



CITY COUNCIL MEETING

STUDY SESSION MEETING AGENDA

TUESDAY, JULY 23, 2019, 1:00 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

Jim Lamerson, Councilman
Alexa Scholl, Councilwoman
Steve Sischka, Councilman

The following Agenda will be considered by the Prescott **City Council** at its **Study Session Meeting** pursuant to the Prescott City Charter, Article II, Section 13. Notice of the meeting is given pursuant to Arizona Revised Statutes, Section 38-431.02. One or more members of the Council may be attending the meeting through the use of a technological device.

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **DISCUSSION**
 - A. Presentation of Proposed Water Policy Changes on Other Code Changes.
 - B. Update on BLM Right of Way Acquisition North of Pioneer Parkway.
4. **ADJOURNMENT**

EXECUTIVE SESSION

Upon a public majority vote of a quorum of the City Council, the Council may hold an executive session, which will not be open to the public, regarding any item listed on the agenda but only for the following purposes:

- (1) Discussion or consideration of personnel matters (A.R.S. §38-431.03(A)(1));
- (2) Discussion or consideration of records exempt by law (A.R.S. §38-431.03(A)(2));
- (3) Discussion or consultation for legal advice with the city's attorneys (A.R.S. §38-431.03(A)(3));
- (4) Discussion or consultation with the city's attorneys regarding the city's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions conducted in order to avoid litigation (A.R.S. §38-431.03(A)(4));
- (5) Discussion or consultation with designated representatives of the city to consider its position and instruct its representatives regarding negotiations with employee organizations (A.R.S. §38-431.03(A)(5));
- (6) Discussion, consultation or consideration for negotiations by the city or its designated representatives with members of a tribal council, or its designated representatives, of an Indian reservation located within or adjacent to the city (A.R.S. §38-431.03(A)(6));

- (7) Discussion or consultation with designated representatives of the city to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property (A.R.S. §38-431.03(A)(7)).

THE CITY OF PRESCOTT ENDEAVORS TO MAKE ALL PUBLIC MEETINGS ACCESSIBLE TO PERSONS WITH DISABILITIES. With 72 hours advanced notice, special assistance can be provided for sight and/or hearing-impaired persons at this meeting. Reasonable accommodations will be made upon request for persons with disabilities or non-English speaking residents. Please call the City Clerk (928) 777-1272 to request an accommodation to participate in this public meeting. Prescott TDD number is (928) 445-6811. Additionally, free public relay service is available from Arizona Relay Service at 1-800-367-8939 and more information at www.azrelay.org

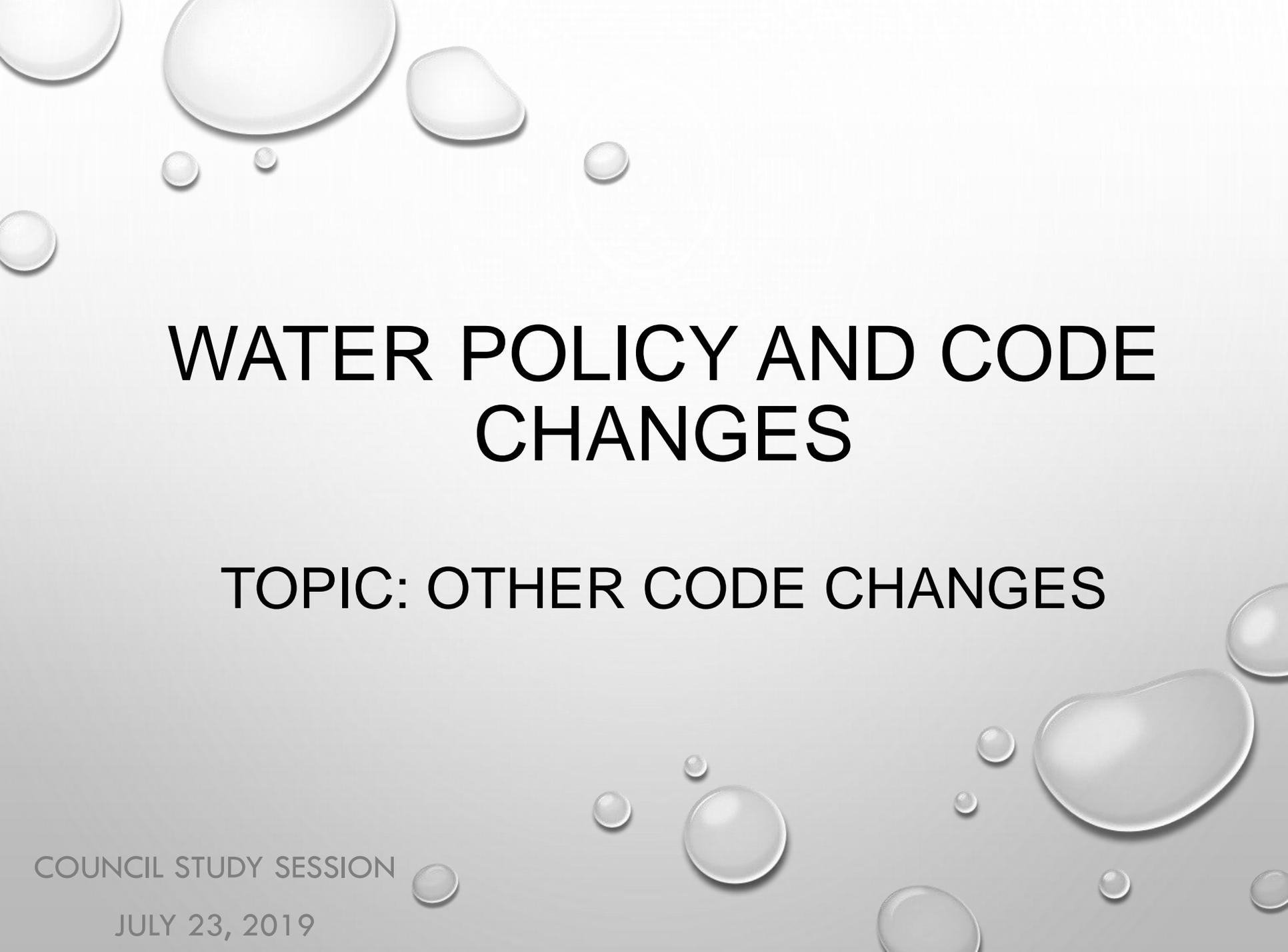
Confidentiality

Arizona statute precludes any person receiving executive session information from disclosing that information except as allowed by law. A.R.S. §38-431.03(F). Each violation of this statute is subject to a civil penalty not to exceed \$500, plus court costs and attorneys' fees. This penalty is assessed against the person who violates this statute or who knowingly aids, agrees to aid or attempts to aid another person in violating this article. The city is precluded from expending any public monies to employ or retain legal counsel to provide legal services or representation to the public body or any of its officers in any legal action commenced for violation of the statute unless City Council takes a legal action at a properly noticed open meeting to approve of such expenditures prior to incurring any such obligation or indebtedness. A.R.S. §38-431.07(A)(B).

CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Prescott City Hall on _____ at _____ m. in accordance with the statement filed by the Prescott City Council with the City Clerk

Maureen Scott, MMC, City Clerk

The background of the slide is a light gray gradient with several realistic water droplets of various sizes scattered across it. The droplets have highlights and shadows, giving them a three-dimensional appearance.

WATER POLICY AND CODE CHANGES

TOPIC: OTHER CODE CHANGES

COUNCIL STUDY SESSION

JULY 23, 2019

STUDY SESSION SCHEDULE

Date	Topic
June 11, 2019	Overview of all Code and Policy Changes, and Conservation Rebates
June 25, 2019	Policy Changes
July 9, 2019	Water Service Outside of City Limits
July 23, 2019	Other Code Changes
August 13, 2019	Sewer Requirements
August 27, 2019	Review of Code and Policy Changes
September 10, 2019	Adoption of Code and Policy Changes

HOW CAN YOU PARTICIPATE?

- Attend Council Study Sessions
- View Video of Proposed Policy Discussion On City Website
 - WWW.PRESCOTT-AZ.GOV/WATER-SEWER/WATER-MANAGEMENT/WATER-POLICY/
- Send Written Comments To:
 - WATER.POLICY@PRESCOTT-AZ.GOV

OR

- Water Policy Comments
201 S. Cortez Street
Prescott, AZ 86301

CODE CHANGES

- Simplification
- Remove outdated, unused, and cumbersome provisions
- Staff reviewed all regulating documents and identified potential modifications

CODE CHANGES

1. PCC 2-1-8 Utilities Division; Provision of Water to Areas Outside of the City Limits; Rules and Regulations
2. PCC 2-1-12 Utilities Division; Water Service Connection and Meter Installation Charges
3. PCC 2-1-18 Utilities Division; Water Rates
4. Land Development Code Section 6.5

CODE CHANGES

1. PCC 2-1-8 Utilities Division; Provision of Water to Areas Outside of the City Limits; Rules and Regulations

- STRIKE ALL

- REPLACEMENT LANGUAGE

A. Water Service: Water will be furnished to users subject to rules and regulations adopted by the City Council. Those rules and regulations, including the City of Prescott Water Management Policy, are made a part of every permit, application, license, contract, or other agreement entered into with the City.

B. Return of Water: Potable water will not be provided to any project that will not return at least 50% of the water served to the City's sanitary sewer system.

C. Water Outside of City Limits:

- New water connections may be made outside of City limits subject to the rules and regulations adopted by the City Council.
- All connections outside of City limits shall connect to the City sanitary sewer system unless exempt by prior agreement and are responsible for the extension of all utility infrastructure necessary for connection to both water and sewer.

CODE CHANGES

2. PCC 2-1-12 Utilities Division; Water Service Connection and Meter Installation Charges

- **REPLACEMENT LANGUAGE**

E. All wells, both registered and unregistered, on the property to be connected to City water shall be abandoned pursuant to the Arizona Department of Water Resources (ADWR) guidelines. The Public Works Director may exempt from this requirement monitoring wells, wells required for the abatement of a public nuisance, and such other wells as the Director deems appropriate.

- **ADDITIONAL LANGUAGE**

H. Water Acquisition Cost for Property Outside City Limits

All Connections outside of City Limits that do not have an existing entitlement to water service are required to pay a one-time fee for the cost of acquiring the water to be served. The Water Acquisition Cost will be determined by the City Council using a market cost study conducted by the City and a cost-benefit analysis performed in accordance with the City's Water Management Policy.

CODE CHANGES

3. PCC 2-1-18 Utilities Division; Water Rates

- STRIKE

(M) Industrial User fee for use over 4,000 gallons/day/acre

(N) Turf or Irrigation fee for in excess of 1 acre-foot/acre

- REPLACEMENT LANGUAGE

(K) Fire Protection Fee: Those properties within City limits that do not receive City water service shall pay a monthly base rate fee in order to assist in the maintenance and upkeep of the City's fire protection system benefitting their property.

CODE CHANGES

4. Land Development Code 6.5

- **REPLACEMENT LANGUAGE**

Appendix C: Remove the older ADWR Low water use plant list and replace it with the current ADWR Low water Use/Drought Tolerant Plan list (official Fourth Management Plan list)

- **ADDITIONAL LANGUAGE**

Requirement of using ADWR's Low Water Use Plant List for all commercial and subdivision projects.

SUMMARY

Policy Requirements Moved to Code:

- 50% Return Flow for all Projects
- Well Abandonment

SUMMARY

New Code Provisions:

- Fire Protection Fee
- Updated ADWR Plant List
- Mandatory Use of ADWR Plant List in areas in addition to public rights of way and in other instances as described in the Prescott AMA Fourth Management Plan

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MINUTES OF THE STUDY SESSION MEETING OF THE PRESCOTT CITY COUNCIL HELD ON JULY 23, 2019, in the COUNCIL CHAMBERS LOCATED AT 201 SOUTH CORTEZ STREET, PRESCOTT, ARIZONA.

1. CALL TO ORDER

Mayor Mengarelli called the meeting to order at 1:00 p.m.

2. ROLL CALL

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

3. DISCUSSION

A. Presentation of Proposed Water Policy Changes on Other Code Changes.

Assistant City Attorney Clyde Halstead introduced the panel discussion to Council regarding proposed code changes based on review of water policies. He reviewed previous Study Session discussions regarding water policy updates and the schedule for upcoming meetings.

Code Changes Goals

- * Simplification
- * Remove Outdated, unused, and cumbersome provisions
- * Staff reviewed all regulating documents and identified potential modifications

Public Works Director Craig Dotseth continued the presentation with a specific review of the code updates.

Code Changes:

* PCC 2-1-8 Utilities Division - Provision of Water to Areas Outside of City Limits Rules and Regulations

- Strike All

- Replacement Language "A. Water Service: Water will be furnished to users subject to rules and regulations adopted by the City Council. Those rules and regulations, including the City of Prescott Water Management Policy, are made a part of every permit, application, license, contract, or other agreement entered into with the City. B. Return of Water: Portable water will not be provided to any project that will not return at least 50% of the water served to the City's sanitary sewer system. C. Water Outside of City Limits: New water connections may be made outside of City limits subject to the Rules and regulations adopted by the City Council. All connections outside of City limits shall connect to the City sanitary sewer system unless exempt by prior agreement and are responsible for the extension of all utility infrastructure necessary for connection to both water and sewer."

* PCC 2-1-12 Utilities Division - Water Service Connection and Meter Installation Charges

- Replacement Language: "E. All wells, both registered and unregistered, on the property to be connected to City water shall be abandoned pursuant to the Arizona Department of Water Resources (ADWR) guidelines. The Public Works Director may exempt from this requirement monitoring wells, wells required for the abatement of a public nuisance, and such other wells as the Director deems appropriate."

- Additional Language: "H. Water Acquisition Cost for Property Outside City Limits. All Connections outside of City limits that do not have an existing entitlement to water service are required to pay a one-time fee for the cost of acquiring the water to be served. The Water Acquisition Cost will be determined by the City Council using a market cost study conducted by the City and a cost-benefit analysis performed in accordance with the City's Water Management Policy."

* PCC 2-1-18 Utilities Division - Water Rates

- Strike Language: (M) Industrial User fee for use over 4,000 gallons/day/acre, (N) Turf or Irrigation fee for in excess of 1 acre-foot/acre

Replacement Language: "(K) Fire Protection Fee: Those properties within City limits that do not receive City water service shall pay a monthly base rate fee in order to assist in the maintenance and upkeep of the City's fire protection system benefiting their property."

* Land Development Code Section 6.5

- Replacement Language: Appendix C: Remove the older ADWR Low water use plant list and replace it with the current ADWR low water use/drought tolerant plant list (official Fourth Management Plant list)

- Additional Language: Requirement of using ADWR's Low Water Use Plant List for all commercial and subdivision projects.

Councilman Goode asked if we will rely on ADWR to keep the Plant List updated and if it is appropriate for our topography.

Water Resources Administrator Leslie Graser stated that the State is responsible for keeping that up and that the public is able to petition to have items added or removed. She said this is what we should have been following all along.

Leslie Hoy, Prescott Resident, addressed Council inquiring about if there will be a place where this information can be reviewed in writing, and at what point the public comments will be considered before the items are voted on. She also asked about how the return flows will be monitored and enforced.

Mr. Halstead stated that there is a link on the City's website with all of the details for the public to review, and the return flows will be determined before water is allocated to a project.

Howard Mechanic, Prescott Resident, addressed Council regarding the fact that the 50% applies to all new developments or just outside City Limits.

Mr. Halstead stated that will apply to all developments inside and outside of the City.

B. Update on BLM Right of Way Acquisition North of Pioneer Parkway.

Real Estate Administrator Donald Hersh provided a presentation to Council regarding the Bureau of Land Management (BLM) acquisition north of Pioneer Parkway. There is currently no access to the roadway from the north or areas between Pinion Oaks and Longview Estates to the west so this right-of-way would allow for that access as well as additional parking. Roadway will be constructed by Chamberlain Construction to City standards, it will be a City operated and maintained road upon completion. BLM has accepted the plan and begun the National Environmental Policy Act to likely be completed by early fall.

Councilman Goode asked if there were any plans to have this roadway connect to the new developments in Pinion Oaks or Longview Estates.

Mr. Hersh said he was not aware of any connection, but there are conceptual options for connectivity in the future.

Public Works Director Craig Dotseth addressed the stub out from Pinion Oaks for the potential for future connectivity, but he is not aware of anything for Longview Estates. The Pinion Oaks would create a secondary ingress/egress.

Peter Kroopnik, Prescott Resident, addressed Council regarding issues with crossing on Pioneer Parkway.

4. ADJOURNMENT

There being no further business to discuss, Mayor Mengarelli adjourned the meeting at 1:31 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 Study Session Meeting of the City Council of the City of Prescott, Arizona held on the 23rd day of July, 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