have such requirements.

Mayor Pro Tem Montoya asked what the process was for the city funding the MP.

Mr. Young responded that there was a funding assistance request made to the Tourism Advisory Committee (TAC) which they approved in the amount of $22,000. Because of the dollar amount and the procedure that was previously in place, this request did not need to come before Council. The current lease goes through 2041. City staff and Prescott Frontier Days (PFD) have discussed some amendments but nothing has been finalized as of yet. Procedurally, the Council is only required to do a two-week publishing of notice related to lease agreements.

Councilmember Rusing asked if the petition is requesting that another MP be done and asked if it would be possible to accept the current MP and then make modifications throughout the lease process.

Mr. Young confirmed approval of this petition as it is written would require a new RFP process for the MP. The petition can be approved, denied or approved with modifications which would not require a new RFP process if that is what Council wants to do.

Mayor Goode stated that when the conceptual presentation was done in March it was still in it's early stages and Council had limited details regarding costs and timelines. There may be zoning changes proposed, substantial construction requirements, there needs to be a thorough traffic study, the Gail Gardener Community Association would be impacted by this and Council doesn't know the frequency of the events of the impacts to the surrounding area so there is still much to consider. The community should have sufficient time to hear about the plan before anything proceeds.

Mr. Young added that if the city does not go to an RFP for a new MP the Council does not have to approve it as it is currently drafted, changes can always be made throughout the process.

Councilman Moore commented that today they are not here to discuss what was presented in March but the Petition that was submitted on June 13th. He feels that the Mayor and Council ran on a platform of improving transparency, so he is in favor of receiving public input. However, he feels the petition should be modified because he doesn't feel that a new RFP/MP concept is necessary. His suggestion would be to have a 60-day comment period for the public to participate and have a say but not have a new MP.

Councilman Sischka stated that the Rodeo Association loves public input and wants it. They have never said they don't want to hear from the public, but they are still learning how to do that. He would like to propose a motion once Mr. Hess has addressed the Council.

Mayor Pro Tem Montoya asked if the petition/proposed Resolution could be adopted but modified, he also asked if the two petitions before Council could be considered together. He concurs that there is no need for a new RPF process on the MP, but there are a great deal of questions regarding the plan that still need to be addressed. Council is not in a place to approve anything yet, and he understands the concern of the people in the surrounding neighborhood. He would like to see the angst and the vitriol regarding this matter lowered, nobody is suggesting moving the Rodeo nor should they that would be a huge mistake. He would like a neighborhood meeting between the Rodeo and the citizens and there will probably be many of them.

Mr. Young confirmed and stated that the petitions were deemed different enough that they should be considered separately.

Councilwoman Cantelme echoed Council comments, there is no reason to throw this out but it does need to be molded to fit the area and the Rodeo. She isn't in favor of sending this out for another RFP but the comment period is essential.

Councilmember Rusing said it seems there is more common ground here than anyone thought and that is what everyone needs to focus on.

Councilman Moore added that this issue has elicited an unprecedented amount of comments, both positive and negative. The Rodeo brings a great deal into our community which he thinks is similar to the Airport because it is an economic driver that is important to our city, it needs to be protected and every part of the MP will need to approved likely in phases.

Councilman Sischka commented that this issue has taken on a life of it's own with a lot of urban legends now surrounding it. We are all for the benefit of Prescott and ultimately the Rodeo.

Mayor Goode added that he saw initial concepts several months ago and this is all broad at this point. He agrees that Council needs more restrooms, better facilities, better parking, improved traffic flow, it all needs to be done to keep our Rodeo competitive to be kept in the city. Everyone needs to better understand what the improvements will look like, what the financing will be and how that will impact the community.

Petitioner Ralph Hess addressed the Council. He stated that he is seeking a process which provides more public input than is required by Charter and Code, the sixty day public comment period with two public meetings seems to be reasonable and the Council seems to be in favor of it. As to the proposal for a solicitation of alternative MPs, he acknowledges that he overstepped with that request. The current lease does not require that, even though he does feel it is prudent, so his suggestion would be to replace "shall" with "may" in that section. He urged Council to approve the petition.

Mayor Pro Tem Montoya asked if changing the language in the way Mr. Hess has suggested would remove the requirement to have another RFP process.

Mr. Young responded that it would make the process permissive rather than required. In function, striking the section entirely or changing the language is essentially the same.

Member of the public Warren Tracy addressed the Council as a neighbor of the Rodeo Grounds, there seems to be a consensus from Council to allow more public comment. He added that he is bemused during election time when signs go up and candidates say they are the public's voice but then that changes when they've been on Council. If they were to say no to this petition, he would be suspicious of their motives as a member of Council.

Member of the public Rob Pecharich addressed the Council regarding how Prescott has evolved over the years, but the Rodeo has always been the thing to do. He represents Prescott Frontier Days and they support public input and comment, so there is much common ground on that. The MP is a work in progress and they intend to bring it back to the Council regularly throughout that process. The infrastructure at the Rodeo is old and in need of improvement, but nobody is proposing Finlay Toyota Center on the grounds. Every penny of the funding from the state will go to improving the grounds which is a benefit to the city since it is their property. He urged Council to proceed with the portion of the petition that allows for more public comment.

Member of the public Howard Mechanic commented that he is not opposed to the Rodeo, nor does he support moving it to a different location, but he does support a 60-day comment period and would suggest amending the procedures in the future. He supports improvements on the Rodeo grounds because that makes sense but his concern is in the financing of the project and the gift clause. The Rodeo is not a public purpose. There should be a consideration/presentation before a lease is entered into related to the value of the property to determine what the value is by an independent appraiser.

Member of the public Tom Rusing addressed Council regarding alternative concepts for the property.

Mayor Goode commented that approving the petition with the modification of changing "shall" to "may" in Section 4 of the proposed Resolution will allow ample time for public comment and work in the best interest of all parties.

Councilman Sischka said it is time for the community to cumbiaya and rally around the Rodeo.

MOTION BY COUNCILMAN SISCHKA TO APPROVE PETITION WITH THE MODIFICATION OF CHANGING "SHALL" IN SECTION 4 TO "MAY"; SECONDED BY COUNCILMAN MOORE: PASSED (6 - 0)

B. Discussion, Consideration and Possible Action Regarding a Petition Received by the Council at the June 13, 2023 Voting Meeting and Submitted by Marty Siegel.
City Manager Katie Gregory introduced the item regarding a petition received from Marty Siegel on June 13 related to processes of zoning changes, and site plans at the Rodeo Grounds. She introduced Planning Manager George Worley to discuss public meetings versus public hearings and the required legal steps in the process as well as the city's current process.

Mr. Worley addressed the Council regarding the defined and specific resolution proposed by Ms. Siegel regarding rezoning with Master Plans.

Typical Process:
* Rezoning (including detailed site plan) and master plan (MP) are submitted and reviewed by staff
* Review and recommendation then done by the Planning & Zoning Commission (P&Z) (this is a public hearing which is advertised as such)
* Review and decision by Council after a recommendation is made by P&Z (may be a public hearing but is not required to be)
* 30 day referral period for the rezoning

Resolution Proposal:
* Establishes an additional step in the middle of staff's usual process to create a requirement for a 60-day public comment period between P&Z's recommendation with 3 public hearings at the Council level before action is taken

Mayor Pro Tem Montoya commented that the first phase is renovations to the restrooms, which he would anticipate to increase water usage at the facility. Would this trigger review by P&Z, the Council Subcommittee on Water Issues before ultimately going to Council. And if that is the case, where would these additional meetings sit in that process.

Mr. Worley responded that the MP process does not require a public hearing but rather a public meeting which is noticed differently as called for in state statute. All meetings take public comment but are not noticed in the same way.

Councilmember Rusing commented that she understands the current zoning is residential, so it is out of compliance.

Ms. Gregory responded that it is currently under legal non-conforming use because it is city property. There is not a requirement to rezone the property, as a way to clean up it could be done but, that would be initiated by the city and not Prescott Frontier Days. It is important to understand whether the petitioners want public hearings or just public meetings.

Mayor Goode commented that this petition overlaps in a lot of respects to the other petition. He doubts whether adding an additional restroom will be anything outside of administrative approval, but it all comes down to the public's ability to see how each one of these processes proceeds. P&Z and the Water Issues Subcommittee meet in the mornings so perhaps an additional meeting in the evening would be appropriate for good transparency. Though that should be focused on rezoning, or other recommendations that come out of P&Z should be tied into water allocation requests.

Mr. Worley said it would depend on how large the facility is and whether the water allocation would be administrative or not.

City Attorney Joseph Young stated that there are five components that would trigger the requested public hearings. It would be important to get clarity on whether the petitioner wants those to be done by the Council or another body and whether they really want a statutory public hearing.

Mayor Pro Tem Montoya asked if it was an undue burden to do it as a public hearing versus a public meeting.

Mr. Young responded that they are the same when you are in a meeting, but the notice requirements are substantially different. There is more time leading up to the meetings, there is a cost of sending out notices, etc.

Mayor Goode said this petition has gone so far afield with all of the varied requirements, so it is hard to modify this and make it reasonably acceptable.

Mr. Young said making it simple would be changing public hearing to public meetings, and then, rather than "the city" it would be the Council and all Boards/Commissions.

Co-Petitioner Deb Thalasitis addressed Council stating that the document from PFD does not meet the requirements in the Development Code of a site plan or MP so they threw the kitchen sink at this petition. Their intention is to receive at least what is required by statute to have a public hearing before the Council if requested. They feel there has been a lack of public notice around all of this and the neighbors want to be engaged in this process. People who work have a hard time getting to meetings during the day and they should be able to get to meetings after 5 pm.

Mayor Pro Tem Montoya commented that when the city went through the AVO proposal recently there were several meetings about it, so he feels there could be a way to address their concerns, but given statutory requirements, part of this petition seems moot.

Councilman Sischka asked what a Council vote on this would ultimately look like.

Mr. Young said it depends on what the Council wants to do. Approval could be a requirement for a public meeting in the evening if that is what the Council wants to do, statutes are followed and the meetings are noticed as they should be. This could also be shelved for a future time so staff can come back with a more definitive recommended action.

Councilman Sischka asked the staff to come up with something and then speak with the petitioner to see if that is what they are after.

Mr. Young said they could.

Councilman Moore said he believes Section 1 and 2 are reasonable and he would support them, but beginning with Section 3 it gets very convoluted and complicated. He feels 1 and 2 could be approved though.

Ms. Gregory commented that she likes the option to work on this and then return to Council with a more specific approval. Staff and Council have the option to establish as many additional meetings as they would like and she likes the idea of a public meeting rather than a public hearing.

Ms. Thalasitis responded that they agree with Ms. Gregory's proposal. The petitioners would be in favor of any kind of concurrent proposal, and are ok with meetings, but they are concerned about noticing and ensuring that it is adequately done.

Mayor Goode said this needs more review and there needs to be consideration from the time of day that meetings are being held.

Member of the public Earl Duque addressed Council stating that he is happy to hear that Council is open to more public participation in this process and what is happening at the grounds. He looks forward to the opportunity to work with PFD and the city on these changes.

Member of the public Truly Braken addressed Council regarding accessibility of the MP and the fact that it isn't easily reviewable to people that are not part of the Buckle Club or the city. If this is a gradual process, there is much less to worry about.

Mayor Goode commented that having a link on the city website thoughout this process would be helpful for everyone.

Member of the public Tana Karen addressed the Council and thanked them for their transparency. She asked about traffic concerns during the Rodeo and how that would fit into the process of the MP. She is in support of a remodel of the grounds but would also like to see noise abatement done at the grounds.

Member of the public Rob Pecharich filed a petition to the Council in response to this petition. He stated that he is confused by this petition and sees many complications in it. This goes far beyond the zoning code and statutes. The Council can hold as many public meetings as it would like, but he wants to make sure that a different standard is not set for the Rodeo than anyone else because that is discriminatory and would make much of this petition unacceptable. His primary concern is that any applicant be treated the same.

Mayor Pro Tem Montoya said he would be in favor of staff returning with modified language so the Council can take action on this petition at the July 25 meeting.

Member of the public Ralph Hess addressed Council and pointed out that an applicant from rezoning would be the city and this is asking for more than is required by the statute and not less.

MOTION BY MAYOR PRO TEM MONTOYA TO TABLE CONSIDERATION OF THE PETITION TO JULY 25, 2023; SECONDED BY COUNCILMAN MOORE: PASSED (6 - 0)

C. Approval of Multiple Contracts Related to the Big Chino Water Ranch Well Field & Pipeline Delivery System as Follows: 1) City Contract No. 2024-044 with Black and Veatch Corporation for the Big Chino Water Ranch Pipeline Delivery System Cost Estimate Update in an Amount Not to Exceed $141,119.00; and 2) City Contract No. 2024-045 with Civiltec Engineering Inc. for the Big Chino Water

Ranch Well Field Cost Estimate Update in an Amount not to Exceed $20,649.00. Funding is Available in the Water Fund.

City Manager Katie Gregory introduced the item and the need for feasibility and cost estimate updates related to this project. She introduced Water Resource Manager Brian Ruiz to provide a presentation.

Mr. Ruiz provided a presentation and discussed the Big Chino Water Ranch wells and reservoirs and background regarding the system.

<u>Project Elements:</u>
* 23 miles 36" gravity pipeline from BCWR to the new Highway 89 Pump Station
* Highway 89 pump station
* 7 miles 30" pipeline to CVWPF
* Chino Valley WPF Improvements
* 15 miles 24" pressurized pipeline from CVWPF to Prescott Valley
* Intermediate pump station improvements

Mayor Pro Tem Montoya asked about the stake that Prescott and Prescott Valley have in the system and whether the city is responsible for all expenses on this.

Mr. Ruiz responded that there is a cost share agreement of 54/46 between the City and Town of Prescott Valley. The Town has acknowledged and agreed to their portion. He is showing the total costs and not what the city will pay specifically which is 54%.

<u>Scope Includes:</u>
* Approximately 28 miles of pipeline
* All weather access road along pipeline alignment
* Greenfield booster pup station facility on Hwy89
* Modifications to Chino Water Production Facility and Intermediate Pump Station
* Pipeline alignment change identification
* Code and Technical change identification
* Total amount not to exceed $141,119

Deputy Public Works Director Gwen Rowitsch addressed questions regarding realignment related to right of way to hopefully minimize costs.

Councilman Moore commented that it is important for the public to know that this is on the agenda not because the Council requested it but because staff wants to update this information for the Council's benefit. The city has a legal right to this water, there isn't a political will to access it at this point, but we need to make sure we keep that right to access it. This will be a many-year project.

Mayor Goode concurred and added that the city has a contractual obligation to do this.

Mayor Pro Tem Montoya echoed Council comments and added that there's a lot of numbers put out regarding this item but ultimately nobody knows what it will actually be.

Councilman Sischka added that the city needs to show ADWR that we are actively working on this project so this is definitely worth the cost, so the rights are protected.

Councilmember Rusing commented that this is a legacy project to protect water for years to come and added that there is a cap on pumping if the pipeline is connected.

Ms. Rowitsch confirmed and added that the cap of 8,000 is split between the city and Prescott Valley.

Member of the public Howard Mechanic commented that citizens and the city have been waiting years for a mitigation plan but a study hasn't even been completed and presented to the public. There are major costs associated with this so there is no reason to rush into this and wants to know when that information will be presented. City of Prescott has enough water without Big Chino for all planned development. Prescott Valley wants it more than we do.

Member of the public Tom Sands addressed Council stating that he has worked in the past with Black and Veatch and finds them to be exceptional. He feels the modeling information needs to be released to the public.

Mayor Goode asked when the modeling is expected to be received.

Mr. Ruiz responded that they have another 15 months to work on it. All of the items included in these contracts look at the existing infrastructure plans and get them in line with today's costs. This is all long term infrastructure associated with this project.

Ms. Rowitsch added that the initial company was acquired multiple times over the course of the modeling project, which is a major reason for the delay. The city, Prescott Valley and SRP each have their own consultant as well. The city is trying to move this forward but there have been major hurdles along the way. We are not staring over, but trying to correct a bust in the model.

City Attorney Joseph Young cautioned the Council that they were getting off the agenda topic by discussing the contract. While it is related to this matter, it is not the noticed topic.

Councilman Moore commented that we will be spending $130,000 for this and the project may not move forward again for another 10 years because this is when it began and then it will have to be done all over again so he is nervous to expend these funds.

Mr. Ruiz responded that in order to do the planning and designing it is important to have an idea of these costs so that the monetary infrastructure is in place to move it forward.

Ms. Gregory added that Council can determine whether they want to pay this money. The main thing she considers when looking at this is that in order to make any decision about how to move forward, we need to have a clear concept of costs. Need to know what the impact will be to determine how or if they will move forward.

Councilwoman Cantelme asked if there is an end or start date in the contract. She asked how long this will take as well.

Mr. Young responded there are no dates listed, but there are reasonable efforts that are included in the contract. In his opinion, either moving forward with this or not is reasonable based on what Council would like to do.

Ms. Rowitsch responded 90 days and 30 days for each of these contracts. Will be looking at possible realignment of the pipeline.

Mayor Pro Tem asked if there is anything that would prevent the city from making this cost analysis public information.

Staff responded there is not.

Councilman Moore asked if there is any value in waiting 15 months until the report is received to do this.

Mr. Ruiz responded that council could do that, but based on the D&O moving forward with this in order to get some strategies going is a good idea.

MOTION BY COUNCILMAN SISCHKA TO APPROVE CITY CONTRACT NO. 2024-044; SECONDED BY COUNCILMEMBER RUSING: PASSED (6 - 0)

MOTION BY COUNCILMAN SISCHKA TO APPROVE CITY CONTRACT NO. 2024-045; SECONDED BY COUNCILMEMBER RUSING: PASSED (6 - 0)

D. Approval of City Contract No. 2024-035 with the Yavapai Humane Society for Animal Sheltering Services for a Three Year Period.

City Manager Katie Gregory introduced the item and Lt. Jason Small to discuss the contract with YHS. They have been providing services for the city and surrounding areas since 2011.

Lt. Small confirmed that the city has been contracting with them since 2011, and said this is a new contract with a 12% cost increase for FY24, and FY25 and FY26 are tied to CPI with a minimum and maximum increase (2-6%). In the last fiscal year there was a total of 378 impounds with 842 kennel days.

Mayor Goode asked how performance is measured in this contract.

Lt. Small responded that if there are no kennels available, that would be one way to evaluate. Also, any complaints regarding any inhumane treatment would be investigated and, if accurate, that would be deemed poor performance of the agreement.

Ms. Gregory added that this contract amount is less than other jurisdictions pay.

YHS Executive Director Rich McClish clarified that the 12% increase is just for this fiscal year and then only CPI in the next two of the contract. He added that salary and expenses (food, supplies, etc) have gone up significantly at the Humane Society.

Mayor Pro Tem Montoya asked where this contract lies with what other jurisdictions are paying.

Mr. McClish stated that the city pays the lowest amount, they do 12% plus CPI on all three years and the reason for that is because for years the city has provided the building, the Humane Society is and there is an alliance there with that.

Councilwoman Cantelme asked for an average dollar amount per year in extra work for changes in work orders.

Mr. McClish responded there is no extra charges.

Councilmember Rusing asked if Chino Valley uses the Humane Society as well and if they have any plans for expansion in the future.

Mr. McClish responded they do not as they have their own animal control. Expansion is part of the strategic plan which they are looking at currently. Vet services and pet food are a huge need right now as well that they are trying to fill for the community as well.

Councilman Moore asked if the analytics are available to the public. He commented that there lot of emails that come in regarding mistreatment of animals at YHS.

Mr. McClish said that is an internal metric for how he evaluates his staff.

Animal Control Officer Shannon Gray added she is in the facility a few times a week and the animals are cared for really well, particularly because of the facilities they operate in. She has never had a concern about that.

Lt. Small added that anytime there is a proper predicate for an investigation they will look into that. All claims have been unfounded.

MOTION BY COUNCILMEMBER RUSING TO APPROVE CITY CONTRACT NO. 2024-035; SECONDED BY MAYOR PRO TEM MONTOYA: PASSED (6 - 0)

11. ADJOURNMENT

Quote: " I hope that all mankind will at length have reason and sense enough to settle their differences without cutting throats." - Ben Franklin

There being no further business to discuss, Mayor Goode adjourned the meeting at 6:35 p.m.

PHILIP R. GOODE, Mayor

ATTEST:

SARAH M. SIEP, City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Voting Meeting of the City Council Voting Meeting of the City of Prescott, Arizona held on July 11, 2023. I further certify the meeting was duly called and held and that a quorum was present.

Sarah M. Siep, City Clerk