

PRESCOTT CITY COUNCIL  
COUNCIL STUDY SESSION  
PRESCOTT, ARIZONA  
MARCH 20, 2007

A STUDY SESSION OF THE PRESCOTT CITY COUNCIL WAS HELD ON TUESDAY, MARCH 20, 2007, in the Prescott Municipal Building, 201 S. Cortez Street, Prescott, Arizona.

Mayor Simmons opened the meeting at 3:00 P.M. and asked City Clerk Elizabeth Burke to call the roll, which was as follows:

Present:

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

Absent:

Councilwoman Suttles (excused)

- SUMMARY OF CURRENT OR RECENT EVENTS – No comments.

**I. PRESENTATIONS:**

**A. Update process of the Federal Fiscal Year 2007 Annual Action Plan and amendments to the 2005-2009 Consolidated Plan (CDBG).**

Grants Administrator Linda Hartmann explained today was a checkpoint of a process that began in November 2006 and provided the following time line for 2007:

March 26 - CDBG Action draft plan would be available to the public  
March 27 - 30 day public comment period began  
April 10 - Draft plan would be presented to Council  
April 25 - 30 day public comment period ended  
April 30 - Committee would review comments and discuss changes  
May 8 - Final Plan presented to Council for approval  
May 10 - Final Plan delivered to HUD

## II. DISCUSSION ITEMS:

- A. Adoption of Resolution No. 3806 - approval to apply and accept federal grant funding from the Bureau of Justice Assistance (BJA) "Bulletproof Vest Partnership Program" in the amount of \$7,053.57 to cover one-half (1/2) the cost of purchasing eighteen (18) protective vests and authorize matching City funds.**

Police Chief Oaks explained Resolution No. 3806 authorized the application, acceptance and matching City funds (50%) for the bulletproof vest program. Prescott had been involved since 1999 and 18 vests would be purchased for new officers and to replace vests that were older than five years.

It was clarified the vests deteriorated due to perspiration and cleaning chemicals and had a "shelf life" of five years; they were then destroyed due to liability issues.

- B. Adoption of Resolution No. 3807 - amending the City of Prescott 2005-2010 Water Management Policy. (Council Policy)**

Management Analyst Connie Tucker explained Resolution No. 3807 would amend the current Water Management Policy. A survey was conducted in November 2006 at the request of the Water Allocation Committee to do a survey of vacant residential parcels that did not have a specific water commitment via a plat or water service agreement. If every vacant parcel were built to full zoning density allowed there would be an associated water demand of 1,360 acre feet. The sections of the 2005-2010 Water Management Policy to be amended were:

1. Water Demand –

Carollo Engineers prepared the City water model and their figures were higher than the staff figures because it was based on system demand for the entire water service area and included vacant parcels that already had a water commitment. The City's figures were based on vacant parcels within the City limits that did not have a water commitment.

2. Allocation of Assured Water Supply –

An amendment to address requests for new allocations of alternate water to replace existing "grandfathered" groundwater entitlements when changes in use of a developed property were proposed which required a new plat, such as an apartment building conversion to condominiums. The development would be subject to all applicable

water system and resource development fees as provided by City Code in addition to an alternate water allocation agreement.

3. Budget for Allocation of Assured Water Supply -

- The table showing the “Water Available for Allocation” was changed to include subtractions for the commitment to CVID (dropping the allocation to the Granite Dells/Point of Rocks Ranches); the previously approved water service agreement commitments; the reservation for vacant residential unwatered parcels; and the water allocated in 2006.

This left 832.62 acre feet available as of January 1, 2007 of the Assured Water Supply budget.

- Workforce/Affordable housing definition amendment - ...housing available for homebuyers earning incomes less than ~~87%~~ 120% of the median income....”.

Deed restrictions ensuring the housing remained workforce housing would be recorded and would run with the property.

- Master-planned projects could request a reservation of the total project amount and accumulate a yearly allocation until the reservation was reached and a date certain for the final plat would be specified at the time the total reservation was approved.

Councilman Blair suggested a new column to show the amount of water turned back for recharge and safeyield purposes.

Kathern Mitchell, Executive Director of Affordable Housing Resources, explained there were few homes in Prescott that were available for lower income residents. The current median income was \$46,000 and there were few homes in Prescott under \$200,000. Lot prices and impact fees had put homes out of reach. The change in the policy from 87% to 120% would allow mortgages in the \$170,000 to \$200,000 bracket based on an income of \$55,000. A point system would be used in allocating water to a project.

Councilman Luzius voiced concern on out of town developers taking water allocations from local developers and giving local developers a “local preference” in allocating water. Discussion followed and Attorney Kidd noted that past contracts that had given preferential treatment to local contractors were deemed invalid.

Speakers:

Howard Mechanic, 309 Bloom Place, remarked median income was a fixed number and the price of the workforce housing should be an exact number, not between \$170,000 and \$200,000.

Ms. Tucker explained the amount would be determined by the proposed homeowner's credit capabilities.

Mr. Mechanic continued a developer could build a project and build efficiencies for \$160,000 and apartments for \$200,000 and only the efficiencies would be eligible for water. Efficiencies were not workforce housing. It was a great policy otherwise and he would encourage larger units; the policy encouraged smaller units.

Charlene Craig, 610 Glenwood Avenue asked if the Water Allocation Committee would revisit the percentage of 120% each year or consideration might be given to putting an inflation index in the policy to assure it was done.

Jack Wilson, 1514 Eagle Ridge Road, suggested an allocation for multi-year developments could be a problem if the project was never built the allocation would still be committed; a limit of a certain number of years should be allowed after the final plat; water was a very valuable commodity.

Mr. Wilson suggested looking at the numbers in the demand table again.

Mr. Mechanic expressed concern over the point system for developers and the setting of a limit of say \$180,000, then a point system could not change the limit without coming back to change the policy again. Different limits were needed for different sized units; one limit did not fit all.

Kathern Mitchell responded the point system was based on size and number of bedrooms and based on the percentage of income the person could afford toward the mortgage; the point system was not based on price but rather on size.

**C. Authorization for staff to apply for LSTA community focal point funds in the amount of \$18,000.00 from the Arizona State Library, Archives and Public Records.**

Recreation Services Director Jim McCasland explained this was a request to apply for the 2007 Library Services and Technology Act (LSTA) funds for the library's Community Focal Point program which would develop and create a library mural spanning a retaining wall on the south side of the

downtown library. He said the Friends of the Library committed \$4,000 to the project and no city funds were involved.

Councilman Blair asked who decided what went on the wall and if it would come back to Council for approval. Mr. McCasland replied senior citizens and kids would be paired up with a painting team of local artists and there would be a contest and public input on the proposed mural; the drawing could be brought to Council to view if that was their wish.

**D. Consideration of annual contract with Youth Count in the amount of \$27,500.00 annually.**

Recreation Services Director Jim McCasland explained Recreation Coordinator Libby Reiman would introduce the representatives from Youth Count.

Ms. Reiman introduced Youth Count Project Director Tracy McConnell and volunteer Jason Sanchez.

Tracy McConnell explained Youth Count was a non-profit organization formed ten years ago to improve the lives of young people and mentioned previous accomplishments. She said they had secured \$7.5 million to use within Yavapai County and mentioned a few of their programs, and they were before the Council to give an update and request a renewal of their contract with the City of Prescott.

Jason Sanchez, Youth Count Board member, listed programs such as Youth Ventures Unlimited, Youth in Philanthropy Change for Change, and Prescott Youth Area Leadership training that provided leadership and mentoring to youth in the community.

**E. Adoption of Ordinance No. 4581 - authorizing purchase and exchange of real property owned by Karen Fann, Inc., and the City of Prescott, located in the vicinity of City of Prescott's Sullivan Well, Road 2 South, Chino Valley, Arizona.**

Public Works Director Craig McConnell explained Ordinance No. 4581 would provide for the exchange and purchase of property owned by Karen Fann, Inc., located north of Road 2 South near the City's Sullivan Well property in Chino Valley. Fann property was currently up for sale and a survey showed the City's property to be rectangular instead of triangular as thought. Sullivan Well was acquired by the City of Prescott in the Chino Valley Irrigation District agreement and CVID was allowed to use the well for irrigation purposes until CVID's bank of credits was used, then both the well and property would be owned exclusively by Prescott and could be

used as another production well, if needed. The exchange and purchase of property provided adequate property around the site.

Councilman Blair asked if there was access off Road 2 South to this pump and if the fenced area was properly screened as he had received a few calls regarding the screening. Mr. McConnell replied there was access off Road 2 South and he wasn't aware of any issues with the fencing or screening but he would check into it.

Councilman Lamerson asked if another well might be drilled on the property and what advantage there was to selling the property. Mr. McConnell clarified there was an existing well on the property and when the CVID entitlement to pump groundwater credits was over the City of Prescott would be able to use the well for new production purposes (after ADWR authorization) or rotate the use of wells in the Chino Valley well field. He said they were exchanging and purchasing a small amount of property to ensure there was enough property so in the future if there was a need for additional production wells, there would be adequate property and access at this location.

**F. Approval of sole source purchase of four traffic signal controller cabinets from Econolite Control Products, Inc., in the total amount of \$44,879.69.**

Public Works Director Craig McConnell explained the purchase of traffic signal controller cabinets was to replace damaged, malfunctioning or obsolete existing units and the City had used Econolite cabinets for many years. This was a sole source purchase from Econolite Control Products. The four to be replaced were located at Arizona Street and E. Gurley Street, Gail Gardner Way and W. Gurley Street, Willow Creek Road and Rosser Street, and Willow Creek Road and Ainsworth Drive.

Councilman Blair asked if there were reusable parts in the cabinets and Mr. McConnell said if anything could be used they would do that.

**G. Adoption of Resolution No. 3808 - Amendment to Development Agreement No. DA03-201B, Canterbury Senior Community, extending Final Plat deadline, reallocating water, including option for "assisted living" component and allowing up to 132 dwelling units of either rental and/or condominium; applicant is Howell & Howell, LLC, APN 116-19-017, 017A, 017B, 021B and 022.**

Assistant Community Development Director George Worley explained the request was to amend the development agreement to:

- extend the final plat deadline from December 31, 2007 to August 19, 2008;
- change the allowed use from only non-assisted living units to non-assisted housing and/or assisted living facility;
- change the types of units from either 132 rental units or a maximum of 85 condominium units to 132 rental and/or condominium units; and
- continue the water allocation for the project.

Mr. Worley noted the Water Service Agreement had expired and the allocation had been for 46 acre feet for 85 condominium units and the project needed to be under construction by August 2008 (per Ordinance No. 4332).

Attorney Kidd added a new Water Service Agreement for 46.2 acre feet could be entered into with the provision the water would be utilized within five years or the unused allocation would be put back into the water portfolio.

Public Works Director Craig McConnell responded to a remark from Councilman Luzius that traffic would be looked at in this area and an analysis was done by Traffic Coordinator Ian Mattingly. He said it was found the underlying zoning was SF-9 on 6 acres and 17 units could be put on the property; most of the traffic would occur during evening but would not be significant; cut-through traffic was possible but traffic calming devices could be used as this was a private property owner and the streets were not public streets. Traffic generated from an assisted living facility would be minimal.

Speakers:

Gary Falk, 407 Sun Street, said traffic was addressed in 1999; this plan would increase traffic if the project went from 85 condos to 132 units; traffic needed to be revisited; he would vote for 85 condos.

Jane Jones, 403 Sun Street, said a bridge would be necessary and was concerned it would require some of her front yard; she had no objection to condos but did to apartments; property was expensive and the developer had to get his money out of the units he put in; Prescott was becoming a big city; traffic on Sun Street and Whipple Street was too much now and Sun Street was very narrow; water flowed by her property and she didn't know how they would get out without a bridge.

William Spring, President of Forest Glen, Inc., assured Mayor Simmons and Ms. Jones that her property would not be affected; traffic would be entering the property from two sides and therefore would not be heavy at any time; condominiums had a lower vehicle trips than rentals would have.

Councilman Roecker asked if the Fire Department was happy with a 24-foot wide road and Mr. Worley replied the Fire Department was okay with the design.

Councilman Lamerson asked the difference between condos and apartments and Mr. Worley responded it was ownership and condos required a subdivision plat, which required a different process.

Ann Howell, 325 W. Gurley Street, Prescott Land and Development, commented the bridge was one option and was a final site plan issue; they would engineer around the lady's (Jane Jones) property.

Councilman Roecker questioned the normal Fire Dept requirement of a 28 foot road and Mr. Worley said a Fire Lane followed the building around and the Fire Department had access to the entire site.

**H. Approval of Final Plat for Hartin Suites, a Planned Area Development of 29 condominium units on one acre, located at the northeast corner of Hartin Avenue and Stetson Road, applicant is Stan Hitson, Taylor Architects, APN 114-06-085.**

Assistant Community Development Director George Worley explained the preliminary plat came to Council in June 2006 and the Final Plat was in conformance with that preliminary plat. The project was the conversion of 31 apartments to 29 condominiums. Ordinarily each unit would have an individual water and sewer service but the developer was requesting approval to create privately owned, operated and maintained water and sewer systems within the property and the Homeowners Association would maintain the lines behind the services and that would be noted on the plat.

**I. Amendments to the Land Development Code, Article 2 through 11, relating to specific development standards, title corrections, text clarifications and minor revisions to subdivision design and submittal requirements.**

- 1. Adopt Resolution No. 3809 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, declaring as a public record that certain document filed with the City Clerk and entitled “*The March 2007 Amendments to the City of Prescott Land Development Code Dated July 1, 2003.*”**

2. **Adopt Ordinance No. 4582 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona relating to the City of Prescott Land Development Code Dated July 1, 2003; adopting “*The March 2007 Amendments to the City of Prescott Land Development Code Dated July 1, 2003*” by reference, and providing penalties for the violation thereof.**

Assistant Community Development Director George Worley explained amendments to the Land Development Code were recommended by the Code Committee and it was an on-going process. Modifications included clarification to the Special Planned Communities table; major street setbacks; Special Use Permit provisions of the Downtown Business District; parking surface regulations; hillside standards; design standards for various types of streets.

- J. **Adoption of Ordinance No. 4583 – accepting ownership, jurisdiction and maintenance responsibility for a portion of State Route 89 between the north boundary of the Yavapai-Prescott Indian Reservation and the south edge of Hillsdale Road.**

Engineering Services Director Mark Nietupski explained Ordinance No. 4583 would accept a portion of State Route 89 and associated right-of-way for operation and maintenance of the highway between the north boundary of the Yavapai-Prescott Indian Tribe Reservation and the south edge of Hillsdale Road as agreed within the Intergovernmental Agreement with the Arizona Department of Transportation (ADOT) JPA 01-128 agreement. The original Resolution No. 3389 was adopted in October 2001 and amended in April 2005 by Resolution No. 3662 to include joint participation in improving and widening State Route 89 to five lanes, the abandonment of the roadway by ADOT upon completion and the acceptance by the City of Prescott of this roadway. ADOT abandoned the roadway on March 16. During the project additional work was included such as the relocation of sewer lift station facilities, constructing sidewalk modifications with rip rap and the installation of illuminated traffic bollards and Amendment No. 2 in the amount of \$27,517 was being prepared for recommendation to Council at a later date.

Councilman Luzius said he heard that when the roundabout was built that ADOT encroached on Watson Lake property and asked if the City had been paid for that. Mayor Simmons responded that that had been handled. Mr. Nietupski commented there was an encroachment and it wasn't clear if the property was ADOT right-of-way or Watson Lake property and now it was all City property.

- K. Adoption of Ordinance No. 4584 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, accepting title to two parcels of real property located in the vicinity of 234 Grove and authorizing the Mayor and staff to execute any and all documents to effectuate said purchase.**

Attorney Gary Kidd explained Ordinance No. 4584 would complete the transaction relating to the purchase of two parcels of property at 234 Grove Avenue, being the Department of Economic Services building and a vacant lot; escrow was complete and the ordinance would accept title to the property.

- L. Approval of Minutes of the Joint Study Session/Special Meeting of the Prescott City Council Held on March 6, 2007, and the Regular Voting Meeting of the Prescott City Council Held on March 13, 2007.**

- M. Selection of items to be placed on the Consent Agenda for the Regular Voting Meeting of March 27, 2007.**

Councilman Lamerson selected Items A, C, D, E, F, H, I, J, K, and L. Councilman Luzius asked that Item H be left off the Consent Agenda.

### **III. ADJOURNMENT**

There being no further business to come before the Prescott City Council, Mayor Simmons ADJOURNED the meeting at 5:01 P.M.

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ROWLE P. SIMMONS, Mayor

ATTEST:

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ELIZABETH A. BURKE, City Clerk