



City of Prescott

City Council - Voting Meeting

August 22, 2023 | 3:00 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 3:00 p.m.

2. INTRODUCTIONS / ANNOUNCEMENTS

Mayor Pro Tem Montoya stated that the General Plan Review is ongoing and the August 30 Open House will take place from 3-6 pm at the Adult Center. City staff will be available to receive input from citizens. He added that the SR-89 project is in the early planning stages, there is no formal design at this time and staff is seeking feedback regarding the conceptual designs through the city website. Lastly, the city's bulk pickup event will begin on Monday, August 28, 2023.

Mayor Goode reiterated the need for public comment on these items, and recognized Chief Amy Bonney's 25 years of service to the city.

3. INVOCATION - Pastor Dan Hurlbert with Prescott United Methodist

4. PLEDGE OF ALLEGIANCE - Mayor Pro Tem Montoya

5. ROLL CALL

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

6. PROCLAMATIONS

A. International Day of Peace - September 21, 2023

Councilmember Rusing presented the Proclamation.

Leslie Grady Prescott Peace Builders thanked Council for the Proclamation.

B. Falls Prevention Month - September 2023

Councilman Tenney presented the Proclamation.

7. **OPEN CALL TO THE PUBLIC**

A. Sam Boyles addressed Council regarding Thursday morning prayers at his congregation, and asked what the Council's plan is for illegal immigrants that are being shipped up here from the border and the governor.

8. **CONSENT AGENDA**

MOTION BY COUNCILMAN MOORE TO APPROVE CONSENT AGENDA ITEMS 8.A. THROUGH 8.K, EXCLUDING ITEMS 8.B. AND 8.D.; SECONDED BY COUNCILMAN SISCHKA: PASSED (7 - 0)

- A. Approval of Meeting Minutes from the August 8, 2023 Executive Session, the August 8, 2023 Study Session and the August 8, 2023 Voting Meeting.
- B. Approval of the Official Canvass of the City of Prescott Primary Election Held on August 1, 2023.

Councilwoman Cantelme pulled this item and thanked Yavapai County Recorder Michelle Burchill and all staff in the Elections Office staff for their work. She also thanked all of the citizens who participated in the Primary Election.

Mayor Goode commented that he is disappointed in the low voter turnout and stated that if you don't vote you don't have the right to complain about anything.

MOTION BY COUNCILMAN TENNEY TO APPROVE CONSENT AGENDA ITEM 8.B.; SECONDED BY COUNCILMAN SISCHKA: PASSED (7 - 0)

- C. Approval of City Contract No. 2024-050 for the Purchase of Various Traffic Signal Equipment from Clark Transportation Solutions, in the Total Amount of \$62,618.76. Funding is Budgeted, Previously Approved and Available in the Streets Fund.
- D. Approval of City Contract No. 2024-052 with Earth Resources Corporation for Processing of Inert Debris & Asphalt Millings Stockpile in the Amount of \$339,476.55. Funding is Budgeted and Available in the Streets and Solid Waste Funds.

City Manager Katie Gregory introduced the item and commented on the sustainable practices that city staff is using to meet our community's needs.

Deputy Public Works Director Janet Ramsay concurred and commented that approval of this contract will allow for the crushing of inert debris that were delivered to the transfer station to be used for milling and other processes.

Councilman Moore commented that he is in favor of reusing this material, but expressed concerns he has heard regarding this facility being adjacent to the Peavine Trail and all of the dust impacting the trail users. It is unfortunate that these two facilities are located so close to each other because it inhibits recreation users.

Ms. Ramsay said that there are measures taken to address the dust in the area, however there is still some that impacts the area. She added that the inert debris is different than the millings piles which cause a majority of the dust.

Solid Waste Superintendent Brady Higgs continued that the primary area where this crushing will take place is in the middle of the yard and potable water is used on the pile to try and minimize dust. This is the third time this process will have taken place since he has been with the city. This operation is expected to be completed within 90 days.

Councilman Tenney asked about the total tonnage for this project.

Mr. Higgs responded that the transfer station typically receives 5,000 tons annually and currently there are 12,000 tons of inert debris and 14,000 tons of millings in the yard.

Councilmember Rusing asked if the asphalt millings are repurposed for city roads.

Street Maintenance Superintendent Brian Scott responded that the millings are brought in by city staff and CIPs around the area and then crushed. They are repurposed for other projects and primarily are used for fill material and structures at the public works yard.

**MOTION BY COUNCILMAN TENNEY TO APPROVE CONSENT AGENDA
ITEM 8.D.; SECONDED BY COUNCILMAN SISCHKA: PASSED (7 - 0)**

- E. Approval of City Contract No. 2024-065 with PSI Water Technologies for the Purchase of Replacement Chlorine Generator Cells at the City's Airport Water Reclamation Facility in the Amount of \$67,433.90. Funding is Budgeted and Available in the Wastewater Fund.
- F. Approval of City Contract No. 2022-168A13, an Amendment to City Contract No. 2022-168 with Dibble for Planning & Environmental Services - Land Acquisition Support Services (Appraisals) in the Vicinity of Prescott Regional Airport - Ernest A. Love Field in an Amount not to Exceed \$38,221.00. Funding was Not Previously Budgeted But is Available in the Airport Fund.
- G. Approval of City Contract No. 2024-066 With Dibble for On-Call Services Related to Airport Design & Engineering Services in FY2024-2029. There is No Immediate Financial Impact as Services are Provided on an As Needed Basis.
- H. Approval of City Contract No. 2019-069A42, an Amendment to City Contract No. 2019-069 with Dibble for Design Services of Off-Site Drainage Improvements at Prescott Regional Airport - Ernest A. Love Field in an Amount not to Exceed \$150,035.00. Funding is Budgeted & Available in the Airport Fund.
- I. Approval of City Contract No. 2024-068 with Code3 Technologies for Mobile Data Computers in an Amount not to Exceed \$78,815.96. Funding is Budgeted &

Available in the Fire Department Budget.

- J. Approval of City Contract No. 2024-069 with Motorola Solutions Incorporated for Radio Equipment in an Amount not to Exceed \$157,731.97. Funding is Budgeted & Available in the Police Department Budget.
- K. Approval of City Contract No. 2024-067 with DocUnited Imaging LLC for Three Year Document Imaging System Site License, Support, and Maintenance in an Amount Not to Exceed \$133,597.35 for the Term of the Agreement. Funding is Budgeted & Available in the IT Department Budget.

9. CONSENT ORDINANCE

- A. Adoption of Ordinance No. 2023-1837 for the Acceptance of Two Public Sewer Easements.

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AUTHORIZING THE ACCEPTANCE OF A PUBLIC SEWER EASEMENT AGREEMENT FROM CHAMBERLAIN DEVELOPMENT PRESCOTT, L.L.C. AND JAMES DEEP WELL RANCHES #1, LLC, AUTHORIZING THE MAYOR AND STAFF TO EXECUTE ANY AND ALL DOCUMENTS TO EFFECTUATE SAID ACCEPTANCE

City Manager Katie Gregory introduced Public Works Director Gwen Rowitsch to discuss this item.

Ms. Rowitsch stated that these lines have already been installed and this is the next necessary step in the process to obtain the right of way dedication in order to close out the permit.

Councilmember Rusing asked if this has already been constructed and by whom. She also asked what would happen if the city acquires the property this easement is on sometime in the future.

Ms. Rowitsch confirmed and added that this type of utility is not always placed in the right-of-way and likely for future alignment of Jenna Lane. If the city were to acquire the land at any time in the future, the easement would be null, but it is not owned by the city at this time and in order to close this, they need to grant the city this easement. Infrastructure is commonly placed in advance of the development being built.

City Attorney Joseph Young stated that a preliminary plat has been approved to the west of that line, and regardless of any future acquiring of lines, this would connect to those areas.

**MOTION BY COUNCILMAN TENNEY TO ADOPT ORDINANCE NO. 2023-1837; SECONDED BY COUNCILMAN SISCHKA: PASSED (6 - 1)
COUNCILMEMBER RUSHING DISSENTING**

10. LIQUOR LICENSE

- A. Public Hearing and Consideration for a New Series 12 Restaurant Liquor License Application from Ian Benjamin Burns, Applicant, for Brown Bag Burger. Location: 130 W Gurley Street #A.

Mayor Goode commented that this is a reoccupation of the Prescott Brewing Company in Bashford courts so there will be a restaurant as well as microbrewing in the facility.

**MOTION BY COUNCILMAN SISCHKA TO CLOSE THE PUBLIC HEARING;
SECONDED BY COUNCILMEMBER RUSING: PASSED (7 - 0)**

**MOTION BY COUNCILMAN SISCHKA TO APPROVE ITEM 10.A.; SECONDED
BY COUNCILMEMBER RUSING: PASSED (7 - 0)**

- B. Public Hearing and Consideration for a New Series 3 In State Microbrewery Liquor License Application from Ian Benjamin Burns, Applicant, for Brown Bag Burger. Location: 130 W Gurley Street #A.

**MOTION BY COUNCILMAN SISCHKA TO CLOSE THE PUBLIC HEARING;
SECONDED BY COUNCILMEMBER RUSING: PASSED (7 - 0)**

**MOTION BY COUNCILMAN SISCHKA TO APPROVE ITEM 10.B.; SECONDED
BY COUNCILMEMBER RUSING: PASSED (7 - 0)**

11. REGULAR AGENDA

- A. SITE23-004 and WSA23-014: Site Plan Review and Water Service Application for a 12-Unit Apartment Complex (Phase I) on Approximately 1.24 Acres. Location: 225 South Rush Street, APNs 110-02-102A and B. Zoning: MF-H (Multi-Family High Density). Property Owner: Dinh Tran, Distinctive Homes.

City Manager Katie Gregory introduced the item and City Planner Tammy Dewitt to provide a presentation.

Ms. Dewitt provided a presentation regarding Phase I of the 12-unit apartment complex and a future site plan will be submitted for Phase II of the project. Access will be off of Rush Street and not Bradshaw. There will be two stories with parking below. Both Planning & Zoning Commission and Council Subcommittee on Water Issues have reviewed and unanimously recommended approval.

Councilmember Rusing commented that this is an infill project in an area where there are many other rentals, but it is in a flashflood area. She added that water was only approved for Phase I, and she has many concerns about Phase II.

Public Works Director Gwen Rowitsch stated that all site plans are reviewed when submitted for compliance with city policies. These will be metered per criteria and drainage on the south side will go directly into the Penn/Eastwood detention basin. Could also take an in lieu of fee given the restraints of the site as the detention will not be on-site.

Applicant Tom Terry addressed Council and stated that they will definitely take advantage of the in lieu of fee option.

Councilman Moore asked if this is handicap or ADA Accessible given the topography.

Mr. Terry responded that it would be in two of the units.

MOTION BY COUNCILMAN SISCHKA TO APPROVE WSA23-014 AS PRESENTED; SECONDED BY COUNCILMEMBER RUSING: PASSED (7 - 0)

MOTION BY COUNCILMAN SISCHKA TO APPROVE SITE23-004 PER THE SITE PLAN PRESENTED; SECONDED BY COUNCILMAN TENNEY: PASSED (7 - 0)

- B. Presentation & Discussion to Provide Direction to Staff Regarding the 2023 League of Arizona Towns & Cities Policy Resolutions.

City Manager Katie Gregory introduced Deputy City Manager Tyler Goodman to provide a presentation regarding the proposed 2023 League of Arizona Towns and Cities Policy Resolutions.

Mr. Goodman stated that this year there are eight resolutions and he will hit the high points on these items which will be voted on during the annual league conference. The purpose is to look at big picture items and not legislation or bills. There are five resolution committees that bring forward the resolutions.

Resolution 1 (BFED 2, Chandler):

* Pursue legislation to allow cities and towns to authorize a temporary property reclassification for redevelopment projects that create new housing units

Mayor Goode commented that this was brought forward by the City of Chandler related to vacant land in some of the communities in the valley where they are nearly built out. This proposal is for approximately 7 years to reduce property taxes from 10% to 5% to allow for redevelopment. This is a creative way to bring in more housing opportunities.

Resolution 2 (BFED 3, Camp Verde):

* Amend the statute to remove the petition requirement necessary to form municipal improvement districts.

Mayor Goode commented that this would be impactful for small projects like four to six parcels and could potentially lead to some tyranny of the majority type of situations. This is a concern for him. He stated that he voted against this.

Councilwoman Cantelme commented that she sees the potential for many problems in both of these because the homeowner is being stripped of their rights. She does not support these without further consideration made to some of the homeowners surrounding these areas. The resolutions need modifications.

Councilman Sischka stated that he is fine with both of these.

Councilmember Rusing said she would like to see the language in Chandler's resolution state "housing units or commercial", but overall she is a yes on that Resolution and a no on the Camp Verde proposal.

Finance Director Mark Woodfill addressed Council regarding Resolution 2 which reverts the process back to how it was previously. The wording was written by the City's Bond Counsel and is necessary if the Council ever wanted to do an improvement district again. This doesn't force the Council to do anything.

Ms. Gregory added that homeowners' rights to their property or zoning changes are not impacted by either of these resolutions. This gives the city and council more tools for projects that they want.

Mayor Pro Tem Montoya thanked Mr. Woodfill for providing clarity on these items, these resolutions are giving the opportunity to the League to begin lobbying for these types of changes. He is in favor and support of these.

Councilman Moore stated that the Council is getting bogged down in the weeds. All that they need to do today is to allow the Mayor to participate in the conversations at the League. He is in favor of both of these resolutions.

Councilman Tenney echoed Councilman Moore's comments.

Resolution 3 (GAHRE 3, Scottsdale):

* Amend statute to allow for the collection of 10% more than the minimum signature threshold for local candidates

Resolution 4 (NSQL 1, Tempe):

* Enable the League to support legislative resolutions to ratify the Equal Rights Amendment (ERA)

Councilman Moore asked if Arizona is seeking guidance to participate in the ratification process.

Mr. Goodman confirmed.

Mayor Goode commented that time to ratify has passed and is a moot point.

Council consensus no, this is a moot point.

Resolutions 5, 6 & 7 (NSQL 3, 4 and 5, Scottsdale):

- * Set caps on the total number of short-term rentals
- * Limit the density of short-term rentals in specific areas
- * Establish distance requirements between short-term rentals

Mr. Young stated these enhance local control.

Councilmember Rusing said she is in favor of all three of these.

Mayor Goode concurred, he added that so many jurisdictions are having problems with these situations. This is a way to reel in local control.

Resolution 8 (PSMAC 2, Mesa):

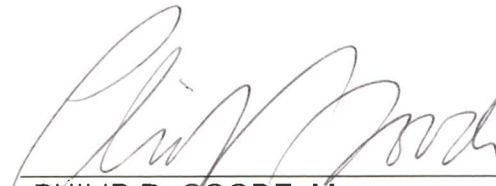
* Amend statute to allow cities and towns to use body scanning machines in jails and holding facilities

Council consensus in favor of this.

12. ADJOURNMENT

Quote: "A nation of well-informed men and women who have been taught to know and prize the rights which God has given them cannot be enslaved. It is in the region of ignorance that tyranny begins." - Benjamin Franklin

There being no further business to discuss, Mayor Goode adjourned the meeting at 4:20 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 August 22, 2023. I further certify the meeting was duly called and held and that a quorum was present.



Sarah M. Siep, City Clerk

