

City of Prescott

City Council - Study Session



August 8, 2023 | 1:00 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 1:00 p.m.

2. 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

3. DISCUSSION

- A. Presentation & Discussion Regarding the Quarterly Update of the Mayor's Commission for Water Policy Review and Monitoring.
City Manager Katie Gregory introduced Water Resource Project Manager Leslie Graser to provide a presentation on the Mayor's Commission for Water Policy Review & Monitoring Commission.

Ms. Graser provided an overview regarding the last quarterly presentation received by the Council at the May 9, 2023 Study Session. Findings from that meeting showed that the 2022 policy is more effective than the 2019 policy for managing finite water supplies. However, it should remove or correct language that the city doesn't or can't act upon. Additionally, there are some aspects related to long term water conservation and sustainability that were not initially included in the 2022 policy. The goals are to correct the policy so it can act as a bridging document and provide missing information on the use of the City's Water Resource Management Model (WRMM), by incorporating the policy recommendations from the Commission where possible.

Proposed Timeline:

- * July 18 - Commission reviews final recommendations
- * August-September - Mayor's Commission not meeting, staff prepares amendments
- * October 17 - Commission reconvenes to review amended policy/make final recommendations
- * November 14 - Study Session presentation of proposed updated policy
- * November 28 - Council Voting Meeting for possible approval of amended policy

Future Work:

- * Alignment needed in General Plan, long-term management plan, interdepartmental coordination
- * Alignment in terminology

Mayor Pro Tem Montoya thanked Ms. Graser and the Commission for their time and review of the policy. He stated he is happy to see a better understanding of budgeting methodology by adding an annual evaluation to account for the water being allocated within each application and overall, as he feels that will make things clearer for staff and the public.

Councilman Sischka commented that his issue with the 2022 policy is how they treat commercial in the same way as residential and asked how there might be a solution for that which doesn't limit commercial.

Ms. Graser said that is a complicated question and there isn't a clear answer.

Councilmember Rusing asked about a regional water management plan and if that is a future option.

Ms. Graser responded that it is good to have our house in order before we try to manage others, but it is certainly something that should be looked into in the future.

Ms. Gregory added that it is important to keep in mind how this policy and others can be incorporated into the General Plan updates and other revisions to city policies and procedures, as well as considerations for how this policy will tie into commercial development and strategic planning.

Mayor Pro Tem Montoya echoed Ms. Gregory's comments. Having a plan for moving forward and knitting all of these elements together is important.

Councilwoman Cantelme asked if it would be possible to control the size of a commercial development based on the policy and data received from the WRMM. She feels that there need to be many categories and allotments of water usage for budgeting purposes.

Ms. Graser responded that in the future the city will need to make decisions on how they will allow development and how that will impact water efficiency in the future. This is a first step to having all the data in order to move forward, but it hasn't been done to this point.

Councilmember Rusing commented that she would be happy to know the city has a water management policy to manage the future if she were a business coming into the area.

Mayor Pro Tem Montoya asked if there has been any negative impact on commercial development through the 2022 water management policy.

Water Resource & Environmental Services Manager Brian Ruiz responded that

there have been no commercial allocations in this cycle.

Mayor Goode stated when this new policy was implemented it was a combination of looking at the last few policies and finding balance between residential and non-residential development in a way that allows us to keep up with infrastructure demands associated with growth as well. Rather than go through analysis paralysis, this Council felt it was important to implement the policy and have this Commission available to review the process in use.

This item was for discussion only. No formal action was taken.

B. Presentation & Discussion Regarding the City of Prescott Code Compliance Program.

City Manager Katie Gregory introduced Interim Community Development Director Chelsea Walton and discussed some of the concerns and interest from the Council regarding the city's code compliance processes. She would like feedback from them on their thoughts regarding how these policies are being implemented and how they would like to move forward with all of that.

Ms. Walton provided a brief overview regarding code compliance, neighborhood services and building compliance. The intent of this discussion is to provide insight into what staff does and how the policies and procedures are implemented.

Planning Manager George Worley addressed Council regarding code compliance, authority, compliance processes, statistics, adjudication options and opportunities and challenges as seen by staff.

Organizational Structure:

- * Community Development - building safety, neighborhood services, historic preservation, planning & zoning
- * Compliance Officers - Wendie Starr and Tandr Hill
- * Guiding Principle - to gain voluntary compliance through education and resources
- * Code compliance handles private property maintenance violations (City Code Chapter 7-5)
- * Code 7-5-4 - Exterior Premises
- * Vacation Rental Inspection (146 current), Recreational Vehicles, Sidewalk Maintenance, Signs in the ROW, Home Occupation Permit, Conex Boxes/Accessory Uses, Neighborhood Cleanups

Mayor Pro Tem Montoya asked how staff determines what neighborhoods to go into for the cleanups. He stated that he would like to incorporate in opportunities to discuss with neighborhoods upcoming projects that may impact them and changes to partner and provide resources to those who need them.

Mr. Worley responded that it can vary, typically though geographic areas are picked based on areas with a lot of complaints or where staff have noticed a high volume of issues. He added that many of the things Mayor Pro Tem Montoya has mentioned have been done in the past, but the issue lies in the fact that the code compliance function has bounced around departments several times over the

years, so there are certainly more opportunities. Staff have also discussed increasing the number of neighborhood cleanups.

Violation Notification Process:

- * Reactive (Complaint Received) - complaint received, violation verified, notice sent to property owner, 30-day compliance period, follow-up inspection, final notice if needed
- * Proactive (Inspector Generated) - when a violation is identified in the field, notice sent to property owner, 30-day compliance period, follow-up inspection, final notice if needed

Councilmember Rusing asked if there is a process for a neighbor or citizen to email, text or call if they notice an issue.

Mr. Worley responded that there is a complaint form linked on the city website homepage as well as a telephone number included. Citizens can also come to city hall to make a complaint.

Mayor Pro Tem Montoya asked what the follow-up process is to notify the complainant.

Mr. Worley responded that with initial communication, staff will establish if they want to be anonymous or want to provide contact information and if they do so, staff will follow up throughout the process. This can be a long process though and staff does inform them of that.

Complaints Received vs. Cases Opened:

- * 466 complaints received from July 2022-June 2023
- * 242 cases opened during that same time (some may not be a violation) - for example there are variations of types of complaints related to weeds

Types of Cases:

- * Vegetation - 68%
- * Junk - 18%
- * RVs - 10%
- * Sidewalks - 2%
- * Zoning - 1%
- * Other - 1%

Citation Process:

- * Citation and prosecution at City Court - subject to court filing procedures, court availability, timeframes are outside of city control and low priority for the court
- * Citation and prosecution at Hearing Officer - this was created late last year and provides an alternative process which staff is very much in favor of; subject to city established procedures, subject to pre-established schedule and timeframe within city control (currently working on job description in order to get this position filled soon)

Mayor Pro Tem Montoya asked if the court process would eventually be abandoned.

Mr. Worley responded that both processes will remain in place.

City Attorney Joseph Young added that the Hearing Officer is a better and more efficient process and where all complaints should begin. Also, it gives an opportunity to establish a history based on the issue if the court is eventually needed for enforcement.

Short Term Opportunities:

- * Hearing Officer (approved in FY24 budget)
- * Additional proactive inspections of main thoroughfares

Long Term Opportunities:

- * CDBG applications - coordination with public works CIP. Projects may require additional funding
- * Public outreach and education - neighborhood beautification events likely require additional resources

Mayor Pro Tem Montoya asked if there are opportunities to do simpler things like social media posts about what actually is a code violation or not. He added that he would be happy to do this type of outreach at some of the events he has been doing.

Mr. Worley responded that those would be very helpful and thanked Mayor Pro Tem for the offer.

Challenges:

- * Staffing levels - 29.021 parcels (4,435 vacant lots and 24,586 lots with structures) with two officers to enforce and monitor

Councilmember Rusing asked what happens when a property is condemned.

Mr. Worley stated that Building Official Ryan Greene will be discussing that.

Councilwoman Cantelme commented that she would like to know how properties reach the point of blight when there are code enforcement officers out looking at properties and how blight is defined by staff.

Mr. Worley responded that in some situations things can be pre-empted, for example, when staff is out for another call and can check the area. However, they don't specifically just go out and inspect general areas. But issues like cleanup that is necessary do not fall into the category of blight. However, the staff are open to ideas and suggestions with the knowledge that it may require changes in different areas as well.

Characteristics of Blight:

- * Vacancy and abandonment are typically the most obvious and noticeable
- * Overgrown vegetation, graffiti, broken windows and/or boarded up windows are signs of vacant or abandoned homes
- * Lack of maintenance, dilapidation and loss of structural integrity

- * Vacant homes may lead to an increase in crime rates in the area

National Objectives for CDBG Funding:

- * Benefit to low and moderate income persons or projects (LMI)
- * Aid in the prevention or elimination of slums or blight
- * Meet a need having particular urgency
- * 30% of the annual allocation can be spent outside of the LMI requirements
- * Acquisition and demolition of a dilapidated property
- * Rehabilitation of a decayed community center that eliminates code violations that are detrimental to health and safety
- * Preservation of deteriorated buildings of historic significance
- * Financial assistance to a business to demolish a decayed structure

Councilwoman Cantelme asked if a building could be demolished and then a lien placed on the property for reimbursement.

Councilmember Rusing stated that a hearing officer is a wonderful step forward, and asked if the hearings could be held here rather than in the court.

Mr. Young stated that is the intent of the program.

Mayor Goode said he is encouraged by some of the proposals from staff.

Councilman Tenney asked what the standard is for weeds.

Mr. Worley responded it is 12 inches.

Mr. Greene continued the discussion regarding building code compliance; there are many parallels between code and building, which is very intentional. The staff work closely to try and keep processes as consistent as possible. On average, they conduct 7,000 new inspections per year with three building inspectors on staff (including Mr. Greene) doing 20-30 per day.

Parameters & Purpose:

- * Focus on structures
- * Responsible for protecting the health and life safety of patrons within structures
- * Manage and require permit issuance for construction projects

Compliance Violations:

- * Working without a permit (62 cases in last three years)
- * Structural Failures (8 cases in last three years)
- * Unsanitary Conditions (4 cases in last three years)
- * Unsafe Condition (12 cases in last three years)
- * Dilapidation (6 cases in last three years)

Compliance Strategies:

- * Stop Work Order
- * Notice of Violation
- * Unsafe to Occupy Placard
- * Right to Demolish

Mr. Greene commented that condemning a home does not necessarily mean it will be demolished. The structure would need to be evacuated and boarded up in order to come into compliance. The right to demolish requires Council approval and is always a last resort.

Complaint Procedures:

- * Complaint received, site inspection performed, code case created, notice of violation issued, weekly reoccurring inspections to track progress, compliance is achieved or a 90-day notice is issued.

Councilwoman Cantelme asked if any homes had been demolished in Prescott.

Mr. Greene responded that in the last 12-13 years that has not happened that he is aware of.

Codes & Standards:

- * 2018 International Building and Residential Code
- * 2018 International Existing Building Code
- * Prescott City Code Section 3-4-1
- * Prescott City Code Section 7-5-4

Opportunities:

- * Hearing Officer Process
- * More emphasis on education versus enforcement
- * Minor Home Repair Program
- * Collaboration with Neighborhood Services Staff

Challenges:

- * Building violation repairs are often costly
- * Current staffing requires building compliance to be a dual role
- * Public misconception of building compliance - intention is to gain compliance and not tear down

Mayor Goode thanked staff for their presentation.

This item was for discussion only. No formal action was taken.

4. ADJOURNMENT

There being no further business to discuss, Mayor Goode adjourned the meeting at 2:55 p.m.



PHILIP R. GOODE, Mayor

ATTEST:



SARAH M. SLEP, 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 August 8, 2023. I further certify the meeting was duly called and held and that a quorum was present.



Sarah M. Siep, City Clerk

