



City of Prescott

City Council - Study Session

April 23, 2024 | 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
Connie Cantelme - Mayor Pro Tem
Lois Fruhwirth - Councilwoman
Ted Gambogi - Councilman
Brandon Montoya - Councilman
Eric Moore - Councilman
Cathey Rusing - Councilmember

3. DISCUSSION

- A. Presentation & Discussion Regarding the Big Chino Water Ranch Cost Update and Pipeline Alignment Evaluation.

Water Resource & Environmental Services Manager Brian Ruiz provided a presentation to Council regarding the Big Chino Water Ranch (BCWR) cost update and alignment evaluation. He also welcomed and introduced Consultant Lisa Jackson from Black & Veatch and representatives from Civiltec who were present to provide additional information and details regarding the project. Mr. Ruiz provided an overview of the totality of the Big Chino Water Ranch Project which spans to the water production facility in Chino Valley with varying sized pumps and pipes carrying water throughout the city's water service areas.

Project Background & Goals:

- * In January 1999 ADWR declared Prescott AMA no longer safe-yield
- * Assured water supply rules require that only renewable or imported water supplies be used for future demand in the AMA
- * Assist AMA in achieving mandated safe-yield
- * Create a sustainable supply
- * Improve water portfolio
- * Provide for future demands associated with the General Plan

Prescott & Prescott Valley IGA:

- * 2004 jurisdictions teamed up to purchase a portion of the JWK Ranch now known as the BCWR
- * IGA for sale of water and cost participation - 54.1% Prescott, 45.9% Prescott Valley

Councilwoman Fruhwirth asked about the total cost for the purchase in 2004.

Mr. Ruiz responded that it was roughly \$23 million which was split with the Town of Prescott Valley in alignment with the terms of the IGA.

Current Status:

- * Last opinion of probable cost in 2007 including 90% plans
- * July 2023 Council authorized updating cost estimate
- * Constructed intermediate pump station (IPS) and water production facility (WPF) upgrades in the amount of \$59 million
- * Update - alignment evaluation (well field to Highway 89 pump station), and cost estimate

Ms. Jackson continued the presentation regarding the project and cost estimate.

Operational Flow Requirements:

- * 8,067 acre feet per year (AFY) - 4,365 Prescott and 3,703 for Prescott Valley
- * Peaking factors for BCWR system design
- * Initial capacity through BCWR system - 12 million gallons per day
- * Buildout flow through BCWR system - 17.3 million gallons per day

Remaining Project Components:

- * BCWR well field and storage facilities
- * Transmission pipelines to WPF
- * Highway 89 pump station
- * Prescott Valley station at Chino Valley Water Production Facility

Pipeline Alignment Evaluation:

- * Two alignments from BCWR to Highway 89 Pump Station - Alternative 1A through Feather Mountain is the preferred option
- * Quantitative costs
- * Qualitative Criteria - constructability, public disturbance, Easement acquisition, jurisdictional crossings/permitting future maintenance/accessibility, other entity coordination

Mayor Goode asked if Prescott Valley has been involved in this evaluation process.

Mr. Ruiz confirmed that they have been and they are aware of the results.

Councilmember Rusing asked what material is being specked for the water main.

Ms. Jackson responded that they will look at multiple options in order to provide the contractor with options that will work best, for example ductile iron pipe and cement mortar covered steel as two main options.

BCWR Well and Storage Facilities:

- * Eleven wells with piping
- * Two 1 million gallon tanks

- * Disinfection system

Highway 89 Pump Station:

- * Pumps to Chino Valley WPF
- * Easily accessible
- * On land owned by City of Prescott
- * Initial capacity 12 million gallons per day with buildout at 17.3 million gallons
- * Close to existing APS power line
- * Security fence and monitoring capabilities

New Facilities at WPF:

- * Prescott - provisions for two additional pumps for Prescott (20.4 mgd firm)
- * Prescott Valley - two initial (2.2 mgd firm) and provisions for five pumps (8.9 mgd firm)
- * New building similar to existing
- * Separate electrical services

Councilmember Rusing asked about where the Prescott Valley pump branches off.

Ms. Jackson stated that it branches off in Chino, they would cover the costs of the pump once outside of the city's facilities.

Mayor Goode asked when the cost is being estimated and looking at all the components included which is also delivering water to the water service area, how is Prescott Valley's portion properly allocated. He wants to make sure that these splits are being done appropriately and with everyone in agreement before the end of the project.

Mr. Ruiz responded that the components that benefit each jurisdiction specifically have been well defined so that makes splitting the costs accurately easy to do. He added that costs can continue to be negotiated as the projects continue forward.

Opinion of Probable Construction & Other Costs:

- * Includes - well field facilities, pipelines, road stabilization, pump stations, utility power, easements and engineering (design & construction)
- * Total
 - Baseline \$261,560,000
 - Low -20% \$209,560,000
 - High +30% \$340,060,000

Entity Split for Baseline Probable Construction & Other Costs:

- * Based on baseline numbers
- * Prescott - \$141,503,960
- * Prescott Valley - \$120,058,040

Councilman Gambogi asked if Prescott Valley's cost estimate includes the additional piping they would have to do.

Mr. Ruiz responded that it does not and that would likely be an approximately \$10-11 million.

Next Steps:

- * Assess alignment from Highway 89 Pump Station to Chino WPF
- * Secure easements
- * Resource need projections
- * Funding sources

Mr. Ruiz added that at this point the cost estimate is for the infrastructure, however, there will be additional things that come up like mitigation efforts, etc. which he will be bringing forward to the Council in the future as well.

Councilman Montoya asked if there is benefit to Prescott Valley before the pump station and Big Chino is completed.

Mr. Ruiz stated there is not, the IPS facility provides storage requirements and allows the city to take discharge from well fields to be delivered throughout the city.

Mayor Pro Tem Cantelme asked about the project as a whole and if there is a provision in the contract for the "prep" done in the beginning stage and if that is being split in the same way.

Mr. Ruiz responded that things have been split throughout this process, Prescott Valley is being invoiced annually for what is being done.

Mayor Pro Tem Cantelme asked if Prescott Valley can be back charged.

City Attorney Joseph Young responded that the costs are to be split and have been, as we move forward with costs that benefit the project as a whole they are being billed their 46%.

Councilmember Rusing asked if there has been any testing on the water quality in that area.

Mr. Ruiz responded that there has been some testing done.

Ms. Jackson added that the information is based on a report provided by the city, other monitoring wells have been tested and only one was over the limit for arsenic. There are a variety of options that exist for addressing any of those issues.

Councilwoman Fruhwirth asked how much has already been spent on this project.

Public Works Director Gwen Rowitsch added that the IPS and WPF costs were for facilities that were 76 years old, replacing it was imperative because it was old not because it was needed for Big Chino, so these costs should not be associated with the BCWR project specifically. She added that improvements and

enhancements done at the IPS were done in a way that would allow for necessary future add-ons as well based on the 2005 D&O from ADWR considering a future connection to the Big Chino. It is her opinion that Prescott Valley doesn't have an obligation to the IPS but staff will look into that further.

Finance Director Mark Woodfill clarified some of the questions regarding costs for infrastructure that have been incurred through FY23, \$35,723,764, which includes land purchases, rights-of-way and other costs. Prescott Valley has shared in the amount of approximately \$16 million outside of the infrastructure costs.

Mayor Goode asked about the Golder & Associates report related to the D&O from ADWR.

Mr. Ruiz responded that staff is working on all those fronts right now. The model is moving forward and getting to the calibration point but are still on schedule to have a model to be reviewed by technical consultant for all participating parties by September or October of this year. Once the model is created there are additional phases that will take further time as well.

Member of the public Howard Mechanic addressed the Council regarding a large portion of the project being a mitigation plan. He added that existing users are being charged a percentage of the costs for the project, even though the Big Chino would potentially be used by new users so that should be re-examined. He doesn't believe that this will even be built, but somewhere in the next steps needs to be a vote of the public in accordance with Prop401.

Member of the Public Gary Beverly addressed the Council regarding the fact that the Big Chino Pipeline will not put the city into safe-yield, it wouldn't even come close. Spending this much money is way off base and this whole project is not substantiated by any rational planning process. He appreciates comments regarding mitigation as it relates to these water issues, the environmental community has had enough.

Councilman Gambogi commented that there is much more involved in the discussion regarding this project, and thanked city staff for their information.

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

- B. Presentation & Discussion Regarding Possible City Code Updates as Follows: 1) Addition of Sanction Authority to City Hearing Officers (City Code 1-14-8); 2) Use of Recreational Vehicles for Habitation Purposes During the Construction of a Residence (Land Development Code 6.2.4); 3) Amendments to the City's Parking Code to Allow Enforcement of Posted Parking Signs (City Code 9-1-7(A)); and 4) Initial Discussions of an Ordinance to Limit Heavy Truck Traffic on City Roads.

City Attorney Joseph Young provided a presentation to Council regarding the four possible updates. Staff needs direction on the proposed amendment from Council.

Update to Section 1-14-8:

- * Hearing Officer process begins May 1, 2024
- * Currently, the code allows for sanctions for violations of city's property maintenance code
- * Update would allow sanctions for additional violations (IE zoning)
- * Additions in bold as follows: At the conclusion of the hearing, if the Hearing Officer or the City Court, whichever is applicable, finds the defendant to be in violation of any provision in this chapter, the City Court **and/or the Hearing Officer** shall issue sanctions in accordance with Section 1-3-2 **of this Code, and any other applicable sanctions, or penalties allowed by this Code.**

Councilmember Rusing asked if this would include fines or liens, and stated that if a person is in violation of zoning she would like to see language that would not allow them to be issued a permit until their existing violation is taken care of.

Mr. Young confirmed it would be fines and/or liens. Permitting would be outside of this but staff can look into it.

Councilman Moore asked what the difference is between a citation and a sanction.

Mr. Young responded that a citation is a notice or ticket, but that doesn't mean anything until fact finding and the court fines through a sanction. This will come back before Council before a vote unless staff receives direction that this is not what the Council wants.

Mayor Goode commented that there is broad agreement that not having enforcement teeth for violations of the expectations set by the city is not acceptable, this addresses that concern.

Mayor Pro Tem Cantelme asked if there would be a cap on these fines, and who does this run through.

Mr. Young responded the cap is set in code and they would report through Community Development.

Prescott Land Development Code 6.2.4:

- * Expanded definition of "camping"
- * Placed enforceable time, place and manner restrictions on camping
- * Limits camping on private property
- * Council directed additional review of camping on property in RV during construction of property
- * Currently prohibited under LDC, however, there is a provision in 2.6.9 that allows for use of an RV on property for a period of 9 months when a fire or natural disaster has rendered a residence unfit for human habitation
- * Update would - create an exception to the prohibition on RV use in residential zoned areas, allow RV or camp trailer on property where construction is ongoing and RV use allowed for the duration of the building permit for the property owner

Councilmember Rusing stated that she is not in favor of this, allowing someone to live in a construction zone is not acceptable and an entire camp could end up on

a residential property. She doesn't see this being enforceable.

Councilman Montoya asked about enforcement and usage on this proposal, he recalls it is similar to language the County uses. He also asked if it would be possible to establish a reasonable amount of time that could be placed on the timeframe that this is allowed.

Mr. Young confirmed, there are restrictions on the size of the property, etc. that could be included and added that it is only for the owner of the property. It could be limited to a year, 9 months etc. based on what the Council would like.

Councilman Gambogi echoed Councilman Montoya's comments, he asked if this would override any HOA restrictions and added that a discussion regarding lot size would be beneficial.

Mr. Young stated that it would not override an HOA.

Mayor Pro Tem Cantelme asked for a limit that the property must be an acre or more in order to allow this, and would also like language related to the HOAs and CC&Rs. She also asked if it could be something that requires a Special Use Permit. This language feels vague to her and she would like to see it tightened up a bit.

Mr. Young responded that if the Council wants a temporary use permit that could be done. Distance from construction may be even more pertinent than the lot size, if the Council would like that.

Mayor Goode stated that this is a solution in search of a problem, he doesn't believe this is something that really warrants an addition or changes to the code. It would require more code enforcement and monitoring that we don't have the capacity for.

Councilwoman Fruhwirth concurred. Understanding that 2.6.9 exists and there is an exception for a catastrophe situation provides for a situation where a person needs that.

Prescott City Code 9-1-7 Amendments & Additions:

Lt. Jason Small provided an overview of the PD's desire to clarify some items

- * Intent is to revise verbiage for easier interpretation for citizens, law enforcement and courts, correct issues where verbiage is lacking/leading to enforcement stoppages, proposed enhancements encourage safe and fair parking throughout the city

- * Subsection A divided into 10 individual subsections

- * Subsection B moved to one of the 10 subsections

- * Each subsection will clearly define parking scenarios and applicable regulations

- * New additions for blocking driveways, pedestrian and bicycle ways

- * Revised ordinance will include restrictions for parking on the sidewalk and blocking driveways and clearly define how vehicles should park in spaces for all scenarios

- * Promote safe parking practices and fair enforcement standards

Mayor Goode commented that he appreciates these revisions, there are longer and wider vehicles which downtown spots were not truly designed for and make it more likely to cause issues.

Councilwoman Fruhwirth stated that the current code and specific inches listed are confusing and asked why they are listed as they are.

Lt. Small stated that the goal was to stay in alignment with state statute, but the revision would make it so that if roadway, sidewalk, etc. are blocked then you are in violation.

Councilman Moore commented that he received email communications regarding backing in to park in certain areas, and asked if this would be allowed in these areas.

Lt. Small responded that is up to the Council, the department is using an auto chalk system which requires viewing the license plate and if back-in is allowed that would not work. Backing in for the most part is not allowed already because of that. Courts do not allow a vehicle be touched so in order to enforce time parking they have to see the rear plate.

Councilwoman Fruhwirth stated that she is in favor of enforcement and if that means people can't back in then so be it.

Councilman Moore commented that backing in should be universal otherwise it gets confusing.

Lt. Small responded that for a variety of reasons this issue is location specific, however, posted signage would make that clear.

Mr. Young added that this is ultimately about enforcing the signage that currently exists.

Prescott City Code Related to Heavy Truck Usage on City Roads:

- * Code and statute have limitations on vehicle weight
- * No limitations exist regarding number of trips by heavy trucks or other vehicles
- * Town of Patagonia Ordinance 17-01 limits number of heavy truck trips per week, defines heavy truck as "a truck with more than two non-steering axles", and states that no person, firm or entity shall drive or cause to be driven upon any town street a heavy duty truck or trucks for more than a cumulative total of one hundred trips per week and of those no more than twenty trips per week may occur between the hours of 10 p.m. and 6 a.m.

Mr. Young stated that he is simply seeking input from the Council at this time on what, if anything, they would like to see regarding this matter. Need to look at roadway design, users affected, rational basis for limiting traffic, etc.

Councilmember Rusing stated that 10 miles south of town there is a Chinese Strip Mine on Forest Service Land and they plan to load up trucks and transport

them throughout city roads and this discussion needs to be saved for another Study Session. She feels the city needs to be prepared.

Mayor Goode stated this is not proposed for any specific development, he has been monitoring this situation for over 5 years. The city has a challenging road structure without the ability to expand them so having consideration of putting in place reasonable restrictions on heavy truck traffic in the city is a good idea.

Mayor Pro Tem Cantelme asked if there has been any case law establishing the rights of iconic and historic neighborhoods like Mt. Vernon that would limit the number of trucks, times of day, etc. She has a great deal of questions regarding how residential areas would be impacted.

Mr. Young responded that looking into that case law would take time, but Town of Patagonia restrictions he just discussed do apply differently at night which is lawful and there are weight restrictions within state law. This would be difficult to enforce, for example the city does not have a weigh station, but could mandate what roads they could go on. Heavy truck is a 1-ton, or more, truck.

Mayor Goode cut off discussion as the Study Session time had been exceeded, and stated that the Council would like to have something brought back at a future meeting regarding this subject.

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 3:08 p.m.

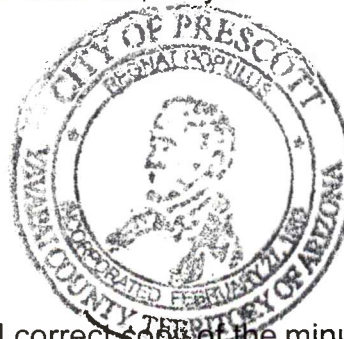


PHILIP R. GOODE, Mayor

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 April 23, 2024. I further certify the meeting was duly called and held and that a quorum was present.



Sarah M. Siep, City Clerk