

PRESCOTT CITY COUNCIL
REGULAR COUNCIL MEETING
PRESCOTT, ARIZONA
NOVEMBER 22, 2005

A REGULAR MEETING OF THE PRESCOTT CITY COUNCIL WAS HELD ON TUESDAY, NOVEMBER 22, 2005, in the Prescott Municipal Building, 201 S. Cortez Street, Prescott, Arizona.

Mayor Simmons opened the meeting at 3:10 P.M. Fire Chief Willis introduced the Mesa Fire Department Honor Guard Pipes and Drums group who presented the colors and Chief Willis led the Pledge of Allegiance.

Mayor Simmons asked City Clerk Watson to call the roll. City Clerk Watson mentioned this was a sad day because this would be the last time she would call the roll, which was as follows:

Present:

Mayor Simmons
Councilman Bell
Councilman Blair
Councilman Lamerson
Councilman Roecker
Councilman Steward
Councilwoman Suttles

Absent:

None

SUMMARY OF CURRENT OR RECENT EVENTS

Nothing was presented.

PRESENTATIONS:

A. Mesa Fire Department Honor Guard Pipes and Drums presenting the Colors.

See the Pledge of Allegiance. Fire Chief Willis remarked the Mesa Fire Department Honor Guard was established in 1996 and had gained national recognition; they performed annually in Colorado at the National Firefighters Memorial in September and Prescott was honored to have them here today.

B. Introduction of New Businesses

Sam Walchons, Director of Membership and Marketing for the Prescott Chamber of Commerce introduced the following:

1. Annalinas Authentic Mexican Food at 126 S. Montezuma Street
2. Desert Canyon Community Care at 3767 Karicio Lane, Suite D.
3. Care by Design at 3609 E. Crossings Drive, Suite A
4. Whim Z at 117 N. McCormick Street
5. Cuppers (coffee house) at 226 S. Cortez Street.

C. Information from Mayor's Youth Advisory Committee on the Christmas Spirit Contest

This presentation followed Item E.

Elizabeth Wilson, Mayor's Youth Advisory Committee member, announced the Christmas Spirit Contest which was the first of several projects the committee would be working on and the goal was to spread the Christmas magic that Prescott was known for and to help promote local business. She added that to help market the contest, the committee wrote and performed a jingle that would be used in a public service announcement on radio and TV and it should be seen and heard soon.

Mike Ohrn, committee member, remarked the contest was open to all schools, homes and businesses in Prescott and prizes would be awarded in three categories: school, residence and business. He said to enter all that was needed was to add holiday cheer to a door or window at work, school or home, take a picture of it and send the picture to the City of Prescott by Friday, December 9.

Troy Schilperoort said there were fantastic prizes, the entries would be judged, the finalists would be visited, a winner chosen and the winners would be announced and prizes awarded during the December 20 Prescott City Council meeting.

Freddie Arbona added for more information about the contest and to pick up a flyer, they were available on the City website and in Quality Time, in the Chamber of Commerce letter and the Courier.

Tim Bell concluded saying they were hoping everyone would get in the spirit and decorate a door or window to help make the city shine like never before; thanked the Council for their time and they would be back on December 20th to announce the winners of the Mayor's Youth Advisory Committee's Christmas Spirit Contest.

Councilman Steward asked if the contest included yard decorations and it was clarified it was only for decorated doors and windows, but if people wanted to decorate their yards that would be wonderful, they just wouldn't be judged for this contest.

Councilman Roecker asked for a sample of the jingle and the group declined.

Mayor Simmons remarked the committee was going to be very active this year and the Council was very proud of them.

D. Presentation of Christmas Mugs by Sanford Cohen, Downtown Prescott Association

Sanford Cohen, President of the Downtown Prescott Association, remarked the DPA was formed in 1973 and they were responsible for managing events on the Courthouse Square; that in 1996 they undertook the task of building a parking garage and the effort took quite a while and went through many metamorphoses before the city decided to finance and build the garage, for which everyone was very grateful. He said the 2005 Christmas mug honored that long awaited addition to the downtown landscape and featured a four color photo of the garage on one side, and the other side was a Jim Willoughby cartoon drawn in 2002 with Santa and his reindeer looking down on downtown Prescott and saying "Dang, no place to park." He said the DPA wanted to thank Sue Willoughby for allowing them to use the cartoon on the mug and it was much appreciated.

Mr. Cohen thanked everyone involved for their efforts, including John Phillips of Goodwin Street Pharmacy, who allowed the 60 cases of mugs to be delivered to his store; Otwell and Associates for providing the full color photo of the garage and mentioned it was not an easy task to get everything on the cup. He said the first cup was issued in 1989 when Rose Mofford rededicated Prescott as Arizona's Christmas City and then-DPA Chairman Frank Hussey came up with the idea to celebrate that, suggesting the creation and selling of a Christmas mug. He noted that it is the only fundraiser the DPA conducts and the money goes toward the Christmas lighting effort.

Mr. Cohen presented Council with mugs and recognized and thanked City Clerk Marie Watson for all the work she had done for the city. He added that the cups would be available at Wal-Mart, Walgreens, Goodwin Street Pharmacy, the Christmas Store at Bashford Court, Galloping Goose and Bucky's Bean Bag on Whiskey Row, and at the Prescott Chamber of Commerce.

E. Economic Development Update

Economic Development Director Jane Bristol presented a short update which included the following information:

- Prescott Metropolitan Statistical Area (MSA) was named one of the 100 Best Communities for Young People, joining Chandler, Scottsdale, and Tempe for that honor.
- Prescott MSA was noticed as the 16th fastest growing MSA in the country.
- Helped Chamber of Commerce in applying for the designation of one of the top 10 true western towns by True West Magazine and was chosen and would appear in the next issue.
- Council authorized submission of a grant application to the Arizona Office of Tourism to purchase seasonal banners for downtown, provide funding for a second kiosk in the downtown area, and install groundfault interrupters or GFI receptacles on downtown buildings so the silhouetting of the buildings could continue; as well as funding a marketing video and the City received \$25,400 in funding and the city budgeted the 25% match.
- Assisted the Community Development Department in applying for a designation through National Trust for Historic Preservation called the Dozen Distinctive Destinations. 12 communities would be chosen.
- Invited to bid on Arizona Cardinals Training Camp for 2006 and subsequent years. Staff was working on the bid and it would be submitted in December with a response in January.
- Retail business attractions - Lowe's Home Improvement Warehouse infrastructure would be in place the first quarter of 2006 and would be open by the end of 2006.
- Village at the Boulders/Ponderosa Plaza Mall – redevelopment was progressing and leasing was very active and announcements would be made after the first of the year.
- Shops at the Boulders – Walgreens and the Credit Union were under construction and would be open in the next two months. Several restaurants would be opened in that area also but staff could not release any names as yet.
- Manufacturing/Office Business attractions – Staff was updating the marketing tools and had attended two trade shows.

- New initiatives being pursued – ERAU was seeking a grant to create an International Business Degree program on the Prescott campus.
- Funding for the Business Research Park that hopefully would reside on the ERAU campus and staff had just been unformed the Economic Development grant had just been accepted from NACOG.
- Business Retention – Working with Chamber of Commerce on a Business Retention survey. Targeted 46 businesses and 29 face-to-face interviews were scheduled and completed, a 63% participation rate. Found 15 of the 29 companies needed additional assistance from Economic Development Department relating to staffing issues, traffic issues, freight service and workforce housing issues and staff would continue to work with those companies.
- Legislative Session recently ended. There were several economic development initiatives passed that would benefit business, relating to corporate sales factor, business property tax relief, small business tax credit, healthy forest enterprise incentives, and a motion pictures production tax.
- Enterprise Zone – one local company benefited. Two others have applied and qualify for the benefits. Legislation needs to be reauthorized, as it sunsets on July 1, 2006; Statewide group of Enterprise Zone administrators working on a new bill to be submitted in the next Legislative year, with 2 minor changes, 1) a company would need to be independently owned and operated and, 2) property could be qualified more than once if ownership changed.

She added staff would have a full report for Council in January 2006.

Mayor Simmons asked if anyone objected to the Enterprise Zone and Ms. Bristol responded there were some who objected, but the program helped existing businesses and attracted new businesses and new jobs to an area; and the Greater Phoenix Economic Council was recommending some radical changes to the State Incentive Package as they felt Arizona did not compete with other states to entice investment in high wage jobs and there would be a lot of discussion in the coming months.

Councilman Lamerson asked the reasons given by the 37% that didn't respond to the business retention survey and Ms. Bristol replied some were small businesses and didn't have the time to sit down and go through the survey; some had gone out of business and the city wasn't aware of that and some declined to participate.

PROCLAMATION:

A. World Aids Day – December 1, 2005 – Don Sullivan accepting

Mayor Simmons read the proclamation, proclaiming December 1, 2005, as World Aids Day. Mr. Sullivan was not present.

CONSENT AGENDA ITEMS

Councilman Lamerson MOVED to ADOPT the Consent Agenda, Items A through Q, which was SECONDED by Councilman Steward and carried unanimously.

- A. Resolution No. 3719 - A Resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona authorizing the application of a grant for Historic Preservation Heritage Funds for the acquisition of and/or restoration and rehabilitation of the second lobby of the Elks Opera House and committing to matching funds by the City in the amount not to exceed \$24,000.00.**
- B. Approve Professional Services Agreement with Southwest Ground-water Consultants, Inc., for development of the Big Chino Project Well Field Master Plan.**
- C. Approve purchase of one replacement Jet Rodder from Arizona Wastewater Industries in the amount of \$154,021.33.**
- D. Award Bid and Approve contract with Critco, Inc., Prescott Valley, in the amount of \$56,300.00 for the construction of the Meany Street 6" water main extension project.**
- E. Award Bid and Approve contract with Fann Contracting Inc. in the amount of \$368,971.50 for construction of the Larry Caldwell Drive water main extension and effluent meter relocation.**
- F. Ordinance No. 4509 – An Ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the purchase of real property and easements from Kile Street Enterprises, L.L.C. for improvements to Iron Springs Road, authorizing the Mayor and staff to execute any and all documents to effectuate the foregoing, and declaring an emergency.**

- G. Resolution No. 3718 – A Resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the City of Prescott to enter into a Development Agreement with Kile Street Enterprises, L.L.C., and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.**
- H. Ordinance No. 4510 – An Ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, extending and increasing the corporate limits of the City of Prescott by annexing a portion of Willow Lake Road from State Route 89 to Willow Creek Road.**
- I. Award bid and Approve contract with Fann Contracting Inc. in the amount of \$45,800.00 for roadway excavation northwest of the Iron Springs Road/Granite Shadows Drive intersection.**
- J. Award bid and Approve contract to APHX in the amount of \$50,357.50 for West Yavapai Guidance Clinic – Hillside Center parking lot paving, CDBG Contract No. 138-05.**
- K. Ordinance No. 4511 – An Ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona amending the zoning of certain property generally located in North Lake Unit 2 within the City of Prescott (RZ05-006, SF-35 to SF-6 MH).**
- L. Approve Preliminary Plat - SP05-007 – for 20 manufactured home lots on 4.53 acres, located south of Willow Lake Road on Jerry Street, North Lake Unit 2, subject to the agency comments contained in the Staff Report dated November 8, 2005.**
- M. Approve Water Service Agreement for 5.6 acre feet with Cynthia Thrall for 20 manufactured home lots on 4.53 acres, located south of Willow Lake Road on Jerry Street, for North Lake Unit 2.**
- N. Approve Final Plat – FP05-018 – for 9 lots on 16.2 acres, Prescott Airpark, Unit 9, subject to the agency comments contained in the Staff Report dated November 8, 2005.**
- O. Approve Final Plat – FP05-012 – for 95 lots on 60.35 acres, Pinnacle III @ Prescott Lakes, subject to the agency comments contained in the Staff Report dated November 9, 2005.**
- P. Approve holding Combined Study/Regular Meeting on December 20, 2005 because of the Christmas holiday.**

- Q. Approve Minutes of the Regular Council Meeting/Executive Session held November 8, 2005, and the Minutes of the Special Council Meeting held November 15, 2005, as submitted.**

REGULAR AGENDA ITEMS

- A. Appointments to the Board of Adjustment, Industrial Development Authority and Advisory and Appeals Board.**

Appointees Ken Mabarak, William Fuller and Ben Schmid were in the audience and were recognized and thanked for their willingness to serve on a city board.

Councilman Bell MOVED to APPOINT Ken Mabarak to the Board of Adjustment for a 3-year term to expire November 22, 2008; APPOINT William F. Fuller to the Industrial Development Authority for a 3-year term to expire November 22, 2008; and APPOINT Ben Schmid to the Advisory and Appeals Board for a 3-year term to expire November 22, 2008, which was SECONDED by Councilman Steward and carried unanimously.

- B. Public Hearing - Liquor License Application No. 05-127, State No. 06130040, for a Series "06" Bar License to Kevin Ray Randle, Agent for Rainy Days & Nights, Inc., for Frontier Billiards (Desperado's) located at 219 N. Cortez Street.**

City Clerk Watson reported this was Liquor License Application No. 05-127, State No. 06130040, for a Series "06" Bar License to Kevin Ray Randle, Agent for Rainy Days & Nights, Inc., for Frontier Billiards located at 219 N. Cortez Street; the property was posted on September 14 and removed on October 5, 2005, and no protests or comments were received. (Actual date of posting was October 28 and posting materials were removed on November 18.)
The applicant was in the audience.

Councilman Steward MOVED to CLOSE the Public Hearing, which was SECONDED by Councilman Roecker and carried unanimously.

Councilman Steward MOVED to APPROVE Liquor License Application No. 05-127, State No. 06130040, for Frontier Billiards, which was SECONDED by Councilman Roecker and carried unanimously.

C. Public Hearing – Rezone RZ05-004 – Approximately 2 acres from Business General (BG) to Multifamily High (MF-H), located North of the intersection of Grace Avenue and Heap Avenue in the 1000 block of West Gurley, for Brighton Prescott Townhomes.

Community Development Director Guice explained Agenda Item C was the Public Hearing for the rezoning of property in the 1000 block of West Gurley Street, north of the intersection of Heap and Grace Avenues; the request was to rezone to Multi-family High from Business General; Agenda Item D was the Ordinance to rezone the property; Agenda Item E was the Preliminary Plat for 16 townhomes; and Agenda Item F was the Water Service Agreement for 5.6 acre feet. He said a meeting was held last Friday between the developer, his agent, the architects, Councilman Bell and Roecker, and the neighbors.

Councilman Bell explained a compromise was suggested to reverse the project on the property and move the open space to the East and ingress/egress onto Gurley Street in the northeast corner. Mr. Guice added that after the engineering firm and property owners looked at that possibility, it appeared this was not feasible and Stan Hitson, architect, would explain further.

Stan Hitson commented they met with Kelly/Wise Engineering, visited the site, did some analysis and found major work would have to be done to get access onto Gurley Street from this site. He said this included problems with the line of site and grade differential between the property and street elevation, and there appeared to be only two options. If they came in the western corner they would be faced with a 15% or greater grade from the street to the driveway elevation of the house to the west which had always taken access from Grace Avenue across this property (the Weber house). He added that it was a north facing slope and by all design guidelines and rules that was not a good place to put a driveway. He said it had been suggested last Tuesday that if access was put onto Gurley Street then Grace Avenue access would be closed off and would be emergency only, but that rendered this project undevelopable as a townhome project as inclement weather would make it impossible due to the slope to get in and out to Gurley Street. He said the other option was the east side of the property but it dropped even more to Gurley Street.

Mr. Hitson continued, stating that developer wanted to create a project that had a residential neighborhood feel to it and made the following points:

- The engineering firm had advised them that to bring a driveway from the northeast point and to provide circulation for emergency vehicles, refuse vehicles and public works vehicles and get back out would require mass grading of the entire site down 5 to 8 feet and it would completely deface the parcel and render it unsuitable for the product the developer had hoped to present to the community.

- He had been directed to tell the Council if the Gurley Street access was the only access to be granted for this parcel, he would seek a commercial development for this parcel.
- If the property wasn't rezoned, one part of the parcel was zoned Business General and the other was MultiFamily-High and meeting all Land Development Code Standards and Residential Protection Standards would be difficult.
- They could currently, without any Council action, put a 42 unit, two story apartment complex with 107 parking spaces and access from Gurley Street. They would have to completely mass grade it, put in a detention basin and landscaping.
- They needed access from Grace Avenue in order to build townhomes. If the City insisted on access from Gurley Street, it "commercialized" the property.
- They were asking for approval of the preliminary plat showing a specific number of lots and number of proposed townhomes and the Planning and Zoning Commission had approved the preliminary plat and all the things being discussed today, such as, ingress/egress, access, number of units and density, were all worked out before the Commissioners.
- The developer did not want the rezoning without the approval of the Preliminary Plat; this request was a downzone of the parcel; the developer would pursue a commercial development if the Preliminary Plat wasn't approved.

During Council discussion, the following concerns were addressed:

- Did neighbors understand something commercial could be put on the property under its current zoning?
- Neighbors were most concerned with the potential traffic situation; 16 townhomes equated to 32 cars and although the streets in that area were narrow and did not meet city standards, townhomes would seem preferable to the apartments or a commercial development.
- The streets in the area were not on any approved capital improvement list at this time for improvements.
- It was a suggestion of the city planning manager that the property, because of its split zoning, commercial and multifamily, be rezoned to a single designation. It wasn't because the property couldn't be developed under split zoning, but it created some difficulties in laying the project out

and ensuring the appropriate buffers and meeting various code requirements.

- While it was believed that the Fire Department required an emergency exit for over 30 units, that issue would be addressed when plans were reviewed.

The follow individuals spoke in opposition to the development as proposed:

Barbara Weber, 102 Grace Avenue
Liz Myers, worked as a nanny at 204 Grace Street
Steve Weber, 102 Grace Avenue
Bonnie Sandlaben, 222 Grace Avenue
Alice Jean Butitta, 120 Grace Avenue

They raised the following issues:

- According to the General Plan and Land Development Code the project should be in keeping with the neighborhood; the property was zoned Business General for 35 years and wasn't conducive to building anything on it that would make a big profit; there were trailers on it in 1964-65 that faced Gurley Street which were later removed; the proposed vegetation area was in a road and needed to be addressed.
- 16 townhomes was still too dense and some of the neighbors would prefer 12 townhomes; there would be no sun access to melt the snow on the road if access were from Gurley Street.
- Concern with additional weight of a building on the old rock wall.
- The ideal would be rezoning the property to SF-9 and single family dwellings put in.
- Many families lived in the area of Grace Avenue and any increase in traffic would be detrimental to the community.
- Suggested the idea of 42 apartment buildings might be somewhat of a bluff.
- Two-story apartments would be an eyesore because of the height of the building on top of the stone wall on Gurley Street .
- Streets were very narrow.

- The property line to the west of the apartments was only 15 feet away from the property line and in Development Review Committee the developers were told they had to have a 20 foot easement
- A recorded deed existed showing a 24-foot easement through the property for ingress/egress to the adjacent house. This was given to the property owner the last time there was a concern with the property, when someone wanted to build a storage unit.
- The project did not meet the Land Development Codes.
- If the apartments were built they would only be 30-40 feet away from the adjacent house and would destroy the solar value for how they put the house on the property.
- Lack of parking for construction workers, and construction materials trucks would make it difficult for residents to get in and out of the area.

It was clarified that under the current Business General zoning, the developer would be able to construct a commercial development without any public process or approval by the Council; that building permits could be issued administratively if the use was in compliance with the current zoning.

Staff noted that the issue of the setback along the west side of the property would be addressed in the initial plan review and technical review. Staff added that the item was a project with 16 townhomes and Council should not be discussing "what if" scenarios; no engineering had been done yet relating to setbacks or anything.

Mr. Hitson added they had been unable to locate the quit claim deed or easements to Mr. Weber's property; that no title work or survey work on the sale or transition of the property had produced a document and they were basing their design on the information they had and the easements they had been made aware of. He added that some bluff might be happening on both sides of the fence.

Councilman Lamerson MOVED to CLOSE the Public Hearing.

Mr. Hitson requested Council continue this item to a date specific so they could work with the neighborhood.

Councilman Lamerson asked for a point of order because a motion was on the floor. Mayor Simmons remarked no one had Seconded it, at which time Councilman Blair SECONDED the motion.

Councilman Roecker asked Attorney Moffitt to explain what a yes and no vote would do and Attorney Moffitt explained a yes vote would close the public hearing and a no vote would keep it open; that if the public hearing were closed and the Council didn't vote on the rezoning tonight and the developer came back with a new proposal and it was substantially different, it would have to be re-noticed as a new public hearing.

The motion carried with Councilmen Bell and Roecker casting NAY votes.

There was confusion at this point, as the majority of the Council wanted to continue the item to a date specific and another vote was requested after clarification that a yes vote would close the public hearing and would not continue it to a date certain, and a no vote would let Council make a motion to continue the item to a date certain.

A second vote was taken to Close the Public Hearing and the motion was DEFEATED with Councilman Lamerson voting yes.

Attorney Moffitt clarified the dates of the next two Council Meetings were December 13 and December 20 at which time this item could be considered and voted on if desired.

Councilman Roecker MOVED to CONTINUE the Public Hearing to December 13, 2005 at 3:00 P.M., which was SECONDED by Councilman Bell and carried unanimously.

Items D, E, and F were not considered at this time.

- D. Ordinance No. 4512 - An Ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona amending the zoning of certain property within the City of Prescott commonly known as the Brighton Prescott Townhomes (RZ05-006, BG to MF-H).**
- E. Preliminary Plat – SP05-011 for 16 Townhome units to be located south of Gurley Street and north of the intersection of Grace Avenue and Heap Avenue, for Brighton Prescott Townhomes.**
- F. Water Service Agreement for 5.6 acre feet with Phillip and Kathleen Jones Simon for the Brighton Prescott Townhomes, located south of Gurley Street and north of the intersection of Grace Avenue and Heap Avenue.**

A short break was taken to allow the crowd to leave the room.

Mayor Simmons presented Item G, for consideration.

G. Preliminary Plats – SP05-004 & SP05-012 for 72 lots on 67.2 acres located east of the Forest Trails Subdivision, southwest of Iron Springs Road, for Enchanted Canyon Estates Units I and II.

Community Development Director Guice explained this was the Preliminary Plat and Agenda Item H was the Water Service Agreement for 25.2 acre feet for Enchanted Canyon Estates.

Attorney Moffitt addressed remarks made at the Study Session that this proposed subdivision, 1) should not get the water allocation or the allocation approved by the Water Allocation Committee should be rescinded, and 2) the property should be preserved as Open Space. He noted:

- Under Arizona Law and City Subdivision Regulations an assured water supply allocation must be given at the time of plat approval and under the zoning they were allowed one house per acre.
- The only way to maintain it as open space would be if the city or another group purchased the property and the City didn't have sufficient funds to purchase the property at this time.
- The Open Space Committee did not designate this property as open space to be acquired in their most recent list of proposed acquisitions.

Items clarified by staff:

- The location of trails and other infrastructure would appear on the Final Plat.
- If the Preliminary Plat was postponed, it would be considered a temporary taking of the property as it was in compliance with all codes and zoning.
- The East/West Connector had been proposed for many years. Developer participation would be discussed when the Council considered a six-party agreement.
- Building permits would not be issued until the East/West Connector was completed.
- Some open space (including petroglyphs) and hiking trails were set aside and shown on the plat.
- An additional condition was added to the motion to require a construction management plan to be submitted and approved prior to approval of the final plat.

The following individuals voiced concerns with this development. (Several of the following speakers did not sign in and their names may be incorrect or misspelled):

George Weed Seaman, 813 N. Walnut Street
Ty Fitzmorris, 1718 Farview Lane
Wanita Gray, 1525 Kile Street
Art Anderson
Evan Pilling
Meredith Marder, 729 Copper Basin Road
Ms. Marder read the concerns of Sid Moglewier, 1866 Forest View
Babette Altar, 1700 Farview
Arden Schomberg, 320 Josephine
Judd Shipman
Ingrid Dahl, 4723 Ponderosa Park Road
Liz Myer
Walt Anderson, 1964 Sherwood Drive
Liz Faller, 509 Rose Garden Cove, off Paar Street
Dani Atlas, 1510 Butterfield
O. Tucker, 237B S. Marina Street
David Eugene Britt, 1375 Solar Heights
Ben Traxler, 432 Joseph Street
Judith Merrell, 1252 Sierry Peaks Drive –

They raised the following issues:

- Private property rights.
- All issues should be resolved before approving the Preliminary Plat and the Council should stick with the Planning and Zoning Commission recommendation.
- It was unclear whether the plat could be recorded until the East/West Connector was completed.
- More time was needed to discuss the East/West Connector and get some clarity on where the crash gate would be located.
- The East/West Connector was an afterthought to the BRW Study and was flawed and based on 3% growth; the growth rate had exceeded that in the past 10 years and would exceed that in the next 10 years because of the pro-growth policy of City Council; the East/West Connector gave Council a political out to approve more development without antagonizing the neighborhoods and suggested a new study be done.

- Residents were not aware of the traffic circulation and impact this development would have on them.
- Concern with the long term effects on the community and development on the west side of town, including Enchanted Canyon, the East/West Connector and the other new developments these improvements would cause, and the impacts on the public services, schools, increased taxes, increased traffic, visual clutter. Losing the character and quality of life everyone enjoyed.
- The allocation of a significant fraction of the remaining water to a single development was cause for concern and warranted more discussion than it had been given; there was no long term water plan for the area.
- Open space and the pristine nature of this area.
- The developer did not own the property, he only had a legal interest in it.

Staff responded to comments with the following:

- The East/West Connector was a continuation of Westridge Drive off Gail Gardner Way and the city accepted the dedication of rights-of-way in 1988.
- The decision of the Council could not be referred to the voters as it was an administrative act, not a legislative one.
- The Planning and Zoning Commission recommendation was that the final plat not be recorded until the Connector was done to ensure physical access to the property and Mike Haywood, Agent for the developer, had asked to be treated like everyone else. The Final plat wouldn't be recorded until financial assurances and bonds were posted and the motion had been changed to include that request.
- Only one of the three subdivision plats had been replatted and the other two would come before Council at a future time; the subdivision was approved in 1988 and 143 total lots were approved, however, they were going to put in less than that; the connection with Downer Trail and Kile Street was established in 1988 when the final plat was approved; the BRW study was updated in 1998 because of the change in proposed land use, the Dalke parcel was no longer going to be a Prescott College campus and the study used the current zoning of large lot residential and many different scenarios were discussed.
- The Water Allocation Committee had a water budget and had approved an allotment to this project.

- The City had an open space committee and there had been many discussions regarding the Dalke property and discussions with Mr. Finn and a compromise had been worked out with him regarding open space within the development.

Michael Haywood (representing the developer), 115 E. Goodwin Street, clarified their request was to have the Preliminary Plat approved, that they be allowed to submit final plats and in the event the Final Plats were approved, they be allowed to proceed with construction of the infrastructure, and they understood no building permits would be issued until such time as the East/West Connector was completed.

Councilman Steward MOVE to APPROVE Preliminary Plats - SP05-004 & SP05-012, for 72 lots on 67.2 acres located east of the Forest Trails Subdivision, southwest of Iron Springs Road, for Enchanted Canyon Estates Units I and II, subject to agency comments contained in the Staff Report dated November 10, 2005, and that a construction traffic management plan be submitted and approved by the City prior to the approval of the final plat, and building permits would not be issued until such time as the East/West Connector was completed, which was SECONDED by Councilman Roecker, and carried unanimously.

H. Water Service Agreement for 25.2 acre feet with John Finn for Enchanted Canyon Estates Units I and II, located east of the Forest Trails Subdivision, southwest of Iron Springs Road.

Councilman Roecker MOVED to APPROVE a Water Service Agreement for 25.2 acre feet with John Finn for Enchanted Canyon Estates Units I and II, located east of the Forest Trails Subdivision, southwest of Iron Springs Road, which was SECONDED by Councilman Steward and carried unanimously.

I. Adopt Notice of Intention to increase water rates and development fees.

Budget/Finance Director Woodfill explained today's action would adopt the Notice of Intent to increase water rates and impact fees and set the public hearing for January 24, 2006, at 3:00 P.M. at the City Council meeting; it also would release the public report and make it available to the public at City Hall and it would also be available on the city website. He also noted the following:

- The changes from the draft report presented at the workshop last week included putting irrigation customers back under the non-residential water rate structure as it was in the current rate structure and there was a clarification on fees for impact fees for a water resource fee.

- There would be another workshop on December 13 at 1:30 P.M. with a presentation on the final report, and public comment could be heard on the final report.
- Public comment would also be heard at the Public Hearing on January 24.
- The report set the maximum rates in the categories as justified in the study and the final rates would be determined by the Council, and would be brought back to the Council for adoption following the January 24th public hearing.
- Sewer rates would be addressed with a separate study and recommendation.

The following individuals spoke on this issue:

Howard Mechanic, 309 Bloom Place
Katherine Mitchell, 914 E. Gurley Street

They raised the following questions:

- Was there any discussion of private property owners having to take care of public right-of-way; there was no requirement that any certain type of vegetation had to be in the right-of-way and property owners could xeriscape with low water use plants; therefore, having lower water bills to pay?
- Has the consultant looked at whether individual metering was best for multi-family units?
- Was there any consideration for workforce housing cost increases?

Staff responded that these were all issues to be brought up at the public hearings; the purpose of today's action was to set the date for the public hearings and make the report public.

Councilman Bell MOVED to ADOPT a Notice of Intention to increase water rates and development fees, which was SECONDED by Councilman Steward and carried unanimously.

INSTALLATION OF NEW COUNCIL

STATEMENT by outgoing Council Member John Steward.

John Steward commented he was proud of those who worked for the City of Prescott and thanked Marie Watson for all her help over the years, and thanked Attorney Moffitt, Manager Norwood, JJ McCormack, Mark Woodfill, Craig McConnell, and Tom Guice for their patience in answering questions; it was a great ride and he hoped he had done some positive things for the community and thanked everyone for allowing him to serve the community as a Councilman.

PRESENTATION to Councilman John Steward.

Mayor Simmons presented John Steward with a few parting gifts.

ADMINISTER OATH OF OFFICE to Mayor-Elect Rowle P. Simmons, Councilman-Elect Bob Bell, Councilman-Elect Robert J. Luzius, and Councilman-Elect Bob Roecker.

City Clerk Marie Watson administered the Oath of Office to Mayor-Elect Rowle P. Simmons, Councilman-Elect Bob Bell, Councilman-Elect Robert J. Luzius, and Councilman-Elect Bob Roecker.

SEATING of new Council Members.

City Clerk Watson called the roll for the new Council.

ROLL CALL

Mayor Simmons	
Councilman Bell	Councilman Luzius
Councilman Blair	Councilman Roecker
Councilman Lamerson	Councilwoman Suttles

RESOLUTION OF COMMENDATION to Councilman John Steward.

Councilman Roecker MOVED to ADOPT a Resolution of Commendation to Councilman Steward, which was SECONDED by Councilman Lamerson and carried unanimously.

Mayor Simmons read the Resolution of Commendation.

John Steward thanked everyone for the opportunity to give back to the community he had grown up in and loved; he wasn't going anywhere and hoped to still be active in community affairs; the city should be very proud of its

staff and thanked his family for their patience and understanding over the years.

CONSIDER APPOINTMENT of Mayor Pro Tempore.

Mayor Simmons MOVED to APPOINT Councilman Robert Roecker as Mayor Pro Tempore for a one-year period, which was SECONDED by Councilman Blair and carried unanimously.

There being no further business to come before the Prescott City Council, Mayor Simmons ADJOURNED the meeting at 6:40 P.M.

Flowers and a Waterford Crystal vase were presented to City Clerk Watson at the close of the meeting.

ROWLE P. SIMMONS, Mayor

ATTEST:

ELIZABETH A. BURKE, City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the City Council of the City of Prescott, Arizona held on the 22nd day of November, 2005. I further certify the meeting was duly called and held and that a quorum was present.

Dated this 13th day of DECEMBER, 2005.

AFFIX
CITY SEAL

ELIZABETH A. BURKE, City Clerk