



# CITY COUNCIL MEETING

## VOTING MEETING MINUTES

**TUESDAY, MAY 14, 2019, 3:00 PM**

City Hall, 201 South Cortez Street  
Prescott AZ 86303  
(928) 777-1272

Greg Mengarelli, Mayor	
Billie Orr, Mayor Pro Tem	Jim Lamerson, Councilman
Steve Blair, Councilman	Alexa Scholl, Councilwoman
Phil Goode, Councilman	Steve Sischka, Councilman

MINUTES OF THE VOTING MEETING OF THE PRESCOTT CITY COUNCIL HELD ON MAY 14, 2019, in the CITY HALL LOCATED AT 201 SOUTH CORTEZ STREET, PRESCOTT, ARIZONA.

**1. CALL TO ORDER**

Mayor Mengarelli called the meeting to order at 3:00 p.m.

**2. INTRODUCTIONS/ANNOUNCEMENTS**

Mayor Pro Tem Orr encouraged all citizens to join in a celebration of Elizabeth Ruffner on May 26th at the Elks from 3 pm to 5 pm.

**3. INVOCATION**

Charlotte Evans, Church of Jesus Christ of Latter Day Saints

**4. PLEDGE OF ALLEGIANCE**

Mayor Pro Tem Orr

**5. ROLL CALL**

Greg Mengarelli	Mayor
Billie Orr	Mayor Pro Tem
Steve Blair	Councilman
Phil Goode	Councilman
Jim Lamerson	Councilman
Alexa Scholl	Councilwoman
Steve Sischka	Councilman

**6. PRESENTATIONS**

2019 World's Oldest Rodeo Update

General Manager JC Trujillo and President Chris Graff provided a brief presentation to Council regarding the 2018 Rodeo which paid out over \$260,000 to the participants. They are proud to host the who's who in the rodeo business and it was a great year with unbelievable ticket sales at over \$500,000.

Each year a new record is set for ticket sales. For the 4<sup>th</sup> Year in a row we have received the Truewest Best of the West Award, and Best Historic Rodeo. All 50 states are represented and international participants as well. Mr. Graff also discussed the community investments that are made with the proceeds from the Rodeo. They also discussed the recent improvements and enhancements to the Rodeo Grounds. They wrapped up the presentation with discussion regarding the upcoming Rodeo July 1-7, 2019 (132<sup>nd</sup> Annual) and stated that the parade will be on July 6th this year.

## **7. PROCLAMATIONS**

### **A. Prescott Heritage Trail History Hunt**

Mayor Pro Tem Orr presented the Proclamation to Ann Steward, Lori Gaucher and members of the Chamber, Western Heritage Committee and others responsible for the Prescott Heritage Trail and the addition of the History Hunt Adventure.

Ms. Steward addressed Council and the public regarding efforts for the Heritage Trail, and discussed the 29 sites participates will visit along the trail as well as the nine highlights in the History Hunt Adventure. Over the last year, more than 1000 trail maps have been given out.

Ms. Gaucher thanked the Mayor and Council for the Proclamation, she also commented on the background of the trail and recognized the foundation and committee for their work. Explore, Experience and Preserve.

### **B. Motorcycle Safety & Awareness Month**

Councilman Sischka presented the Proclamation to members of the A Brotherhood Aimed Through Education (ABATE) Safety Prescott Chapter.

ABATE Prescott Chapter Coordinator Dan Tumey thanked Council for the Proclamation.

### **C. Memorial Day**

Councilman Goode presented the Proclamation to VA Public Affairs Officer Mary Dillinger and present veterans.

Ms. Dillinger discussed the 11 a.m. Ceremony which will take place on May 27th at the National Cemetery and invited volunteers to come assist in placing flags on Saturday, May 25th beginning at 8 a.m.

## **8. CONSENT AGENDA**

**COUNCILWOMAN SCHOLL MOVED TO APPROVE CONSENT AGENDA ITEMS 8.A., 8.B., 8.C., 8.D., 8.E., 8.F., 8.G., 8.J., 8.K. AND 8.L.; SECONDED BY COUNCILMAN SISCHKA: PASSED [7-0].**

### **A. Approval of minutes for the April 23, 2019 Special Meeting/Executive Session and the April 23, 2019 Voting Meeting.**

- B. Award of City Contract 2019-196 to Ridgeline Builders in the amount of \$91,190.99 for the construction of restrooms at the Constellation Trail trailhead. Funding is available in Transient Occupancy (bed) tax.
- C. Award of contract to Southern Tire Mart and Prescott Tire Pros utilizing Arizona State Contract No. CTR042117-1 for an annual amount of \$300,000.00 (City Contract No. 2019-220).
- D. Award City Contract 2019-222 to Test America Laboratories, Inc. for Water and Wastewater Analytical Services in an amount not to exceed \$75,000.00 annually. Award City Contract 2019-223 to Legend Technical Services of Arizona, Inc. for Water and Wastewater Analytical Services in an amount not to exceed \$75,000.00 annually. Funding is available in the Water and Wastewater Funds.
- E. Award of City Contract No. 2019-219 to Asphalt Paving & Supply, Inc., for the Prescott Lakes Parkway Water Main Extension Project, in the amount of \$155,855.55. Funding is available in the Water Fund.
- F. Award of City Contract No. 2019-227 to Natina Products for the Willow Creek and Bashford Court Wall Treatments Project, in the amount of \$30,467.00. Funding is available in the Streets Fund.
- G. Adoption of Resolution No. 2019-1688 for appointment of Fire Chief Dennis B. Light as Applicant Agent on Behalf of the City of Prescott Cost Recovery Efforts Regarding Winter Storm of February 21-22, 2019.

ADOPT RESOLUTION NO. 2019-1688 OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, DESIGNATING THE PRESCOTT FIRE CHIEF AS THE APPLICANT AGENT TO THE ARIZONA DIVISION OF EMERGENCY MANAGEMENT FOR COST-RECOVERY EFFORTS; AND AUTHORIZING THE MAYOR AND STAFF TO TAKE ANY AND ALL STEPS NECESSARY TO ACCOMPLISH THE ABOVE.

- H. Adoption of Resolution No. 2019-1693 approving the use of eminent domain to acquire property necessary for improvements to the Government Canyon Bridge.

ADOPT RESOLUTION NO. 2019-1693 OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, APPROVING THE USE OF EMINENT DOMAIN TO ACQUIRE PROPERTY NECESSARY FOR IMPROVEMENTS TO THE GOVERNMENT CANYON BRIDGE.

This Item and Item 8.I. were pulled from the Consent Agenda by Councilman Lamerson for further discussion.

Mayor Mengarelli asked the City Attorney to give background on the items for clarification.

City Attorney Jon Paladini discussed the Hope Street Drainage Project and the Government Canyon Bridge improvement on the east side of town. He stated that the city has been able to reach agreement with all but one property owner for the space needed in each project. Both of these projects are related to health and public safety and this recommendation is not made to Council lightly, in fact in the six years that he has been the City Attorney they have not recommended a condemnation item. This process is used very sparingly. Mr. Paladini reiterated that appraisals have been conducted as required and invited Public Works to discuss the specifics of the Projects.

Public Works Director Craig Dotseth addressed Council regarding the specifics of each of the projects. He stated that the Government Canyon Bridge project has one parcel remaining for completion and that as much of the funding came from an ADOT grant it is very time sensitive. The Hope Street project is to address drainage issues and property damage in the neighborhood, where the dirt street will be eliminated from the City inventory to fix the issues.

Mayor Mengarelli reiterated that they do not take eminent domain lightly, and attempts have been made to go at this with every other possible effort, but health and public safety is very important.

Councilman Goode stated that generally when people hear eminent domain the conclusion is that government is going in and taking away property, however, these property owners are being compensated based on appraisal for access to parts of their property to make necessary change and improvements. Property is not being taken away, there is a clear and compelling public need.

- I. Adoption of Resolution No 2019-1692 approving the use of eminent domain to acquire property necessary for the Hope Street drainage improvements.

ADOPT RESOLUTION NO. 2019-1692 OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, APPROVING THE USE OF EMINENT DOMAIN TO ACQUIRE PROPERTY NECESSARY FOR THE HOPE STREET DRAINAGE IMPROVEMENTS.

**See Item 8.H. Description.**

**COUNCILMAN SISCHKA MOVED TO APPROVE CONSENT AGENDA ITEMS 8.H. AND 8.I.; SECONDED BY MAYOR PRO TEM ORR: PASSED [7-0].**

- J. Approval of EBSCO Information Services Contract No. 2019-215 in the amount of \$12,500.00 per year. Funding is available in the General Fund.
- K. Approval for the Fire Department to apply for various Fiscal Year 2020 grant funding opportunities.
- L. RVP19-007, Revision of Plat of Foothill Meadows Unit I, subdividing one existing parcel into two parcels; Zoning is Single-Family 35 (SF-35). Owner: Matthew Sullivan; APN 106-07-021D. Location: 3217 Jack Drive.

## **9. CONSENT ORDINANCE**

- A. Adoption of Ordinance No. 2019-1661 authorizing the Quit Claim of a portion of Sam Hill Property to Prescott College, Inc.

ADOPT ORDINANCE NO. 2019-1661 OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AUTHORIZING THE QUIT CLAIM TO PRESCOTT COLLEGE, INC. ALL RIGHT, TITLE OR INTEREST IN THE REAL PROPERTY DESCRIBED IN THE ATTACHED QUIT CLAIM DEED, AND AUTHORIZING THE MAYOR AND STAFF TO EXECUTE ANY AND ALL DOCUMENTS TO EFFECTUATE SAID QUIT CLAIM.

**COUNCILMAN SISCHKA MOVED TO ADOPT CONSENT ORDINANCE ITEM 9.A.; SECONDED BY MAYOR PRO TEM ORR: PASSED [7-0].**

## **10. LIQUOR LICENSE AGENDA**

### **A. NEW LICENSES**

1. Public Hearing and consideration for a New liquor license application for a Series 9 Liquor Store liquor license from Kim Kenneth Kwiatkowski, applicant, for Circle K Store #9525; Location: 940 Willow Creek Road.

**COUNCILWOMAN SCHOLL MOVED TO CLOSE THE PUBLIC HEARING; SECONDED BY COUNCILMAN SISCHKA: PASSED [7-0].**

**COUNCILWOMAN SCHOLL MOVED TO APPROVE ITEM 10.A.1.; SECONDED BY COUNCILMAN SISCHKA: PASSED [7-0].**

2. Public Hearing and consideration for a New liquor license application for a Series 12 Restaurant liquor license from Bao Myia Vang, applicant, for Fujiyama Japanese Restaurant & Sushi Bar; Location: 1781 East Hwy 69 #15.

**COUNCILWOMAN SCHOLL MOVED CLOSE THE PUBLIC HEARING; SECONDED BY COUNCILMAN SISCHKA: PASSED [7-0].**

**COUNCILWOMAN SCHOLL MOVED TO APPROVE ITEM 10.A.2.; SECONDED BY COUNCILMAN SISCHKA: PASSED [7-0].**

## **11. REGULAR AGENDA**

- A. Appointment of Members to the Board of Adjustment and the Pedestrian, Bicycle and Traffic Advisory Committee.

Mayor Pro Tem Orr introduced new appointees Jerry Kaufman and Dennis Stringer who will be joining the Board of Adjustment and Pedestrian, Bicycle & Traffic Advisory Committee respectively.

City Clerk Maureen Scott provided the Oath of Office to Mr. Kaufman and Mr. Stringer.

**MAYOR PRO TEM ORR MOVED TO APPROVE ITEM 11.A.; SECONDED BY COUNCILMAN LAMERSON: PASSED [7-0].**

- B. Public Hearing for City of Prescott's Community Development Block Grant (CDBG) Program Draft PY2019 Annual Action Plan and Adoption of CDBG Annual Action Plan (Resolution No. 2019-1685).

ADOPT RESOLUTION 2019-1685 OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AUTHORIZING SUBMISSION OF

THE ANNUAL ACTION PLAN FOR PROJECT YEAR 2019 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS (“CDBG”), CERTIFYING THAT SAID PLAN MEETS THE COMMUNITY’S PREVIOUSLY IDENTIFIED FIVE YEAR CONSOLIDATED PLAN GOALS AND AUTHORIZING ALL ACTIONS NECESSARY TO IMPLEMENT AND COMPLETE THE ACTIVITIES OUTLINED IN SAID PLAN.

Community Development Director Bryn Stotler provided a presentation to Council recapping the CDBG Annual Action Public Hearing process and reviewed the allocation for the entitlement community in the amount of approximately \$244,633 for projects meeting criteria for the Program. She reviewed the proposed Programs and Projects that will receive funding through the CDBG Program this year.

Fund Distribution:

- \*Construction Projects - 65%
- \*Public Service Projects - 15%
- \*Administration Projects - 20%

**COUNCILMAN LAMERSON MOVED TO CLOSE THE PUBLIC HEARING;  
SECONDED BY COUNCILMAN SISCHKA: PASSED [7-0].**

**COUNCILMAN LAMERSON MOVED TO ADOPT ITEM 11.B.; SECONDED BY  
COUNCILMAN BLAIR: PASSED [7-0].**

- C. Award of City Contract No. 2019-209 to Cactus Transport, Inc DBA: Cactus Asphalt for the FY19 Pavement Preservation - Chip Seal, in the amount of \$548,314.57. Funding is available in the Streets Fund.

Public Works Director Craig Dotseth provided a presentation to Council regarding the FY19 Pavement Preservation Chip Seal Project which will include chip sealing and stripping. There is one Sunday of work scheduled from 7 am - 6 pm on Gail Gardener stretch as the work needs to be done during daylight hours.

This project covers three locations:

- \*SR89 - Willow Lake Rd to widening area to include realignment of curve, striping and chip sealing
- \*Gail Gardener Way to include chip seal and striping
- \*Pevine Trail Parking Lot to include chip seal placement. For this portion they are working with Recreation Services.

The costs come from a cooperative purchasing agreement with Pinal County, and this has been used previously with positive results. Pending approval the Notice to Proceed will be issued the week of May 27, work will begin the week of June 15 and the project should be complete by June 27, 2019.

**COUNCILMAN BLAIR MOVED TO APPROVE ITEM 11.C.; SECONDED BY  
MAYOR PRO TEM ORR: PASSED [7-0].**

- D. Award of City Contract No. 2019-208 to Sunland Asphalt & Construction Inc. including night work for the SR89 Pavement Rehabilitation Project, in the amount of \$1,222,722.00.00. Funding is available in the Streets Fund.

Public Works Director Craig Dotseth provided a presentation to Council regarding the Pavement Rehabilitation Project which will lead into the Chip Sealing on SR89. This will include night work between the hours of 7 pm-6 am to allow for ease of congestion in the highly trafficked area along SR89.

Mr. Dotseth also discussed the background of the Intergovernmental Agreement (IGA) and Memorandum of Understanding (MOU) pertaining to ownership of and maintenance of this portion of the road. This project will extend the life of the road for at least a period of 10 years.

Pending approval the Notice to Proceed will be sent the week of May 20, work will begin the week of June 1 and should conclude by June 19, 2019. He also noted that additional IGAs between the County and ADOT pertaining to contribution of funds for this project, will be coming forward at a future meeting.

Mayor Pro Tem Orr applauded the team for their cooperative efforts in getting funding for this project and making it happen.

**MAYOR PRO TEM ORR MOVED TO AWARD ITEM 11.D.; SECONDED BY COUNCILWOMAN SCHOLL: PASSED [7-0].**

- E. Resolution No. 2019-1689 Declaring the document titled "Chapter 3-14: Development Fees" a public record, and Ordinance No. 2019-1662 Amending the IIP and LUA, and adopting updated Development Impact Fees.

ADOPT RESOLUTION NO. 2019-1689 OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED "CHAPTER 3-14: DEVELOPMENT FEES", WHICH DOCUMENT AMENDS PRESCOTT CITY CODE TITLE III, CHAPTER 3-14 ("DEVELOPMENT FEES").

ADOPT ORDINANCE NO. 2019-1662 OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AMENDING TITLE III, CHAPTER 3-14 ("DEVELOPMENT FEES"); ADOPTING DEVELOPMENT FEES; ADDING A SEVERANCE CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

Finance Director Mark Woodfill provided a presentation to Council regarding the DIF and amending the City code. He reminded Council that this is only on new construction and projects, and not infill type of issues and introduced Andrew Rheem with Raftelis to provide one final review of the process over the last nine months and what is up for adoption today.

Mr. Rheem continued the presentation with an overview of the DIF process and discussed the recommendations that have been presented to Council previously.

DIF Recommendations:

\*Utility DIF Service Areas

- Water System DIF - consolidate from 10 to 2
- Wastewater System DIF - consolidate from 9 to 1
- Maintain 1 Water Resource DIF

\*Proposed Non-Utility DIFs for

- Streets
- Police
- Fire

He also provided a review of comparisons Prescott's current rates, the new proposed rates and Prescott Valley's rates. He discussed the timeline moving forward and stated that these proposed rates, pending approval today will go into effect August 1, 2019.

Councilman Goode asked if the new fees for Fire and Police project would go into the General Fund.

Mr. Woodfill stated that there will be a separate capital funds project for these items.

Mayor Pro Tem Orr emphasized that this is the one way we have to allow growth to pay for growth.

**COUNCILMAN SISCHKA MOVED TO ADOPT ITEM 11.E.1.; SECONDED BY MAYOR PRO TEM ORR: PASSED [7-0].**

**COUNCILMAN SISCHKA MOVED TO ADOPT ITEM 11.E.2.; SECONDED BY MAYOR PRO TEM ORR: PASSED [7-0].**

- F. Adoption of Resolution No. 2019-1691, approving the Kile Street Water Line Development Agreement with Westridge Preserve LLC, City Contract 2019-226.

ADOPT RESOLUTION NO. 2019-1691 OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, APPROVING A DEVELOPMENT AGREEMENT WITH WESTRIDGE PRESERVE, LLC.

Public Works Administration Support Services Manager Gwen Rowitsch provided a presentation to Council regarding the Development Agreement for water line off of Kile Street. She stated that this was identified in the 2013 Master Plan document, Zone 48 which only has one water main into the entire area.

The project calls for design and construction fees to be paid by City, staff will also return to Council regarding reimbursement for fees at later meeting.

**COUNCILMAN LAMERSON MOVED TO ADOPT ITEM 11.F.; SECONDED BY COUNCILMAN BLAIR: PASSED [7-0].**

- G. Award of City Contract No. 2019-225 to Fann Contracting, Inc. for the Yavapai Hills Drainage Improvements Project in an amount of \$169,444.53. Funding is available in the Streets Fund.



City Engineer Aric Stewart provided a presentation to Council regarding the drainage improvement project, more than 150 drainage complaints have come in to public works and some of these qualify for public funding.

He reviewed the issues stemming from the heavy 2018 storms along Hornet Drive, where many residents experienced flooding. The project will install vein grates across width of the street in a manner similar to what was done on Alarcon Street to solve drainage issues.

Mayor Pro Tem Orr asked if this was the only area in Yavapai Hills that experienced flooding.

Mr. Stewart stated that staff has identified seven different areas with issues in Yavapai Hills, however, this was the worst. Staff will be bringing forward future items in next fiscal year to address the other areas.

**COUNCILMAN SISCHKA MOVED TO APPROVE ITEM 11.G.; SECONDED BY MAYOR PRO TEM ORR: PASSED [7-0].**

#### H. Legislative Update

Assistant to the City Manager Tyler Goodman provided a legislative update to Council on the current session. The ongoing issue is getting the budget approved, and there are a few funding items that we have been tracking.

\*Hotshot Funding - requesting \$7 million in one year or split over two years. This appears to be moving forward.

\*Terminal Funding - seeking additional \$1 million on top of normal matching funds. This appears to be moving forward.

Most of the bills that were of concern to cities are dead at this time.

\*HB2672 Vacation Rentals - has passed the House and Senate and is waiting for a House concurrence vote before going to the Governor for signature

\*SB1001 Highway Safety Fee Repeal - has passed the Senate and House Transportation and Appropriations, awaiting House COW but not likely to pass

\*SB1460 Digital Goods - awaiting Senate COW, but not likely to pass

\*HB2047 HURF Distribution - passed House and Senate currently awaiting Senate Rules and will be beneficial for funding for the City of Prescott.

Report received and filed. No formation action taken.

## 12. ADJOURNMENT

Quote:

"My mother had a great deal of trouble with me, but I think she enjoyed it." - Mark Twain

There being no further business to discuss, Mayor Mengarelli adjourned the meeting at 4:35 p.m.

\_\_\_\_\_  
GREG MENGARELLI, Mayor

ATTEST:

\_\_\_\_\_  
MAUREEN SCOTT, 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 of the City of Prescott, Arizona held on the 14th day of May, 2019. I further certify the meeting was duly called and held and that a quorum was present.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2019.

AFFIX  
CITY SEAL

\_\_\_\_\_  
Maureen Scott, City Clerk