



CITY COUNCIL MEETING

VOTING MEETING MINUTES

TUESDAY, FEBRUARY 25, 2020, 3:00 PM

Council Chambers, 201 South Cortez Street

Prescott AZ 86303

(928) 777-1272

Greg Mengarelli, Mayor

Billie Orr, Mayor Pro Tem

Steve Blair, Councilman

Phil Goode, Councilman

Cathey Rusing, Councilmember

Alexa Scholl, Councilwoman

Steve Sischka, Councilman

MINUTES OF THE VOTING MEETING OF THE PRESCOTT CITY COUNCIL HELD ON FEBRUARY 25, 2020, in the COUNCIL CHAMBERS LOCATED AT 201 SOUTH CORTEZ STREET, PRESCOTT, ARIZONA.

1. CALL TO ORDER

Mayor Mengarelli called the meeting to order at 3:04 p.m.

2. INTRODUCTIONS/ANNOUNCEMENTS

Mayor Pro Tem Orr welcomed County Attorney Sheila Polk and former Prescott Mayor Harry Oberg to the meeting.

3. INVOCATION

Pastor Matt Kottman with Solid Rock Church

4. PLEDGE OF ALLEGIANCE

Councilwoman Scholl

5. ROLL CALL

Greg Mengarelli	Mayor
Billie Orr	Mayor Pro Tem
Steve Blair	Councilman
Phil Goode	Councilman
Cathey Rusing	Councilmember
Alexa Scholl	Councilwoman
Steve Sischka	Councilman

6. PROCLAMATIONS

A. A Proclamation Reaffirming Council's Commitment to the Constitution & Second Amendment

Mayor Mengarelli presented the Proclamation.

Councilman Goode read the following prepared statement:

"As I previously stated when my Resolution was brought forward at our last council meeting on February 11th, the intent of that Resolution was to send a clear message to our Arizona State Legislature and elected leadership. ..that the City of Prescott's government will faithfully perform their sworn duties and that the members of this council would reaffirm their oath of office to 'preserve, protect and defend the Constitution of the United States and the Constitution and laws of the State of Arizona' which both specifically protects its citizens' right to bear arms in self-defense of their lives and liberty.

While that Resolution was not adopted and ultimately tabled for further review primarily due to concerns regarding the word sanctuary and its possible confusion with the sanctuary movement to harbor federal immigration law violators, I do not oppose remove the sanctuary word from this proclamation. But this is a Proclamation and not a Resolution requiring a vote of support or opposition by each council member. Due to the legal restrictions of Arizona's Open Meeting Law, Mayor Mengarelli could not even poll us to determine our position on this Proclamation nor suggest any changes to its wording. I would prefer that it be stronger in its message to oppose legislative acts that would infringe on our individual rights to self-defense.

Fortunately, in this current Arizona State Legislative Session, the proposed bills that I was extremely concerned would likely infringe on those rights have not advanced and will almost certainly see no passage by this session's conclusion. I want to thank our district's Representatives Campbell and Pierce, Senate President Fann and House Speaker Bowers for their efforts in this regard.

However, we must understand that there is every likelihood that ongoing efforts to infringe on our 2nd Amendment rights will continue by those that would strip us of our rights to self-defense in the name of security.

In the words of some of our nation's founding fathers:

'Those that give up liberty for security deserve neither.' and 'The price of liberty is eternal vigilance'."

7. PRESENTATIONS

A. Recognition of Yavapai County Attorney Sheila Polk

Mayor Pro Tem Orr provided a presentation and certificate in recognition of Ms. Polk's service as the Yavapai County Attorney and her recent award from the Arizona Rural Health Association as Outstanding Arizona Elected Official of the Year.

B. Fire Ops 101 Event Presentation

Deputy Chief Cory Moser introduced Ben Roche, President of United Yavapai Firefighters, to provide a presentation to Council.

Mr. Roche provided a presentation regarding the Fire Ops 101 program which gives public figures, the media and elected officials the opportunity to understand the complexities of what firefighters do daily.

Mayor Mengarelli thanked Mr. Roche for his presentation and expressed his appreciation for all participants from around the region for putting this event on.

8. CONSENT AGENDA

COUNCILWOMAN SCHOLL MOVED TO APPROVE CONSENT AGENDA ITEMS 8.A. THROUGH 8.G., EXCLUDING ITEM 8.E.; SECONDED BY COUNCILMAN SISCHKA: PASSED [7-0].

- A. Approval of Minutes for the February 11, 2020 Special Meeting/Executive Session, the February 11, 2020 Study Session and the February 11, 2020 Voting Meeting.
- B. Motion to Waive Potential Conflict of Interest in Opioid Litigation
- C. Approval of City Contract 2020-163 with ESRI Incorporated for a Three Year GIS Enterprise Licensing Agreement in an Amount not to Exceed \$38,500 Per Year, Using State of Arizona Contract No. ADSPO15-097108 Pricing.
- D. Approval of City Contract No. 2020-164 with CentralSquare Technologies in an Amount not to Exceed \$132,759.50 for TriTech Inform CAD and Mobile Software Support and Maintenance using Monterey County, California, Contract No. A-13000 Pricing.
- E. Approval of City Contract No. 2020-162 with Arizona Public Service, Inc., for Removal and Replacement of Two Utility Poles that Service the City's Electrical Lines at the Water Production Facility in the Amount of \$106,993.91. Funding is Available in the Water Fund.

Councilmember Rusing pulled this item from the Consent Agenda for further discussion. Councilmember Rusing commented on the dilapidated power poles and expressed her concern that we are just doing a piecemeal patch and questioned why we are paying for replacement of APS owned power poles.

Public Works Director Craig Dotseth addressed Councilmember Rusing's questions discussing the ongoing project at this pump station which is city property on which we are using APS's utility, it is a complex project.

COUNCILWOMAN SCHOLL MOVED TO APPROVE CONSENT AGENDA ITEM 8.E.; SECONDED BY COUNCILMAN SISCHKA: PASSED [7-0].

- F. Approval of City Contract No. 2020-160 with Galfab, LLC Under the City of Mesa Cooperative Purchasing Agreement to Purchase Front Load Refuse Containers and Roll-off Containers, in an Amount not to Exceed \$50,000.
- G. Award of City Contract # 2020-147 to Five Oliver, LLC in the Amount of \$29,495.00 to Replace the FAA OPS Building Roof. Funding is Available in the Facilities Management Fund.

9. LIQUOR LICENSE AGENDA

A. NEW LICENSES

- 1. Public Hearing and Consideration for a New Series 11 Hotel/Motel Liquor License Application from Shane Jennings Shumway, Applicant, for Hilton Garden Inn Downtown; Location: 300 N Montezuma Street.

Applicant Shane Shumway was present and addressed Council regarding this visionary project for the community, the food and beverage concept will be for visitors and residents and called Triple Creek in honor of the three creeks that meet in the area. The hotel project is proceeding well, and park and splash pad plans are in to the city for review currently as well as the bridge refurbishment. They plan to be completed and open around October.

Mayor Mengarelli thanked Mr. Shumway for stepping up the food and beverage area for everyone, this will be beneficial for this community.

Councilman Blair commented that he is anxiously waiting for remodel of Sam Hill Warehouse and asked if there will be food and beverage in that facility as well.

Mr. Shumway commented that there are a number of steps related to that building including giving it a new address so it can be incorporated into the food and beverage concept, as well as working with Prescott Preservation Commission and federal government to ensure that everything is done properly. They anticipate having plans back soon and being able to move forward.

MAYOR PRO TEM ORR MOVED TO CLOSE THE PUBLIC HEARING; SECONDED BY COUNCILMAN SISCHKA: PASSED [7-0].

MAYOR PRO TEM ORR MOVED TO APPROVE ITEM 9.A.1.; SECONDED BY COUNCILMAN SISCHKA: PASSED [7-0].

10. REGULAR AGENDA

- A. Legislative Update.

Assistant to the City Manager Tyler Goodman provided a presentation to Council with an update on the ongoing Legislative Session which we are approximately halfway through at this time. This week is cross-over week and there are a lot of bills on the floor for debate to be moved forward. .

HB2843 came up just this week and is proposed legislation that impacts sober living homes reducing the registration cost and frequency and limiting DHS's abilities to address issues. Passed out of committee and is awaiting rules.

Councilman Sishka asked where Representatives Campbell and Pierce stand on this.

Mr. Goodman said that he would find that out.

Mayor Pro Tem Orr commented that this is exactly what local jurisdictions were concerned about when the state took things over.

Councilmember Rusing provided an update regarding HB2284 and the involvement she has had at the legislature in moving this forward and the opportunity to establish a regional park in Yavapai County. This is a great opportunity to reinvest in our community and increase sales tax base with eco-tourism funds with a contribution of some of \$1.8 million in open space funding the city has. This contribution will be discussed at a future meeting.

Councilman Goode expressed his concerns regarding HB2843 and the fact that it reduces regulations. We need to keep high visibility on this and forward our concerns onto Barry Aarons.

Mr. Goodman concurred.

Mayor Mengarelli echoed Councilman Goode's comments.

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

B. Approval of the Granite Creek Corridor Master Plan

Assistant to the City Manager Tyler Goodman provided a presentation to Council regarding the Granite Creek Corridor Master Plan that has been in the works for 18 months. He thanked Allen Hayden and his team at Natural Channel Design, Kristy Everson and Joe Baynes for their work.

Overview:

- * Began discussions in 2018 with interested parties
- * Received an AZ Water protection Fund Grant and hired Natural Channel Design (\$80k)
- * Performed scientific research and analysis on the corridor and began work on master plan
- * Hosted three public meetings, received 600 comments from the public, gave updates and finalized results

Description of Area:

* An approximately 1 mile long, 70 ft wide corridor of Granite Creek that begins at Aubrey Street and ends in Granite Creek Park at Montezuma Street. The reach includes a narrow riparian area, which is unique in that it exists within a rapidly growing urban setting. Includes a busy urban trail that allows access to green space but also connects to Granite Creek Park, the downtown area and surrounding residential areas.

Goals:

- * Restore the beauty and native landscape of the corridor to improve riparian habitat and water quality
- * Improve the usability of the trail, allowing greater access and safety
- * Improve opportunities for interpretation of Prescott history and resources
- * Reduce the risk of flood conditions for the properties along the creek

Objectives:

- * Utilize data to determine deficiencies in habitat and function
- * Develop conceptual plans for improvement of riparian and stream function
- * Conduct a series of public open houses and comment periods to receive public input
- * Use input from the public forums to finalize a Master Plan

Key Takeaways:

- * Executive Summary
- * Natural Corridor - retain sense of natural setting that is a part from the highly urbanized landscape
- * Amenities - improve access to trails at all cross streets; increase connectivity to other trails and places of interest and add signage
- * Safety - improve sense of safety primarily through added lighting and improved sight lines

Cost Estimates:

- * Total estimated cost to incorporate all improvements is \$1,755,143

Implementation Strategy:

- * Identify Funding Sources - goal is to obtain grants which may include matching requirements
- * Coordinate with affected neighboring properties
- * Develop preliminary plans considering the Clean Water Act and 404 permit
- * Finalize design plans and specifications
- * Go out to bids and issue contracts
- * Perform Construction - clear vegetation, construct channel stabilization, construct peripheral projects (trail, drainage, utilities, lighting, walls, etc)
- * Monitor and evaluate project effectiveness
- * Repeat as needed

Priority Recommendations:

- * Add grade control
- * Protect retaining walls
- * Remove Siberian elm and tree of heaven and clear overly dense vegetation..

Next Steps:

- * Follow up survey
- * Results to be compiled and presented in final report to AZ Water Protection Fund
- * Grant funding will be pursued from various sources

Mayor Mengarelli thanked Mr. Goodman and members of the community for their participation on this project. There are so many ways that this will impact the community and the area in a positive way.

Mayor Pro Tem Orr commented that she appreciates the work that has gone into this and sees how much progress has already been made. This is an asset that has not been tapped by the community, will be safer and more beautiful and ties in with the Hilton Garden Inn. She feels we need to put our full effort in this.

Mr. Goodman commented that the next cleanup date will be April 18th.

Councilwoman Scholl commented that Mr. Goodman presented the Master Plan to the Parks & Recreation Advisory Board last week and it was well received. She thanked staff for their work and commented that this ties in so well with all of the other enhancements happening downtown.

Councilmember Rusing stated that she has always considered the area a hidden gem and it will be anchored by the Hilton Garden Inn and should be included in our Tourism Marketing when it is completed.

Councilman Sischka asked what the feedback has been from businesses along the corridor and if they may have plans for expansion to tie in with all of this.

Mr. Goodman commented that overall everyone has loved the ideas and they are happy to have more want to have more amenities along that area.

Councilman Blair pointed out the many volunteers that have been involved and thanked the community for putting their heart into our city so it can thrive.

Councilman Goode commented on areas like Sioux Falls South Dakota and Sacramento who have done downtown enhancements and trail enhancements that have provided good return for their communities and having something like that here will be very valuable. He expressed the need to phase the various aspects of the projects to keep funding in mind.

Recreation Services Director Joe Baynes discussed the walk through with State Parks that took place a few weeks ago and commented that there are a great deal of grant funds available which staff will pursue and likely receive some of. He also stated that in-kind services could be used toward any potential matches that the city would have to make.

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

- C. Approval of PLN19-022, a Proposed Rezone Amending the Zoning from Multi-Family Medium Density (MF-M) to Business Regional (BR) to allow for a Veterinary Clinic Use on 0.94 acres. Location: 826 Sunset Avenue (APN 111-11-110B and 111-11-113); Property Owner: Prescott Senior Daycare Center, Inc.; Applicant/Agent: Harmony Holistic Veterinary Care/ Denise Raney.

Community Planner Tammy Dewitt provided a presentation to Council regarding the proposed rezoning for Harmony Holistic Veterinary Care that has outgrown their current location. The existing building will not have changes outside of interior remodeling, and was previously an adult day care center, there is no need for additional parking. Questions in regard to possible expansion, but the property is heavily impacted by floodplain area so nothing could be added to the footprint of the building. This is designated as a commercial area that is in transition and surrounded by three single family residences on the street as well as a church, apartments and condos on opposite side of the fence. As long as it is implementing general plan and in compliance it is not spot zoning per state statutes. All property owners have been notified, there have been no comments and the business has support from their current neighbors and clients. The rezone was approved by the Planning and Zoning Commission 6-1.

Councilman Sischka addressed the Planning & Zoning Commission findings and the one objection centering around the fact that this might lead to a “commercial creep” that would allow for higher buildings in that area or that it was spot zoning that would not fit with rural nature of the area.

Councilman Goode commented that he has attended the Planning & Zoning meetings, and feels it is important to look further down the road than just the original application. He feels Business General would be a better fit than Business Regional which could potentially allow for an automobile service providers, repair shops, etc. Business General is less intense small to midsize businesses and would allow for this type of project with a special use permit. In his opinion this creates a precedent for the area with higher intensity commercial use.

Ms. Dewitt commented that this would be in strict conformance with the site plan and that any other business coming into the area would have to go through the process before being approved as well. She also reiterated that with a Business General zoning there would be the additional step of the special use permit which is not required in Business Regional.

Councilman Blair commented that this is a transitional area with mixed uses throughout and he doesn't have an issue with that.

Ms. Dewitt confirmed.

Mayor Pro Tem Orr echoed Councilman Blair's comments.

COUNCILMAN SISCHKA MOVED TO APPROVE ITEM 10.C. IN STRICT ADHERANCE TO THE SITE PLAN; SECONDED BY MAYOR PRO TEM ORR: PASSED [6-1], COUNCILMAN GOODE DISSENTING.

11. ADJOURNMENT

Quote: "Courage is being scared to death, and saddling up anyway" - John Wayne.
There being no further business to discuss, Mayor Mengarelli adjourned the meeting at 4:26 p.m.

GREG MENGARELLI, 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 of the City of Prescott, Arizona held on the 25th day of February, 2020. I further certify the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____, 2020.

AFFIX
CITY SEAL

Sarah M. Siep, City Clerk