



TOWN COUNCIL
REGULAR MEETING
Council Chambers/Library Auditorium 7401 E. Skoog Blvd. Prescott Valley, Arizona 86314, at 5:30 p.m.

MEETING MINUTES
September 26, 2024

1. CALL TO ORDER AND ROLL CALL

Present:

Kell Palguta, Mayor
Lori Hunt, Vice Mayor
Kendall Schumacher, Councilmember
Brenda Dickinson, Councilmember
Michael Greer, Councilmember
Matt Zurcher, Councilmember
Kenneth Freund, Councilmember

Absent: None.

Mayor Palguta called the meeting to order at 5:30 p.m.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

PVPD Chaplain Jerry Ferguson gave the invocation followed by the recitation of the pledge of allegiance.

3. PROCLAMATIONS

3a. Domestic Violence Awareness Month [PVPD, Yavapai Family Advocacy Center, Stepping Stones]

The Town of Prescott Valley proclaimed the month of October as Domestic Violence Awareness Month and urged all citizens to work together with one goal in mind, to eliminate domestic violence from our community. Missy Sikora, Director of the Yavapai County Advocacy Center, thanked the Town for recognizing this critical topic and extended additional appreciation towards the Prescott Valley Police Department for their services and partnership. The proclamation was presented to Missy Sikora, Alexis Miller with Stepping Stones Agencies, Sergeant Scott Rudolph, and Prescott Valley Police Chief Bob Ticer.

Mayor Palguta addressed agenda item 3c. followed by 3b.

3b. Code Enforcement Appreciation Month [Stephanie Robinson, Neighborhood Services Director]

The Town of Prescott Valley proclaimed the month of October as National Code Enforcement Month and called upon municipalities and communities to join in recognizing and expressing their appreciation for the dedication and service by the individuals who serve as our Code Officials and Code Compliance Specialists. Stephanie Robinson, Neighborhood Services Director, extended congratulations to Codes Compliance Supervisor Pat Ruiz, and Codes Compliance Specialists, Clayton Hasty and Brent Bowen. She announced that each member of her team is now fully certified through the Code Enforcement League of Arizona. Additionally, they have been nominated for an award for Department of the Year through the same organization. Mayor Palguta presented the proclamation to Stephanie Robinson, Pat Ruiz, Clayton Hasty and Brent Bowen.

3c. Community Planning Month [Donna Kennedy, Development Services Director]

The Town of Prescott Valley proclaimed the month of October Community Planning Month and recognized the many valuable contributions made by professional community and regional planners for the Town of Prescott Valley. Donna Kennedy, Development Services Director, thanked the Town Council and Planning and Zoning Commission for their support and recognized Development Services Deputy Director/Principal Planner Ernest Rubi, Principal Planner Roxanne Johnston and Planer I Chris Norlock. Mayor Palguta then presented the proclamation to Donna Kennedy, Ernest Rubi, Roxanne Johnston and Chris Norlock.

4. CERTIFICATES/SERVICE AWARDS

4a. Town Councilmember Lucy Leyva - Service Recognition [Gilbert Davidson, Town Manager]

Mayor Palguta invited former Councilmember Lucy Leyva to the podium to be recognized. Councilmember Zurcher, Councilmember Greer, Vice Mayor Hunt, Councilmember Schumacher, Councilmember Dickinson, Councilmember Freund, and Mayor Palguta took the opportunity to extend appreciation towards Lucy Leyva, acknowledging her contributions and commitment throughout her term. Lucy Leyva expressed gratitude towards the Town Council and extended thoughtful words towards the Town Council, Town Manager and Town staff. Mayor Palguta and Town Manager Gilbert Davidson then presented Lucy Leyva with parting gifts.

5. SCHEDULED ANNOUNCEMENTS & PRESENTATIONS

5a. Student of the Month [Rick Bradshaw, BMHS Principal]

Each month the Optimist Club of Yavapai County in collaboration with Bradshaw Mountain High School honor outstanding students that excel in community involvement, activities, academics, and leadership skills. Vice Mayor Hunt along with Principal Richard Bradshaw had the privilege and honor of recognizing Haley Gantz (not present) and Josiah Acuna as students of the month for September. These students were nominated by school staff and instructors for their school and community engagement efforts. Josiah Acuna read a personal biography. Following, Vice Mayor Hunt and Michael Whiting from the Optimist Club presented a certificate and plaque to Josiah Acuna.

6. CALL TO THE PUBLIC

Councilmember Freund shared his hope that the new information sheet distributed to members of the community that have registered to speak, will improve the understanding and communication between the public and the Town Council.

Public Comment #1: Resident Isabel Cerecedes on behalf of Prescott Valley Citizens Alliance (PVCA) congratulated and welcomed Councilmember Zucher and Councilmember Freund. She then advised that PVCA called upon the Town Manager and Town Council back in December of 2023 to establish a code of conduct and ethics policy for elected leaders but did not receive a response. She has since come to understand that the Town is considering adopting an ethics policy for elected leaders. She requested that the policy incorporate accountability, progressive discipline, and an independent ethics review commission through appointment. She then requested that a vote call be conducted in the future in consideration of all viewers.

Public Comment #2: Resident Atilano Olivas welcomed the new members of Council and discussed a former conversation with one of the members in which he pointed out dislikes and made recommendations for improvements. He requested the Town Council listen to the retirees and explained that he does not wish to lose the current talent or experience of the current members of Council; however, he believes projects should be put to a public vote. He then recalled a former Council comment that detailed a positive experience with YRMC and advised that such a comment brings forth the wrong attention. He detailed a disappointing experience with YRMC when seeking his own personal medical treatment.

7. COUNCIL COMMUNICATIONS: SUMMARY OF CURRENT EVENTS

Vice Mayor Hunt thanked Debra Winters with the Daily Courier for her article on the Baja Bungalows. She explained there was an exact project in Chino Valley that was built on schoolgrounds for teachers and emphasized that the Baja Bungalows will be a rental option for all ages and will fill the need for clean, safe, affordable living. She then invited citizens to attend Take Back the Night, a domestic violence awareness event, to be held on Wednesday, October 2, 2024 at 5:30 p.m. She extended additional thanks to Sergeant Rudolph who is in charge of the Special Victims Unit for the Prescott Valley Police Department. She then advised that that the 9/11 recognition is not over and that student essays will be accepted until October 1, 2024 with three winners to be recognized at the Town Council meeting on October 10, 2024.

Councilmember Zucher acknowledged and thanked the Town Manager, Department Directors and Town staff for taking time the last few weeks to brief the new Councilmembers on Town business.

Mayor Palguta announced that Town Manager Gilbert Davidson and Deputy Town Manager Ryan Judy just returned from the ICMA Conference where Town Manager Davidson received an award for career excellence.

8. MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Town Manager Gilbert Davidson thanked Mayor Palguta for the acknowledgement and welcomed the new Councilmembers seated. He then announced that the Prescott Valley Harvest Festival will be held at the Civic Center on October 5, 2024 and invited citizens to attend this free event.

9. CONSENT AGENDA

- 9a.** Special Town Council Meeting Minutes of August 13, 2024 - Consideration & Possible Action (Approve) [Fatima Fernandez, Town Clerk]
- 9b.** Regular Town Council Meeting Minutes of August 22, 2024 - Consideration & Possible Action (Approve) [Fatima Fernandez, Town Clerk]
- 9c.** Board and Selection Committee Regular and Executive Session Minutes of August 19th and 21st, 2024 - Consideration & Possible Action (Approve) [Town Council]

Councilmember Brenda Dickinson made the MOTION, seconded by Councilmember Kendall Schumacher to approve all items listed under Consent Agenda by electronic vote.

Councilmembers voted as follows: Mayor Kell Palguta YES, Vice Mayor Lori Hunt YES, Councilmember Kendall Schumacher YES, Councilmember Brenda Dickinson YES, Councilmember Michael Greer YES, Councilmember Matt Zurcher YES, and Councilmember Kenneth Freund YES. NAYS: none. ABSENT: none. MOTION PASSED with 7 ayes, 0 nays, 0 absent.

10. OLD BUSINESS

10a. Proposed Transfer Town Code Non-Traffic Civil Enforcement to Magistrate Court - Consideration & Possible Action (2nd Reading) [Ivan Legler, Town Attorney]

Town Attorney Ivan Legler explained that this item is a progression from the late 1990's and the Town is looking towards going to the Magistrate Court for both civil and criminal enforcement to include code enforcement related matters.

There was no further discussion on this item.

Fatima Fernandez, Town Clerk, read Ordinance No. 2024-942 by title only for the second reading. Mayor Palguta asked, "Shall this Ordinance Pass?"

Councilmembers voted as follows: Mayor Kell Palguta YES, Vice Mayor Lori Hunt YES, Councilmember Kendall Schumacher YES, Councilmember Brenda Dickinson YES, Councilmember Michael Greer YES, Councilmember Matt Zurcher YES, and Councilmember Kenneth Freund YES. NAYS: none. ABSENT: none. MOTION PASSED with 7 ayes, 0 nays, 0 absent.

11. NEW BUSINESS (FOR REVIEW, COMMENT, AND/OR POSSIBLE ACTION)

11a. Class A Bingo License, Pronghorn Ranch Homeowners Association - Consideration & Possible Action (Public Hearing, Approval) [Marissa Greenwood, Deputy Town Clerk]

Mayor Palguta opened the public hearing.

Marissa Greenwood, Deputy Town Clerk, advised that Pronghorn Ranch Homeowners Association submitted a new application for a Class A Bingo License to be conducted on Friday's at 6:00 p.m. at 7051 N Antelope Meadows Drive. Class A licensees generally obtain a license for recreational and social purposes, returning all gross receipts to the players in prizes. Town Council has the option to either recommend for or against approval of the application to the Arizona Department of Revenue. If disapproved by the local governing body, the endorsement shall contain the specific reasons for disapproval pursuant to Arizona Law.

There were no comments from the public.

Mayor Palguta closed the public hearing.

Councilmember Matt Zurcher made the MOTION, seconded by Councilmember Brenda Dickinson to recommend approval of a Class A Bingo License for the Pronghorn Ranch Homeowners Association by electronic vote.

Councilmembers voted as follows: Mayor Kell Palguta YES, Vice Mayor Lori Hunt YES, Councilmember Kendall Schumacher YES, Councilmember Brenda Dickinson YES, Councilmember Michael Greer YES, Councilmember Matt Zurcher YES, and Councilmember Kenneth Freund YES. NAYS: none. ABSENT: none. MOTION PASSED with 7 ayes, 0 nays, 0 absent.

11b. Revised FY 24/25 Regularly Scheduled Town Council Meeting Calendar - Consideration & Possible Action (Approve) [Fatima Fernandez, Town Clerk]

Fatima Fernandez, Town Clerk, explained that earlier this year the Council approved a calendar of meeting dates for the entire fiscal year. The swearing-in ceremony for the newly elected Councilmembers had been scheduled to occur on Thursday, December 12, 2024; however, the Town was recently notified that the Arizona League of Cities and Towns will host their annual training for newly elected Councilmembers on that same date. Staff proposed changing the December 12th meeting to Wednesday, December 11, 2024 in order to give all the newly elected members the opportunity to attend the training.

Mayor Palguta requested confirmation that the meeting will be held at the same time, just on a different date.

Town Clerk Fernandez confirmed that is correct.

Councilmember Kendall Schumacher made the MOTION, seconded by Councilmember Michael Greer to approve posting of the attached revised schedule for Town Council meeting dates in Fiscal Year 2024-25 by electronic vote.

Councilmembers voted as follows: Mayor Kell Palguta YES, Vice Mayor Lori Hunt YES, Councilmember Kendall Schumacher YES, Councilmember Brenda Dickinson YES, Councilmember Michael Greer YES, Councilmember Matt Zurcher, and Councilmember Kenneth Freund YES. NAYS: none. ABSENT: none. MOTION PASSED with 7 ayes, 0 nays, 0 absent.

11c. Town Code Amendment Graffiti Removal - Consideration & Possible Action (1st Reading) [Stephanie Robinson, Neighborhood Services Director]

Stephanie Robinson, Neighborhood Services Director, discussed the background and primary purpose of current Town Code Article 9-04b “Graffiti” and the collateral benefits of having a good graffiti program in place. She explained that one of the proposed measures is to shorten the timeframe for voluntary compliance to forty-eight hours. The Neighborhood Services Department recognizes that compliance may not be accomplished within that forty-eight hour window but is hopeful this will give residents the enticement to at least contact their department within the forty-eight hour timeframe. This particular provision would also mandate that the resident provide their plan for removal in writing. Robinson further explained that a corrective action plan has been created administratively for graffiti removal but could also be utilized for a litany of other nuisance violations and code compliance complaints. She provided an example of when the correction action plan can be used. She then pointed out that staff will continue to work with property owners; however, this process will not eliminate staff’s ability to seek any legal recourse. Robinson then discussed the efforts made towards having more proactive enforcement through the use of technology enhancements and recommended the reading and approval of Ordinance No. 2024-943 adopting additional graffiti abatement provisions.

Vice Mayor Hunt indicated that the provision allowing the Town to bill a responsible party was removed and inquired on how the Town would be reimbursed in situations where they take care of the removal.

Robinson replied that the Town can still cite people and go through the abatement process that is in State Law, but the Town, with homeowner permission, can enter their property and abate it. Through the current implemented pilot program, the cost will not be billed to the homeowner and noted that the cost for such

abatement is approximately sixty-five dollars per square foot but the cost to leave it up there for a longer period of time has a bigger cost to the community as a whole. Robinson shared a situation encountered in another municipality where one tagger had almost twenty-six-thousand dollars' worth of tags and following prosecution, that cost was passed on to the tagger as restitution.

Vice Mayor Hunt commented she noticed the Town is giving residents the ability to ask for more time and inquired whether that means the graffiti will remain intact for a longer period of time. She then asked whether a contractor is being used for the removal process and if so, whether the contractor is going to try to match the paint.

Robinson replied that the Town will work with the resident; however, should a resident decide not to work with the Town's contractor, the Town has the ability to begin the corrective action plan process and enforce the timeframe for voluntary compliance. Robinson then advised that the Town is working with Graffiti Protective Coatings and that they do an excellent job of color coding and paint matching.

Vice Mayor Hunt inquired on what would happen if a resident does not give the Town permission to enter onto their property and how long that would take.

Robinson advised that if the Town does not have permission, it would have to follow State Law and the process of giving them thirty days to remove. However, through this new process and program, most residents would go ahead and give the Town permission to abate.

Councilmember Freund asked whether the forty-eight hour notice would take into account a three-day holiday.

Robinson replied absolutely, adding that the Town's code enforcement team does an excellent job of communicating with whomever they happen to be working with regardless of whether it is a business or a homeowner. The Town will continue to work with the individual and allow additional time so long as there is continued communication.

Councilmember Dickinson stated what is being addressed is private property rights and private property destruction by vandalism. She expressed familiarity with the vandalism from taggers that occurs within the Town's parks and recommended further promotion of the adopt a park/street program. She explained that the Prescott Valley Kiwanis Club adopted the Mountain Valley Skate Park and is diligent about cleaning the park and monitoring the vandalism every week which assists to deter tagging.

Robinson replied absolutely and indicated that Neighborhood Services looked at every single tag throughout the Town so that from that point forward, they could easily identify what tags were brand new. She then informed the Council that Neighborhood Services is working with Parks and Recreation, Community Services and Public Works to ascertain what that cost would be to use that for properties that are owned by the Town.

Councilmember Greer spoke in favor of the adoption of additional graffiti abatement provisions.

Councilmember Schumacher asked whether graffiti removal could be requested through the Our PV app.

Robinson replied yes, they are encouraging residents to continue to use the Our PV app.

Councilmember Schumacher commented that even in Granville there are transformers getting tagged and questioned whether citizens should call the Town or use the Our PV app in that circumstance.

Robinson encouraged the use of the Our PV app to report any graffiti, even if it is located on ADOT property which will aid the Town's Neighborhood Services Department in getting the matter taken care of as quickly as possible.

Councilmember Kendall Schumacher made the MOTION, seconded by Councilmember Michael Greer to read Ordinance No. 2024-943 adopting additional graffiti abatement provisions by title only on two separate occasions, then place the same on final passage by electronic vote.

Councilmembers voted as follows: Mayor Kell Palguta YES, Vice Mayor Lori Hunt YES, Councilmember Kendall Schumacher YES, Councilmember Brenda Dickinson YES, Councilmember Michael Greer YES, Councilmember Matt Zurcher, and Councilmember Kenneth Freund YES. NAYS: none. ABSENT: none. MOTION PASSED with 7 ayes, 0 nays, 0 absent.

Fatima Fernandez, Town Clerk, read Ordinance No. 2024-943 by title only for the first reading.

11d. *Changing CDBG Entitlement Status for Town - Discussion Only [Stephanie Robinson, Neighborhood Services Director]*

Ryan Judy, Deputy Town Manager, explained that historically the Town has received CDBG funds every four years through the Arizona Department of Housing and the Northern Arizona Council of Governments (NACOG). Additionally, there are state special project funds awarded through a competitive grant process to non-entitled cities. Over the years, the Town has been successful in securing nine state special project grants with a primary focus on building sidewalks near schools. Judy detailed the areas throughout Town where sidewalks were added. He then discussed two additional projects completed with the awarded funds including the expansion of the Boys and Girls Club along with a renovation to the existing site. For the last three years the Town has been eligible to become an entitlement community. Entitlement communities automatically receive funds every year from the U.S. Department of Housing and Urban Development (HUD). The Town has previously determined not to pursue becoming an entitlement community given a lack of resources to run that program. However, with the hire of Stephanie Robinson, a grants coordinator, and the creation of the Neighborhood Services Department, the Town now feels it can now move forward with becoming an entitlement community.

Stephanie Robinson, Neighborhood Services Director, expressed excitement towards becoming an entitlement community which would open up the possibility to receive three thousand dollars annually. Robinson explained that would mean that a consolidated plan, an annual action plan, and engaging the community would be part of that process in order to come up with a unique plan for Prescott Valley.

Mayor Palguta commented that it is incredible opportunity for the Town to receive funding on an annual basis as opposed to waiting every four years. He then inquired on the main areas of Town that would be affected.

Robinson stated that one of the pillars of CDBG is that it is for low to moderate income families and expanded on the importance of the needs assessment to identify parts of Town in which CDBG funding would be eligible. Robinson added that more than likely it will be the more established parts of Prescott Valley that need additional help and assistance.

Judy advised Council that there are two applications previously submitted that are outstanding. One is for a continuance of the sidewalk on Cattle Track Drive and the other is to replace the playground at Antelope Park with an ADA accessible playground.

Vice Mayor Hunt inquired whether being an entitlement community would bring additional opportunities for funding.

Robinson replied absolutely and shared that the Town, dependent on how they situate the CDBG program, can potentially have program income that can be accumulated year after year.

There was no further discussion on this item.

12. ADJOURNMENT

Councilmember Brenda Dickinson made the MOTION, seconded by Councilmember Kendall Schumacher to adjourn the meeting by electronic vote.

Councilmembers voted as follows: Mayor Kell Palguta YES, Vice Mayor Lori Hunt YES, Councilmember Kendall Schumacher YES, Councilmember Brenda Dickinson YES, Councilmember Michael Greer YES, Councilmember Matt Zurcher YES, and Councilmember Kenneth Freund YES. NAYS: none. ABSENT: none. MOTION PASSED with 7 ayes, 0 nays, 0 absent.

Mayor Palguta adjourned the meeting at 6:41 p.m.

ATTEST:

APPROVED:

Fatima Fernandez, Town Clerk

Kell Palguta, Mayor

STATE OF ARIZONA)
COUNTY OF YAVAPAI)

ss:
TOWN OF PRESCOTT VALLEY)

CERTIFICATE OF COUNCIL MINUTES

I, Marissa Greenwood, Deputy Town Clerk of the Town of Prescott Valley, Arizona, hereby certify that the foregoing minutes are a true and correct copy of the Minutes of the Regular Meeting of the Town Council of the Town of Prescott Valley, held on September 26, 2024. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this October 10, 2024

Marissa Greenwood, Deputy Town Clerk